

**RESOLUTION NO. 965**  
**PENN TOWNSHIP**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PENN TOWNSHIP  
AUTHORIZING THE CONDEMNATION OF CERTAIN PARCELS OF REAL ESTATE  
LOCATED WITHIN PENN TOWNSHIP FOR THE PURPOSE OF OBTAINING FEE  
SIMPLE OWNERSHIP, PERMANENT SANITARY SEWER EASEMENTS AND  
TEMPORARY CONSTRUCTION EASEMENTS.**

**RECITALS**

A. 53 P.S. § 56901 of the First Class Township Code authorizes Penn Township (“Township”) to exercise eminent domain powers for the taking of property.

B. 53 P.S. § 57402 of the First Class Township Code authorizes the taking of easements for sanitary sewer projects and facilities.

C. 26 Pa. C.S. § 101, *et seq.* commonly known as the Eminent Domain Code, details the procedures for the Township to take property.

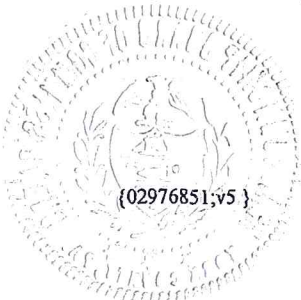
D. 26 Pa. C.S. § 302 of the Eminent Domain Code requires a specific reference in the declaration of taking to the action, whether by ordinance, resolution or otherwise, by which the declaration to taking was authorized.

E. The Township desires to condemn and take a portion of said properties situated in Penn Township, York County, PA, being identified as Tax Parcel Nos. 44-000-ED-0093A, 44-000-120-0240000000, and 44-000-120-0220000000 ( collectively, the “Properties”). Such takings are detailed on the plans and legal descriptions attached hereto and made a part hereof as Exhibits “A”, “B”, and “C”.

F. The Board of Assessment information indicates the following ownership of the Properties:

44-000-ED-0093A  
Peggy L. Boyd  
843 Hershey Heights Road  
Hanover, PA 17331 (“Lot 1”)

44-000-120-0240000000  
Joshua A. Schrum  
RT 194  
Penn Township, PA 17331 (“Lot 2”)



44-000-120-0220000000  
Joshua A. Schrum and Melissa A. Baughman  
45 Oak Hill Drive  
Hanover, PA 17331 ("Lot 3")

G. The Township desires to acquire fee simple ownership of a portion of Lot 1 and Lot 2 for the purposes of the construction of a pump station on each of the Lots associated with the extension of sanitary sewer main project being performed by the Township (the "Project"). The portion of Lot 1 and Lot 2 being taken for fee simple ownership is detailed on Exhibits "A" and "B".

H. In addition thereto, the Township desires to obtain permanent sanitary sewer easements on the Properties for the construction of related sanitary sewer lines and appurtenances and temporary construction easements on the Properties in conjunction with the Project. The easements for the taking are fully detailed in Exhibits "A", "B", and "C".

I. The Township will acquire title to the subject Properties in fee simple and as easements as shown on Exhibits "A", "B", and "C".


**NOW, THEREFORE, BE IT RESOLVED**, and it is hereby resolved by the Board of the Township as follows:

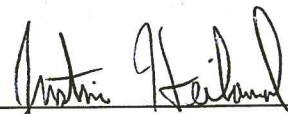
1. The Recitals are incorporated herein as if set forth in full.
2. The Township hereby authorizes the condemnation and taking of a portion of the Properties as detailed in Exhibits "A", "B", and "C".
3. The Township hereby authorizes the preparation by its staff, engineer, and/ or other consultants of such documentation as is necessary to provide the complete description of the Properties for the condemnation paperwork, to conduct any surveys related thereto, or to take such other actions as are necessary to effectuate the condemnation of the Properties.
4. The Township hereby authorizes its solicitor to file all necessary documents, including, but not limited to, a Declaration of Taking, and to take those actions which are necessary to acquire the Properties for the aforesaid purpose.
5. The Township authorizes the necessary Commissioners to execute those documents which are necessary to give effect to this Resolution and the actions contemplated by it.

**RESOLVED AND ADOPTED**, this 18<sup>th</sup> day of January, 2021.

Attest:

**PENN TOWNSHIP BOARD OF COMMISSIONERS**

  
Donna M. Sweeney, Township Secretary

By:   
Justin J. Heiland, President

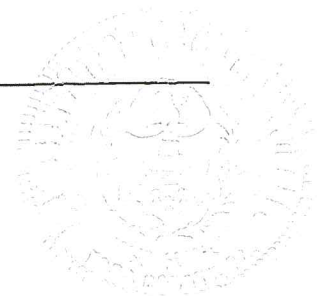


Exhibit "A"  
Plans/ Legal Descriptions  
Boyd Property



LINE	BEARING	DISTANCE
L1	S 81°07'46" W	50.00'
L2	N 07°31'00" W	50.00'
L3	N 81°07'46" E	50.00'
L4	S 07°31'00" E	50.00'

