

**RESOLUTION NO. 990  
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  
PERMANENT SANITARY SEWER 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 for sewer related projects.

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. 44-000-04-0139.00-00000 and 44-000-04-0143.00-00000 (collectively, the “Properties”). Such takings are detailed on the plans and legal descriptions attached hereto and made a part hereof as Exhibits “A” (“Matthews Property”) and “B” (“Bon Ton Builders, Inc. Property”).

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

44-000-04-0139.00-00000  
Mr. Thomas C. Matthews  
933 S. Franklin Street  
Hanover, PA 17331

44-000-04-0143.00-00000  
Bon Ton Builders, Inc.  
920 Centennial Avenue  
Hanover, PA 17331

G. The Township desires to acquire a portion of the Properties for the purposes of obtaining permanent sanitary sewer easements in conjunction with the construction of a sanitary sewer main to be constructed by the Township as part of its Janet Street pump station project. The easements for the taking are fully detailed in Exhibits "A" and "B".

H. The Township will acquire title to portions of the subject Properties as easements.

**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" and "B".
3. The Board of 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 Board of 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 Board of the Township authorizes its relevant members to execute those documents which are necessary to give effect to this Resolution and the actions contemplated by it.

**RESOLVED AND ADOPTED**, this 15<sup>th</sup> day of August, 2022.

**PENN TOWNSHIP BOARD OF COMMISSIONERS**

By: Michael G. Brown  
Michael G. Brown, President

Attest:

Donna M. Sweeney  
Donna M. Sweeney, Township Secretary

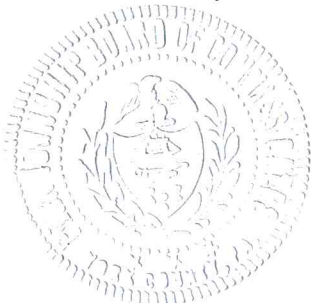
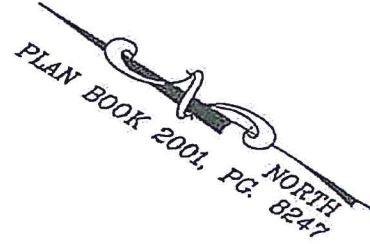


Exhibit "A"

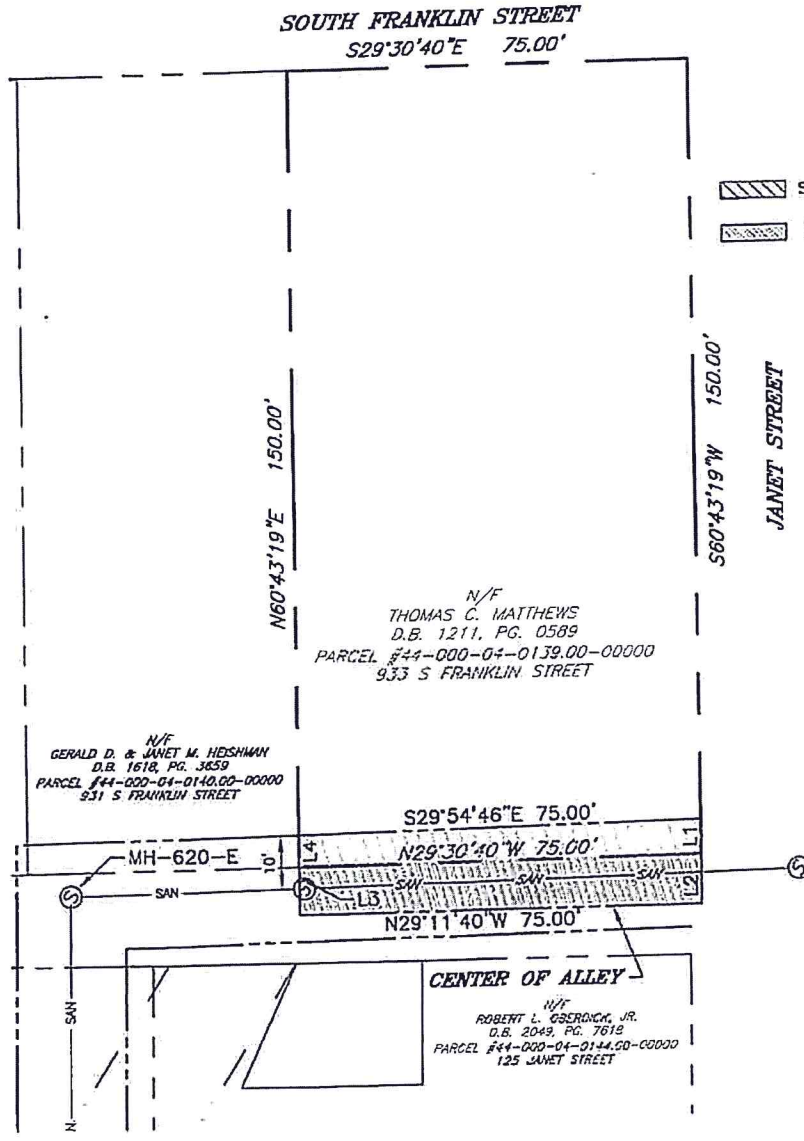
Matthews Property  
Plan/Legal Descriptions

