

FILE OF THE CITY CLERK

ADMINISTRATION ORDINANCE NO. 14 - 2014

ADMINISTRATION BILL NO. 14, 2014

INTRODUCED – SEPTEMBER 23, 2014

ADOPTED BY COUNCIL – OCTOBER 14, 2014

AN ORDINANCE OF THE CITY OF LANCASTER AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY OF LANCASTER TO EXERCISE THE CITY'S POWERS OF EMINENT DOMAIN AS SET FORTH IN SECTION 2801 OF THE THIRD CLASS CITY CODE (53 P.S. §37801) AND SECTION 303 OF THE OPTIONAL THIRD CLASS CITY CHARTER LAW (53 P.S. §41303) TO APROPRIATE AND TAKE THAT CERTAIN PROPERTY AT 119 JUNIATA STREET IN LANCASTER CITY, LANCASTER COUNTY, PENNSYLVANIA; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

WHEREAS, the City of Lancaster needs to demolish the structures located on 119 Juniata Street, Lancaster, Pennsylvania, in order to maintain, construct, reconstruct and repair sewer lines located in or near the rear of the property; and

WHEREAS, James E. Winkey is the owner of said property which property is more particularly described below; and

WHEREAS, Section 2801 of the Third Class City Code (53 P.S. §37801) grants to the City of Lancaster the power to enter upon, appropriate, take, use, occupy, injure or destroy private lands, property, toll bridges or material for, amongst other things, public buildings and public works; and

WHEREAS, Section 303 of the Optional Third Class City Charter Law (53 P.S. §41303) authorizes the City of Lancaster to exercise the power of condemnation; and

WHEREAS, the City Council deems it to be in the best interest of the City of Lancaster to take by eminent domain all interests of James E. Winkey in and to the below described property in order to properly maintain, repair, construct and reconstruct the City's sewer lines.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Mayor of the City of Lancaster be and hereby is directed and authorized to take any and all action necessary under the Pennsylvania Eminent Domain Code of 1964, and all other applicable laws of the Commonwealth of Pennsylvania as amended from time to time, and all other applicable laws of the Commonwealth of Pennsylvania to appropriate, take, use and occupy the property known as 119 Juniata Street, Lancaster County, Pennsylvania, for purposes of maintaining, repairing, constructing and reconstructing its existing sewer lines or for other public uses which James E. Winkey owns (the property over which eminent domain is being exercised is particularly described on Exhibit "A" to this Ordinance); such action is to include but not be limited to recording a copy of this Ordinance within thirty (30) days after its enactment in the Office of the Recorder of Deeds in and for the County of Lancaster to be indexed in the name of James E. Winkey and the names of any other parties having legal interests in the property which are being taken by the City, forwarding a copy of this Ordinance by registered mail to James E. Winkey and any other such parties at their last known addresses, preparing and filing a Declaration of Taking with the Court of Common Pleas of Lancaster County, Pennsylvania, preparing and recording a Notice of Condemnation in the Recorder of Deeds Office of Lancaster County, Pennsylvania, providing appropriate notice of the filings as required by the law of the Commonwealth of Pennsylvania to all appropriate parties, taking any action deemed necessary by the Mayor to obtain possession of the aforesaid property, taking and making any and all arrangements as lawfully required for the payment of just compensation to all appropriate parties for the property, and taking any and all other actions necessary to complete the taking of the property by eminent domain, including litigation of any matters raised in the proceedings and the payment of any costs associated with the taking and/or the proceedings.

SECTION 2. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 14th day of October, 2014, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

Janet Spleen, City Clerk

By: _____
J. Richard Gray, Mayor

EXHIBIT A

ALL THAT CERTAIN lot or piece of land, situated on the South side of Juniata Street, between Ann and Lime Streets, in the City of Lancaster, County of Lancaster, and Commonwealth of Pennsylvania, having thereon erected a two-store mansard roof brick dwelling house known as No. 119 Juniata Street, being more fully bounded and described as follows, to wit:

CONTAINING in front on said Juniata Street, twenty (20') feet and extending in depth of that width one hundred (100') feet;

THE EAST line of the hereby granted premises being parallel to and one hundred twenty-three (123') feet West of the West line of Ann Street;

BOUNDED on the North by Juniata Street; on the South by property now or late of B.B. Martin Co.; on the East by property now or late of Jacob M. Eshleman, et al.; and on the West by property now or late of Harry M. Brown;

BEING THE SAME PREMISES which Paul V. Snyder, III, by his Deed dated July 28, 1989, and recorded August 2, 1989, in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, in Record Book 2699, at page 690, granted to Delmas L. Cunningham;

BEING THE SAME PREMISES which Delmas L. Cunningham, by Deed dated June 7, 2002 and recorded June 12, 2002 in the in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, at Identification Number 5085300, granted to James E. Winkey.