PEGGY L. BOYD  
DEED BOOK 1454, PAGE 6468  
TAX PARCEL #44-000-ED-0 93A  
843 HERSHEY HEIGHTS ROAD

PA SOUTH ZONE GRID

MARK AND DEBRA PECK  
DEED BOOK 1257, PAGE 8558

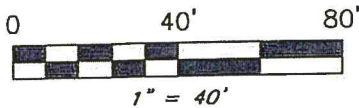
NEW SANITARY SEWER LINE

GAS EASEMENT

DEED LINE

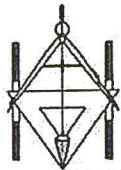
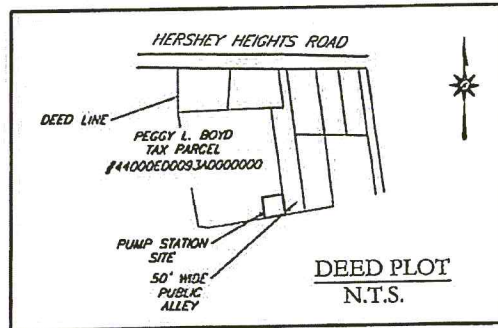
SANITARY SEWER  
PUMP STATION  
SITE

BRUCE B. REBERT, SANDRA L. REBERT, AND JEFFERY G. REBERT  
DEED BOOK 2166, PAGE 1157



AREA OF PUMP STATION = 2,500 SQ. FT.

**NOTE:**  
THIS PLAN HAS BEEN PREPARED FOR PROPERTY ACQUISITION  
ONLY AND SHALL NOT BE CONSTRUED AS A PROPERTY LINE SURVEY.  
PROPERTY LINES REPRESENTED HEREON ARE FROM DEED DESCRIPTIONS  
AND REFLECT ANY INACCURACIES THEREIN.



**KAYLOR, ALLWEIN  
& HARTMAN, INC.**

1529 EAST CHOCOLATE AVENUE  
HERSHEY, PA 17033  
WWW.KAH-SURVEY.COM

AREA TO BE ACQUIRED  
BY  
PENN TOWNSHIP  
FROM  
PEGGY L. BOYD  
843 HERSHEY HEIGHTS ROAD  
PENN TOWNSHIP

YORK COUNTY

PENNSYLVANIA

SCALE: 1" = 40'	DRAWN BY: J.E.H.	CHECKED BY:	DATE: 9-25-20	DRAWING NO. 17011-1-035
--------------------	---------------------	-------------	------------------	----------------------------

**LEGAL DESCRIPTION  
PUMP STATION SITE TO BE ACQUIRED BY  
PENN TOWNSHIP  
FROM  
PEGGY L. BOYD – 843 HERSHEY HEIGHTS ROAD**

All that certain tract of land to be used as a sanitary sewer pump station site, being generally located south of Hershey Heights Road and situated on the west side of a 50 foot wide public alley, in Penn Township, York County, Pennsylvania, said tract of land being more particularly bounded and described as follows:

Beginning at the southeast corner of lands of the grantor, said point being located on the western line of a 50 foot wide public alley and a point on line of lands of Bruce B. Rebert, Sandra L. Rebert and Jeffery G. Rebert; thence along lands of Bruce B. Rebert, Sandra L. Rebert and Jeffery G. Rebert, South 81 degrees 07 minutes 46 seconds West a distance of 50.00 feet to a point; thence through the lands of the grantor the two following course and distances: 1) North 07 degrees 31 minutes 00 seconds West a distance of 50.00 feet; 2) North 81 degrees 07 minutes 46 seconds East a distance of 50.00 feet to a point on the western line of a 50 foot wide public alley; thence along said public alley South 07 degrees 31 minutes 00 seconds East a distance of 50.00 feet to the point of beginning.