**NOTES**

1. NO COMPLETE PERIMETER SURVEY WAS PERFORMED BY HANOVER LAND SERVICES, INC.
2. BEARINGS AND DISTANCES SHOWN ARE TAKEN FROM PLAN BOOK 2001, PAGE 8247

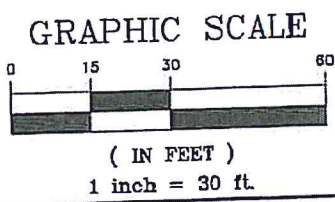


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- SANITARY SEWER EASEMENT=466 SQ. FT. (AREA OF TITLED OWNERSHIP)
- SANITARY SEWER EASEMENT=688 SQ. FT. (AREA OF UNTITLED OWNERSHIP)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S60°43'19"W	6.48'
L2	S60°43'19"W	9.38'
L3	N60°43'19"E	8.96'
L4	N60°43'19"E	5.96'



**HLS** engineering land - designing the future

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**PERMANENT SANITARY SEWER EASEMENT**

ON LANDS OF  
**THOMAS C. MATTHEWS**  
933 SOUTH FRANKLIN STREET  
PENN TOWNSHIP - YORK COUNTY - PENNSYLVANIA

SCALE: 1" = 30' JOB NUMBER: 9241-21  
DATE: 8-25-2021 SHEET DRAWING NO: 1 OF 1

LEGAL DESCRIPTION FOR A PERMANENT  
SANITARY SEWER EASEMENT ACROSS TITLED OWNERSHIP OF  
PROPERTY AT 933 SOUTH FRANKLIN STREET IN PENN TOWNSHIP

ALL of the same Permanent Sanitary Sewer Easement, situate, lying and being in Penn Township, York County, Pennsylvania and being more fully described as follows, to wit:

BEGINNING for a point, on the southerly property line of lands N/F of Thomas C. Matthews and northern right of way line of Janet Street; thence along the property line of lands N/F Thomas C. Matthews (1) North 29 degrees, 30 minutes, 40 seconds West, 75.00 feet to a point at lands N/F of Gerald D. and Janet M. Heishman; thence continuing along lands N/F of Gerald D. and Janet M. Heishman (2) North 60 degrees, 43 minutes, 19 seconds East, 5.96 feet to a corner at lands of N/F Thomas C. Matthews; thence continuing through lands N/F of Thomas C. Matthews (3) South 29 degrees, 54 minutes, 46 seconds East, 75.00 feet to a point on the northern right of way line of Janet Street; thence along the northern right of way line of Janet Street (4) South 60 degrees, 43 minutes, 19 seconds West, 6.48 feet to the place of beginning, containing a gross area 466 square feet of land, subject to any rights of ways, easements and/or encumbrances as may be present within this easement.

The parcel, lot or tract of land described herein was taken from a Plan to Accompany Sanitary Sewer Easement Acquisition on the Lands of Thomas C. Matthews as prepared by Hanover Land Services, Inc., dated August 25, 2021.