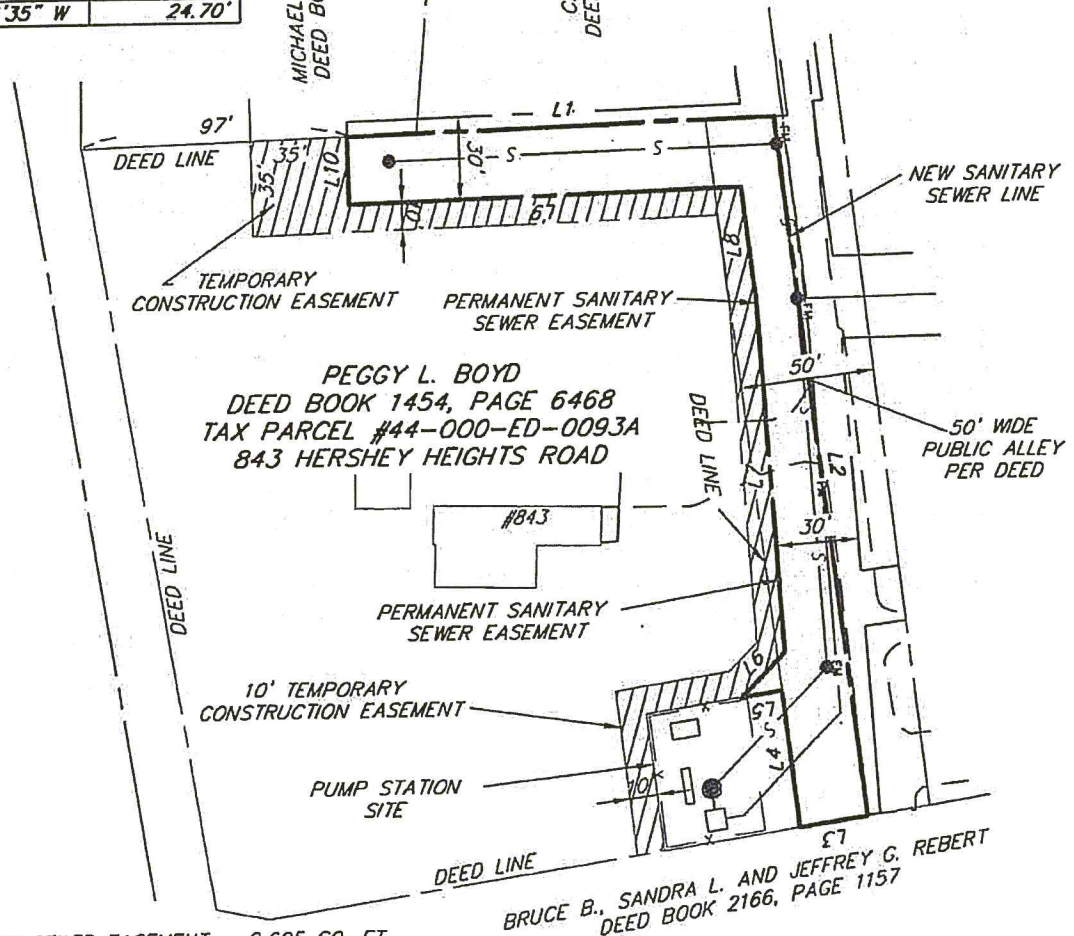
Area of Tract To Be Acquired By Penn Township – 2,500 Sq. Ft.

As shown on a plat entitled "Area To Be acquired By Penn Township From Peggy L. Boyd – 843 Hershey Heights Road", prepared by Kaylor, Allwein & Hartman, Inc., Drawing No. 17011-1-035, attached hereto and made a part of this description.

LINE	BEARING	DISTANCE
L1	N 88°09'00" E	156.14'
L2	S 07°31'00" E	256.31'
L3	S 81°07'46" W	25.01'
L4	N 07°31'00" W	50.00'
L5	S 81°07'46" W	14.67'
L6	N 43°59'39" E	22.36'
L7	N 04°28'20" W	127.23'
L8	N 07°24'35" W	42.71'
L9	S 88°15'25" W	143.26'
L10	N 01°44'35" W	24.70'

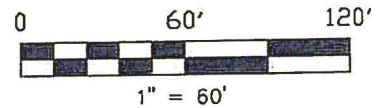
MICHAEL AND LINDA GOUKER  
DEED BOOK 64-F, PAGE 111

CARL SIDENSTRICKER, JR.  
DEED BOOK 1844, PAGE 4710



AREA OF SANITARY SEWER EASEMENT = 8,605 SQ. FT.

**NOTE:**  
THIS PLAN HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY AND SHALL NOT BE CONSTRUED AS A PROPERTY LINE SURVEY. PROPERTY LINES REPRESENTED HEREON ARE FROM DEED DESCRIPTIONS AND REFLECT ANY INACCURACIES THEREIN.



**KAYLOR, ALLWEIN  
& HARTMAN, INC.**  
1529 EAST CHOCOLATE AVENUE  
HERSHEY, PA 17033  
WWW.KAH-SURVEY.COM

PLAN OF SANITARY SEWER EASEMENT  
PEGGY L. BOYD  
843 HERSHEY HEIGHTS ROAD

TO BE ACQUIRED BY  
PENN TOWNSHIP  
PENN TOWNSHIP

PENNSYLVANIA

SCALE: 1" = 60'	DRAWN BY: J.E.H.	CHECKED BY:	DATE: 9-28-2020	DRAWING NO. 17011-1-18
--------------------	---------------------	-------------	--------------------	---------------------------



**LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT  
PEGGY L. BOYD  
843 HERSHEY HEIGHTS ROAD  
TO  
PENN TOWNSHIP**

All that certain strip of land to be used as a permanent sanitary sewer easement, being situated along the northern and eastern lines of lands of the grantor, in Penn Township, York County, Pennsylvania, said strip of land being more particularly bounded and described as follows:

Beginning at a point on the northern line of lands of the grantor, said point being on line of lands of Michael and Linda Gouker, said point being located a distance of 97 feet east of the northwest corner of lands of the grantor; thence along lands of Michael and Linda Gouker and lands of Carl Sidenstricker, Jr. and crossing a portion of a 50 foot wide public alley, respectively, North 88 degrees 09 minutes 00 seconds East a distance of 156.14 feet to a point; thence through said 50 foot wide public alley, South 07 degrees 31 minutes 00 seconds East a distance of 256.31 feet to a point on line of lands of Bruce Rebert, Sandra Rebert and Jeffrey Rebert; thence along lands of Bruce Rebert, Sandra Rebert and Jeffrey Rebert, South 81 degrees 07 minutes 46 seconds West a distance of 25.01 feet to a point; thence crossing the lands of the grantor the two following courses and distances: 1) North 07 degrees 31 minutes 00 seconds West a distance of 50.00 feet to a point; 2) South 81 degrees 07 minutes 46 seconds West a distance of 14.67 feet to a point; thence continuing through lands of the grantor and crossing a portion of a 50 foot wide public alley, respectively, North 43 degrees 59 minutes 39 seconds East a distance of 22.36 feet to a point; thence through said 50 foot wide public alley the two following courses and distances: 1) North 04 degrees 28 minutes 20 seconds West a distance of 127.23 feet to the point; 2) North 07 degrees 24 minutes 35 seconds West a distance of 42.71 feet to a point; thence crossing a portion of said 50 foot wide public alley and through lands of the grantor, respectively, South 88 degrees 15 minutes 25 seconds West a distance of 143.26 feet to a point; thence continuing through lands of the grantor, North 01 degrees 44 minutes 35 seconds West a distance of 24.70 feet to the point of beginning.

Area of Sanitary Sewer Easement – 8,605 Sq. Ft.

Note: Temporary construction easements exist along the western and southern sides of the above described easement, as shown on a "Plan Of Sanitary Sewer Easement – Peggy L. Boyd- 843 Hershey Heights Road To Be Acquired By Penn Township", prepared by Kaylor, Allwein & Hartman, Inc., Drawing No. 17011-1-18, attached hereto and made a part of this description.

Exhibit "B"  
Plans/ Legal Descriptions  
Schrum Property



LINE	BEARING	DISTANCE
L1	N 58°10'23" E	81.66'
L2	S 22°23'10" E	65.89'
L3	S 58°10'23" W	81.85'
L4	N 22°13'08" W	65.92'