LEGAL DESCRIPTION FOR A PERMANENT  
SANITARY SEWER EASEMENT FOR UNTITLED LANDS  
FOR PROPERTY ADJACENT TO 933 SOUTH FRANKLIN STREET  
IN PENN TOWNSHIP

ALL of the same Permanent Sanitary Sewer Easement, situate, lying and being in Penn Township, York County, Pennsylvania and being more fully described as follows, to wit:

BEGINNING for a property corner, on the southern property line of lands N/F Thomas C. Matthews, the northerly right of way line of Janet Street and the easterly right of way line of alley, thence through alley and along the northern right of way line of Janet Street (1) South 60 degrees, 43 minutes, 19 seconds West, 9.38 feet to a point in the center of alley; thence along the center of alley (2) North 29 degrees, 11 minutes, 40 seconds West, 75.00 feet to a corner; thence leaving the center of alley and continuing through alley (3) North 60 degrees, 43 minutes, 19 seconds East, 8.96 feet to a point at lands N/F Thomas C. Matthews; thence along lands N/F Thomas C. Matthews (4) South 29 degrees, 30 minutes, 40 seconds East, 75.00 feet to the place of beginning, containing a gross area 688 square feet of land, subject to any rights of ways, easements and/or encumbrances as may be present within this easement.

The parcel, lot or tract of land described herein was taken from a Plan to Accompany Sanitary Sewer Easement Acquisition on the Lands of Thomas C. Matthews as prepared by Hanover Land Services, Inc., dated August 25, 2021.

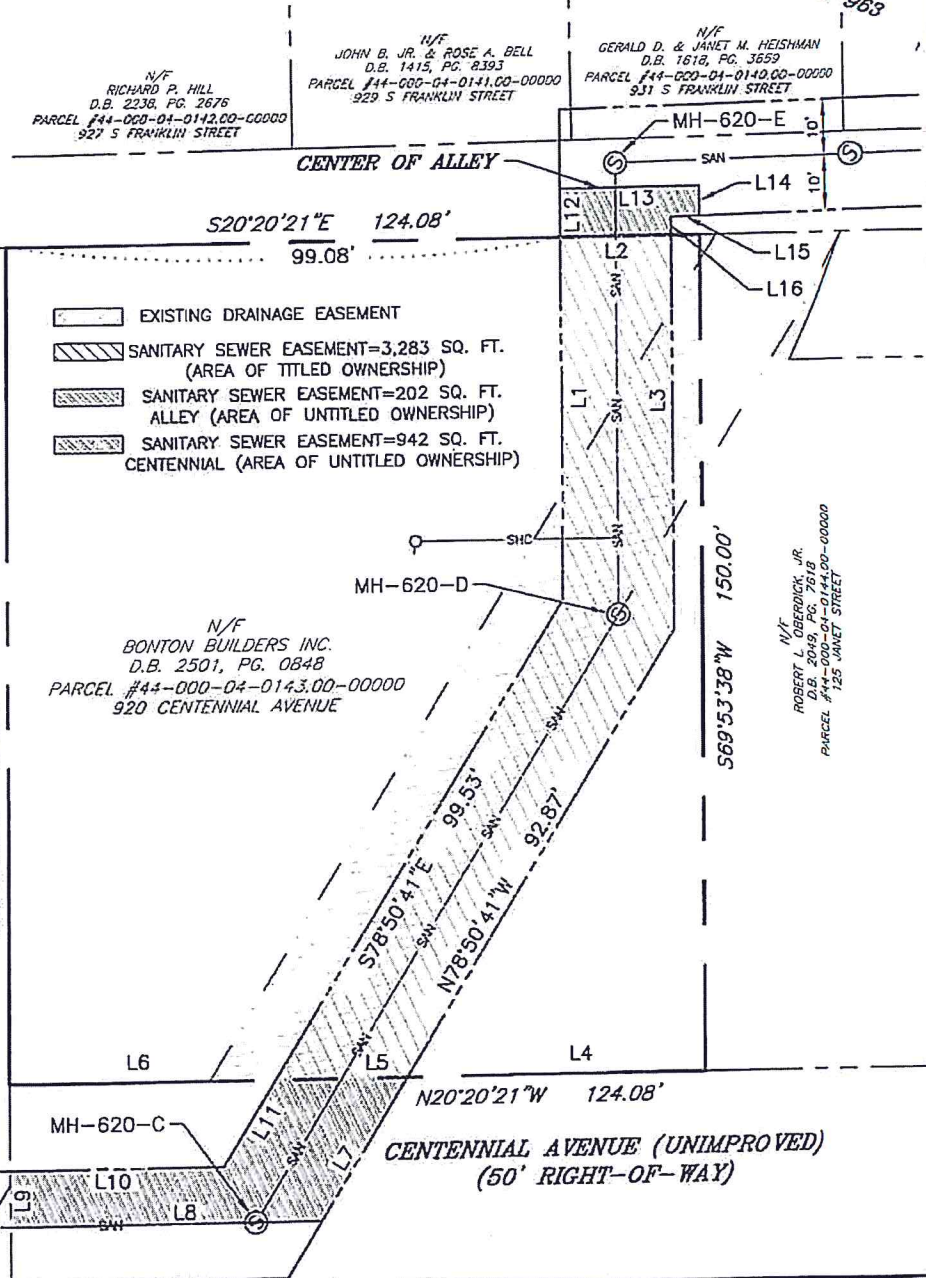
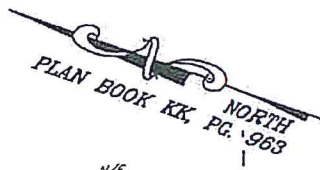
Exhibit "B"  
Bon Ton Builders, Inc. Property  
Plan/Legal Descriptions