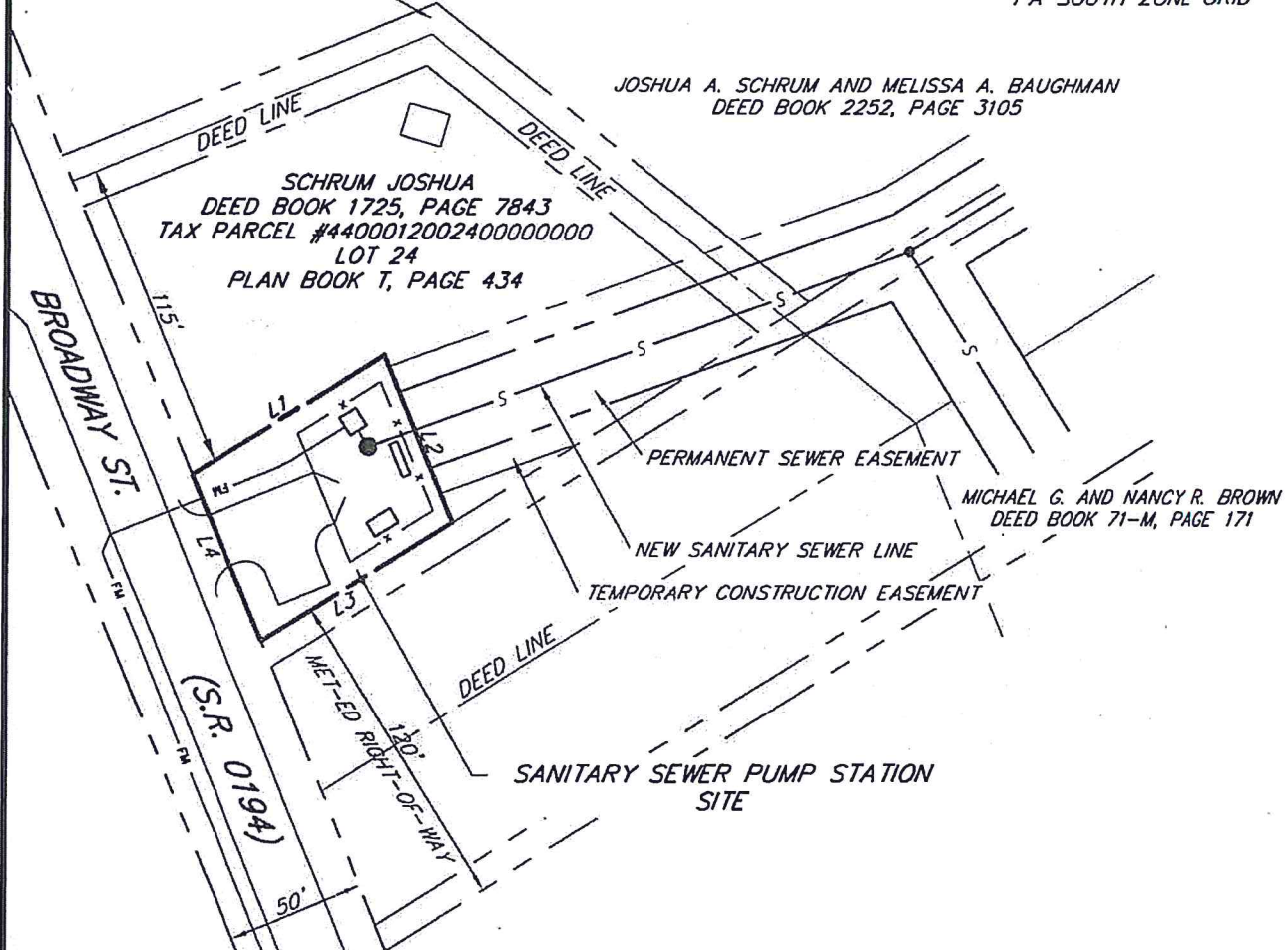
PA SOUTH ZONE GRID

20' DRAINAGE EASEMENT

JOSHUA A. SCHRUM AND MELISSA A. BAUGHMAN  
DEED BOOK 2252, PAGE 3105

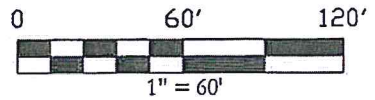
SCHRUM JOSHUA  
DEED BOOK 1725, PAGE 7843  
TAX PARCEL #4400012002400000000  
LOT 24  
PLAN BOOK T, PAGE 434

MICHAEL G. AND NANCY R. BROWN  
DEED BOOK 71-M, PAGE 171



AREA OF PUMP STATION = 5,314 SQ. FT.

**NOTE:**  
THIS PLAN HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY AND SHALL NOT BE CONSTRUED AS A PROPERTY LINE SURVEY. PROPERTY LINES REPRESENTED HEREON ARE FROM DEED DESCRIPTIONS AND REFLECT ANY INACCURACIES THEREIN.



**KAYLOR, ALLWEIN & HARTMAN, INC.**  
1529 EAST CHOCOLATE AVENUE  
HERSHEY, PA 17033  
WWW.KAH-SURVEY.COM

AREA TO BE AQUIRED  
BY  
PENN TOWNSHIP  
FROM  
JOSHUA A. SCHRUM  
TAX PARCEL #440001200240000000  
PENN TOWNSHIP  
YORK COUNTY PENNSYLVANIA

SCALE: 1" = 60'	DRAWN BY: J.P.H.	CHECKED BY: J.E.H.	DATE: 2-3-20	DRAWING NO. 17011-1-034
--------------------	---------------------	-----------------------	-----------------	----------------------------

**LEGAL DESCRIPTION  
AREA TO BE ACQUIRED BY  
PENN TOWNSHIP  
FROM  
JOSHUA A. SCHRUM - TAX PARCEL #440001200240000000**

All that certain tract of land to be used as a sanitary sewer pump station site, being situated on the east side of Broadway Street, S.R. 0194 (50 foot wide), in Penn Township, York County, Pennsylvania, said tract of land being more particularly bounded and described as follows:

Beginning at a point on the eastern right-of-way line of Broadway Street, S.R. 0194, said point being located a distance of 115 feet south of the grantor's northwest corner; thence crossing the lands of the grantor the three following courses and distances: 1) North 58 degrees 10 minutes 23 seconds East a distance of 81.66 feet to a point; 2) South 22 degrees 23 minutes 10 seconds East a distance of 65.89 feet to a point; 3) South 58 degrees 10 minutes 23 seconds West a distance of 81.85 feet to a point on the eastern right-of-way line of Broadway Street, S.R. 0194; thence along the eastern right-of-way line of Broadway Street North 22 degrees 13 minutes 08 seconds West a distance of 65.92 feet to the point of beginning.

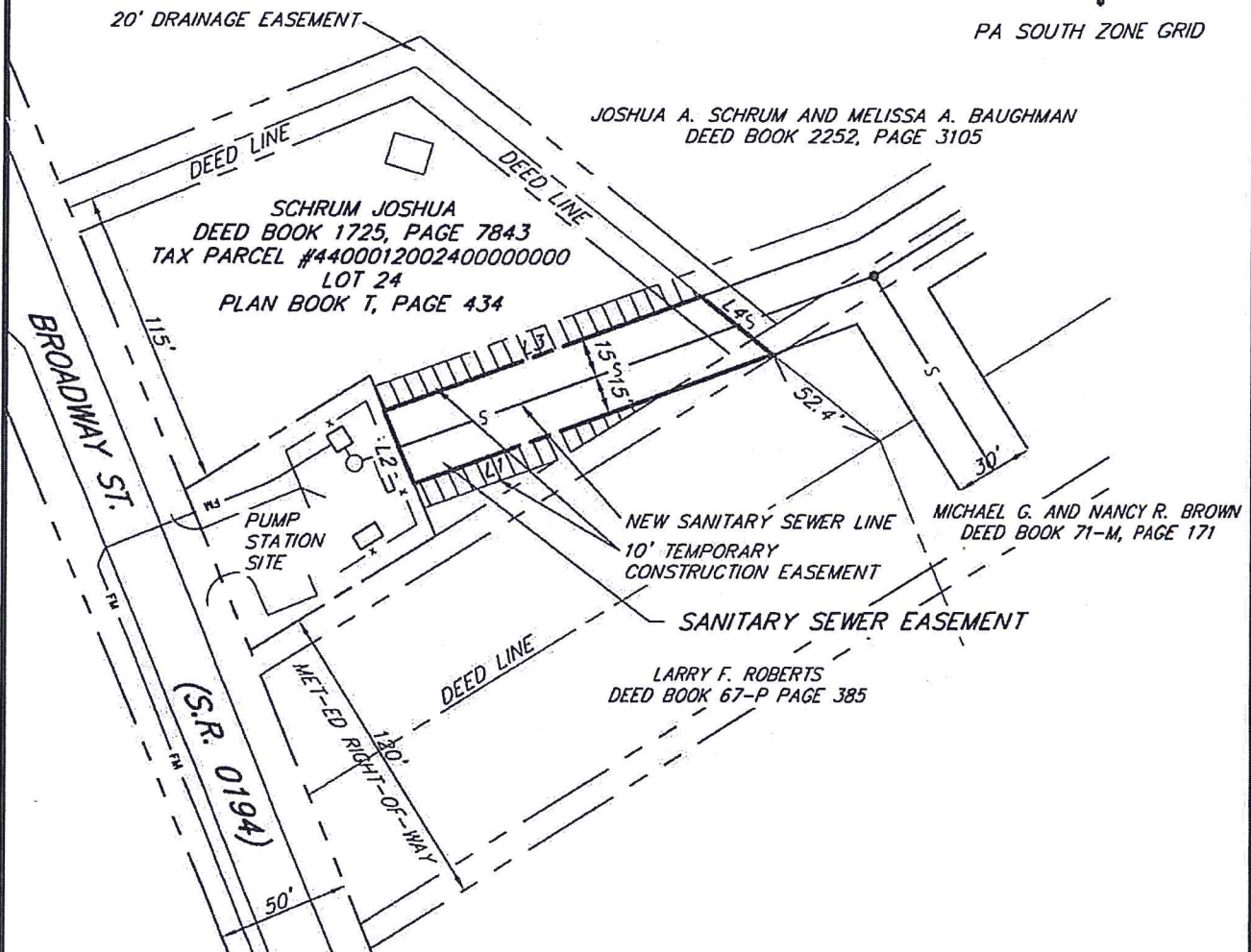
Area of Tract To Be Acquired By Penn Township – 5,314 Sq. Ft.

Note: A temporary construction and permanent sanitary sewer easement exists along the eastern side of the above described pump station site, as shown on a plat entitled "Area To Be Acquired By Penn Township From Joshua A. Schrum - Tax Parcel #440001200240000000", prepared by Kaylor, Allwein & Hartman, Inc., Drawing No. 17011-1-034, attached hereto and made a part of this description.

LINE	BEARING	DISTANCE
L1	S 70°17'26" W	143.77'
L2	N 22°23'10" W	30.03'
L3	N 70°17'26" E	126.84'
L4	S 51°08'59" E	35.16'



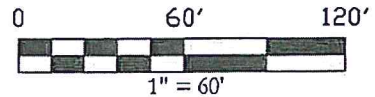
PA SOUTH ZONE GRID



AREA OF SANITARY SEWER EASEMENT = 4,059 SQ. FT.

**NOTE:**

THIS PLAN HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY AND SHALL NOT BE CONSTRUED AS A PROPERTY LINE SURVEY. PROPERTY LINES REPRESENTED HEREON ARE FROM DEED DESCRIPTIONS AND REFLECT ANY INACCURACIES THEREIN.