P:\PROJECTS 2021\PENN TOWNSHIP\JANET STREET PUMP STATION - 9241-21\DWG\PLAN SETS\EASEMENT\9241 EAS-BONTON 1.dwg, 8/27/2021 12:07:02 PM, JMKUMMERT201906, \_DWG TO PDF.PCS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N69°53'38"E	65.13'
L2	S20°20'21"E	20.00'
L3	S69°53'38"W	70.81'
L4	N20°20'21"W	53.20'
L5	N20°20'21"W	23.46'
L6	N20°20'21"W	47.43'
L7	N78°50'41"W	29.56'
L8	N20°27'23"W	55.44'
L9	N69°32'37"E	10.00'
L10	S20°27'23"E	38.11'
L11	S78°50'41"E	17.87'
L12	N69°53'38"E	8.67'
L13	S20°39'19"E	25.00'
L14	S69°53'38"W	5.42'
L15	N21°22'25"W	5.00'
L16	S69°53'38"W	3.30'

**NOTES**

1. NO COMPLETE PERIMETER SURVEY WAS PERFORMED BY HANOVER LAND SERVICES, INC.
2. BEARINGS AND DISTANCES SHOWN ARE TAKEN FROM DEED BOOK KK, PAGE 963



- EXISTING DRAINAGE EASEMENT
- SANITARY SEWER EASEMENT=3,283 SQ. FT. (AREA OF TITLED OWNERSHIP)
- SANITARY SEWER EASEMENT=202 SQ. FT. ALLEY (AREA OF UNTITLED OWNERSHIP)
- SANITARY SEWER EASEMENT=942 SQ. FT. CENTENNIAL (AREA OF UNTITLED OWNERSHIP)



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**PERMANENT SANITARY SEWER EASEMENT**

ON LANDS OF  
**BONTON BUILDERS, INC.**

920 CENTENNIAL AVENUE  
 PENN TOWNSHIP - YORK COUNTY - PENNSYLVANIA  
 SCALE: 1" = 30' JOB NUMBER: 9241-21  
 DATE: 8-25-2021 SHEET DRAWING NO: 1 OF 1



LEGAL DESCRIPTION FOR A PERMANENT  
SANITARY SEWER EASEMENT FOR UNTITLED LANDS  
FOR PROPERTY ADJACENT TO 920 CENTENNIAL AVENUE  
IN PENN TOWNSHIP

ALL of the same Permanent Sanitary Sewer Easement, situate, lying and being in Penn Township, York County, Pennsylvania and being more fully described as follows, to wit:

BEGINNING for a point, on the easterly property line of lands N/F Bonton Builders, Inc. and the westerly side of an alley, said point being South 20 degrees, 20 minutes, 21 seconds East, 99.08 feet from an existing property corner with lands N/F William A. Russell; thence leaving lands N/F Bonton Builders, Inc. and through alley (1) North 69 degrees, 53 minutes, 38 seconds East, 8.67 feet to a point; thence through alley (2) South 20 degrees, 39 minutes, 19 seconds East, 25.00 feet to a point; (3) South 69 degrees, 53 minutes, 38 seconds West, 5.42 feet to a point; thence through alley (4) North 21 degrees, 22 minutes, 25 seconds West, 5.00 feet to point; thence through alley (5) South 69 degrees, 53 minutes, 38 seconds West, 3.30 feet to a point at lands N/F Bonton Builders, Inc.; thence along lands N/F Bonton Builders, Inc. (6) North 20 degrees, 20 minutes, 21 seconds West, 20.00 feet to the place of beginning, containing a gross area 202 square feet of land, subject to any other rights of ways, easements and/or encumbrances as may be present within this easement.