**KAYLOR, ALLWEIN & HARTMAN, INC.**  
 1529 EAST CHOCOLATE AVENUE  
 HERSHEY, PA 17033  
 WWW.KAH-SURVEY.COM

PLAN OF SANITARY SEWER EASEMENT  
 JOSHUA A. SCHRUM  
 TAX PARCEL #440001200240000000  
 TO BE ACQUIRED BY  
 PENN TOWNSHIP  
 PENN TOWNSHIP  
 YORK COUNTY PENNSYLVANIA

SCALE:	DRAWN BY:	CHECKED BY:	DATE:	DRAWING NO.
1" = 60'	J.P.H.	J.E.H.	2-3-20	17011-1-038



**LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT  
JOSHUA A. SCHRUM  
TAX PARCEL #440001200240000000  
TO  
PENN TOWNSHIP**

All that certain strip of land to be used as a permanent sanitary sewer easement, being situated on the east side of Broadway Street, S.R. 0194 (50 foot wide), in Penn Township, York County, Pennsylvania, said strip of land being more particularly bounded and described as follows:

Beginning at a point, said point being located a distance of 52.4 feet west of the grantors northeast corner; said point being on line of lands of Joshua A. Schrum and Melissa A. Baughman; thence crossing the lands of the grantor the three following courses and distances: 1) South 70 degrees 17 minutes 26 seconds West a distance of 143.77 feet to a point; 2) North 22 degrees 23 minutes 10 seconds West a distance of 30.03 feet to a point; 3) North 70 degrees 17 minutes 26 seconds East a distance of 126.84 feet to a point on line of lands of Joshua A. Schrum and Melissa A. Baughman; thence along the lands of Joshua A. Schrum and Melissa A. Baughman, South 51 degrees 08 minutes 59 seconds East a distance of 35.16 feet to the point of beginning.

Area of Sanitary Sewer Easement – 4,059 Sq. Ft.

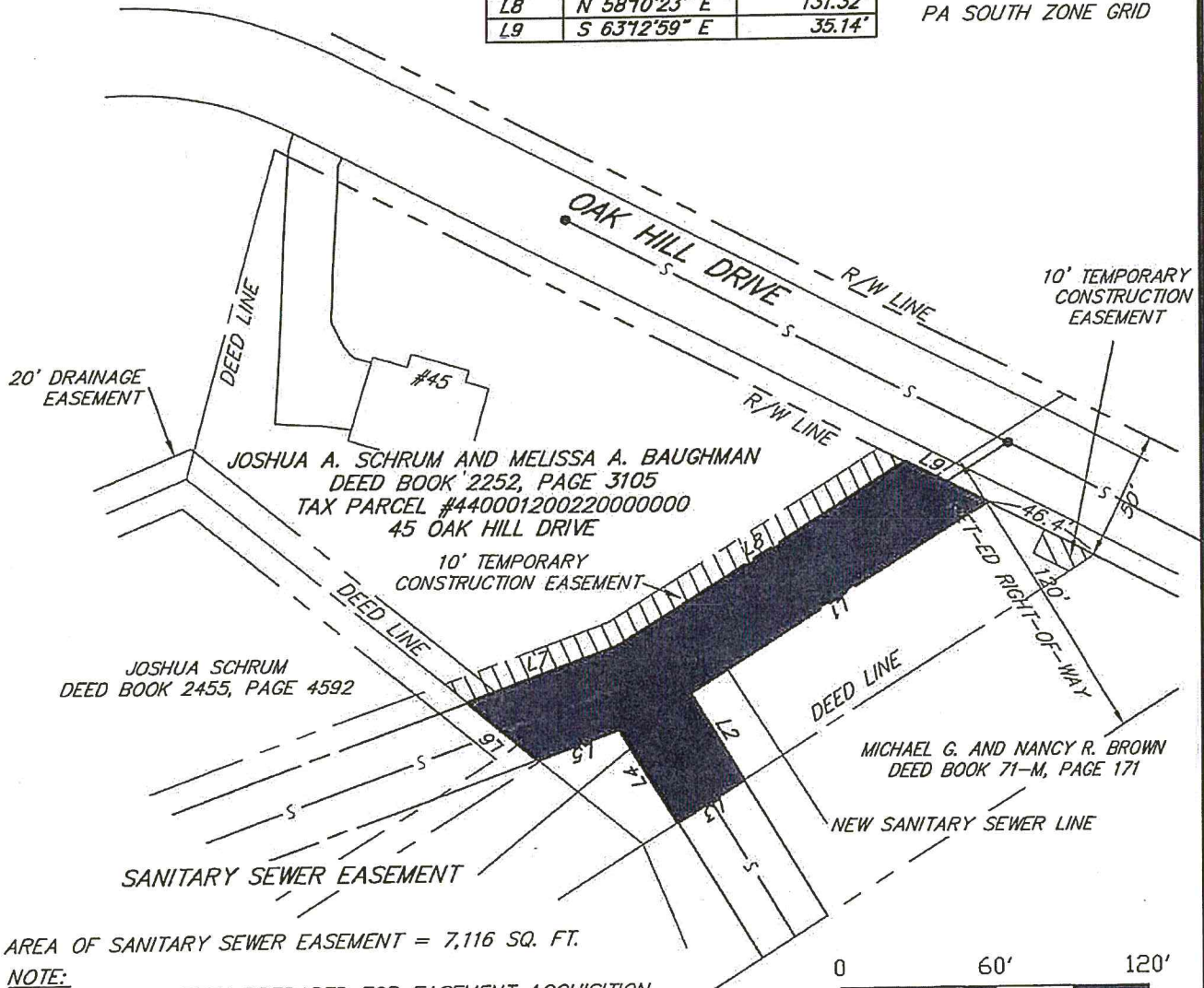
Note: A temporary 10' wide construction easement exists along the northern and southern side of the above described easement, as shown on a "Plan Of Sanitary Sewer Easement – Joshua A. Schrum Tax Parcel #440001200240000000 To Be Acquired By Penn Township", prepared by Kaylor, Allwein & Hartman, Inc., Drawing No. 17011-1-038, attached hereto and made a part of this description.