The parcel, lot or tract of land described herein was taken from a Plan to Accompany Sanitary Sewer Easement Acquisition on the Lands of Bonton Builders, Inc., as prepared by Hanover Land Services, Inc., dated August 25, 2021.

LEGAL DESCRIPTION FOR A PERMANENT  
SANITARY SEWER EASEMENT FOR UNTITLED LANDS  
FOR PROPERTY ADJACENT TO 920 CENTENNIAL AVENUE  
IN PENN TOWNSHIP

ALL of the same Permanent Sanitary Sewer Easement, situate, lying and being in Penn Township, York County, Pennsylvania and being more fully described as follows, to wit:

BEGINNING for a point, on the westerly property line of lands N/F Bonton Builders, Inc. and the easterly side of Centennial Avenue (Unimproved ) Right of Way, said point being North 20 degrees, 20 minutes, 21 seconds West, 53.20 feet from an existing property corner with lands N/F Robert Oberdick, Jr.; thence leaving lands N/F Bonton Builders, Inc. and through Centennial Avenue ( Unimproved ) Right of Way (1) North 78 degrees, 50 minutes, 41 seconds West, 29.56 feet to a point; thence through Centennial Avenue ( Unimproved ) Right of Way (2) North 20 degrees, 27 minutes, 23 seconds West, 55.44 feet to a corner at lands N/F Michael Hardesty; thence along lands N/F Michael Hardesty and N/F William A. Russell (3) North 69 degrees, 32 minutes, 37 seconds East, 10.00 feet to a point; thence through Centennial Avenue (Unimproved ) Right of Way (4) South 20 degrees, 27 minutes, 23 seconds East, 38.11 feet to point; thence through Centennial Avenue (Unimproved ) Right of Way (5) South 78 degrees, 50 minutes, 41 seconds East, 17.87 feet to a point at lands N/F Bonton Builders, Inc.; thence along lands N/F Bonton Builders, Inc. (6) South 20 degrees, 20 minutes, 21 seconds East, 23.46 feet to the place of beginning, containing a gross area 942 square feet of land, subject to an existing drainage easement and any other rights of ways, easements and/or encumbrances as may be present within this easement.

The parcel, lot or tract of land described herein was taken from a Plan to Accompany Sanitary Sewer Easement Acquisition on the Lands of Bonton Builders, Inc., as prepared by Hanover Land Services, Inc., dated August 25, 2021.

LEGAL DESCRIPTION FOR A PERMANENT  
SANITARY SEWER EASEMENT ACROSS TITLED OWNERSHIP OF  
PROPERTY AT 920 CENTENNIAL AVENUE IN PENN TOWNSHIP

ALL of the same Permanent Sanitary Sewer Easement, situate, lying and being in Penn Township, York County, Pennsylvania and being more fully described as follows, to wit:

BEGINNING for a point, on the westerly property line of lands N/F Bonton Builders, Inc. and the easterly side of Centennial Avenue (Unimproved ) Right of Way, said point being North 20 degrees, 20 minutes, 21 seconds West, 53.20 feet from an existing property corner with lands N/F Robert Oberdick, Jr.; thence along the easterly side of Centennial Avenue ( Unimproved ) Right of Way and lands N/F Bonton Builders, Inc. (1) North 20 degrees, 20 minutes, 21 seconds West, 23.46 feet to a point; thence leaving Centennial Avenue ( Unimproved ) Right of Way and through lands N/F Bonton Builders, Inc. (2) South 78 degrees, 50 minutes, 41 seconds East, 99.53 feet to a corner; thence continuing through lands N/F Bonton Builders, Inc. (3) North 69 degrees, 53 minutes, 38 seconds East, 65.13 feet to a point at an alley, thence along alley (4) South 20 degrees, 20 minutes, 21 seconds East, 20.00 feet to point; thence leaving alley and through lands N/F Bonton Builders, Inc. (5) South 69 degrees, 53 minutes, 38 seconds West, 70.81 feet to a point; thence through lands N/F Bonton Builders, Inc. (6) North 78 degrees, 50 minutes, 41 seconds West, 92.87 feet to the place of beginning, containing a gross area 3,283 square feet of land, subject to an existing drainage easement and any other rights of ways, easements and/or encumbrances as may be present within this easement.

The parcel, lot or tract of land described herein was taken from a Plan to Accompany Sanitary Sewer Easement Acquisition on the Lands of Bonton Builders, Inc., as prepared by Hanover Land Services, Inc., dated August 25, 2021.