Exhibit "C"  
Plan/ Legal Description  
Schrum/ Baughman Property

LINE	BEARING	DISTANCE
L1	S 58°10'23" W	136.22'
L2	S 31°49'37" E	39.51'
L3	S 58°13'01" W	30.00'
L4	N 31°49'37" W	42.37'
L5	S 70°17'26" W	33.68'
L6	N 51°08'59" W	35.16'
L7	N 70°17'26" E	62.55'
L8	N 58°10'23" E	131.32'
L9	S 63°12'59" E	35.14'



PA SOUTH ZONE GRID



AREA OF SANITARY SEWER EASEMENT = 7,116 SQ. FT.

**NOTE:**  
 THIS PLAN HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY AND SHALL NOT BE CONSTRUED AS A PROPERTY LINE SURVEY. PROPERTY LINES REPRESENTED HEREON ARE FROM DEED DESCRIPTIONS AND REFLECT ANY INACCURACIES THEREIN.

**KAYLOR, ALLWEIN & HARTMAN, INC.**  
 1529 EAST CHOCOLATE AVENUE  
 HERSHEY, PA 17033  
 WWW.KAH-SURVEY.COM

**PLAN OF SANITARY SEWER EASEMENT**  
**JOSHUA A. SCHRUM & MELISSA A. BAUGHMAN**  
**45 OAK HILL DRIVE**  
 TO BE ACQUIRED BY  
**PENN TOWNSHIP**  
 PENN TOWNSHIP

YORK COUNTY      PENNSYLVANIA

SCALE: 1" = 60'	DRAWN BY: J.P.H.	CHECKED BY: J.E.H.	DATE: 6-15-20	DRAWING NO. 17011-1-021
--------------------	---------------------	-----------------------	------------------	----------------------------



**LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT  
JOSHUA A. SCHRUM  
MELISSA A. BAUGHMAN  
45 OAK HILL DRIVE  
TO  
PENN TOWNSHIP**

All that certain strip of land to be used as a permanent sanitary sewer easement, being situated on the south side of Oak Hill Drive, in Penn Township, York County, Pennsylvania, said strip of land being more particularly bounded and described as follows:

Beginning at a point on the southern line of Oak Hill Drive, said point being located a distance of 46.4 feet west of the grantor's northeast corner; thence crossing the lands of the grantor the two following courses and distances: 1) South 58 degrees 10 minutes 23 seconds West a distance of 136.22 feet to a point; 2) South 31 degrees 49 minutes 37 seconds East a distance of 39.51 feet to a point on line of lands of Michael and Nancy Brown; thence along lands of Michael and Nancy Brown, South 58 degrees 13 minutes 01 seconds West a distance of 30.00 feet to a point; thence re-crossing the lands of the grantor the two following courses and distances: 1) North 31 degrees 49 minutes 37 seconds West a distance of 42.37 feet to a point, 2) South 70 degrees 17 minutes 26 seconds West a distance of 33.68 feet to a point on line of lands of Joshua Schrum, thence along lands of Joshua Schrum, North 51 degrees 08 minutes 59 seconds West a distance of 35.16 feet to a point; thence re-crossing the lands of the grantor the two following courses and distances 1) North 70 degrees 17 minutes 26 seconds East a distance of 62.55 feet to a point; 2) North 58 degrees 10 minutes 23 seconds East a distance of 131.32 feet to a point on the southern line of Oak Hill Drive; thence along the southern line of Oak Hill Drive, South 63 degrees 12 minutes 59 seconds East a distance of 35.14 feet to the point of beginning.

Area of Sanitary Sewer Easement – 7,116 Sq. Ft.

Note: Temporary construction easements exist along the western side of the above described easement and along a portion of Oak Hill Drive at the northeastern property corner, as shown on a "Plan Of Sanitary Sewer Easement – Joshua A. Schrum & Melissa A. Baughman- 45 Oak Hill Drive To Be Acquired By Penn Township", prepared by Kaylor, Allwein & Hartman, Inc., Drawing No. 17011-1-21, attached hereto and made a part of this description.