

## BOROUGH OF ELIZABETHTOWN

Lancaster County, Pennsylvania

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RESOLUTION NO. 2017-3

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A RESOLUTION TO AUTHORIZE THE ACQUISITION OF RIGHT-OF-WAY FOR THE PURPOSE OF MAKING IMPROVEMENTS TO MAYTOWN AVENUE BY CONDEMNATION OR BY ACCEPTANCE OF GRANT IN LIEU OF CONDEMNATION.

WHEREAS, West Donegal Township and Elizabethtown Borough (collectively the "Municipalities") are adjoining municipalities within Lancaster County, Pennsylvania, with portions of Maytown Avenue being located within both municipalities; and

WHEREAS, the Municipalities desire that Maytown Avenue be improved; and

WHEREAS, the improvement of Maytown Avenue will require acquisition of additional right-of-way within Elizabethtown Borough from certain landowners; and

WHEREAS, the Borough desires to authorize acquisition of such additional right-of-way by condemnation or by grant in lieu of condemnation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, as follows:

Section 1. Elizabethtown Borough hereby authorizes the acquisition of additional rights-of-way for public street purposes from the owners of the following properties abutting Maytown Avenue located within Elizabethtown Borough by condemnation or by grant in lieu of condemnation:

- A. Owner or Owners: Tod L. Healey, Sr., and Sheila A. Healey  
Property: Part of Lancaster County Tax Account No. 250-33538-0-0000  
Deed Reference: Document No. 6236166
- B. Owner or Owners: Amy A. Lustrì  
Property: Part of Lancaster County Tax Account No. 250-24493-0-0000  
Deed Reference: Document No. 5573090
- C. Owner or Owners: T & K Elizabethtown Properties, LLC  
Property: Part of Lancaster County Tax Account No. 250-71172-0-0000  
Deed Reference: Document No. 5247394

- D. Owner or Owners: Shirley Ann Vasilakis  
Property: Part of Lancaster County Tax Account No. 250-26155-0-0000  
Deed Reference: Deed Book S, Volume 62, Page 1107
- E. Owner or Owners: Worley & Obetz, Inc.  
Property: Part of Lancaster County Tax Account No. 250-05017-0-0000  
Deed Reference: Document No. 5489503
- F. Owner or Owners: V. Louise Longenecker  
Property: Part of Lancaster County Tax Account No. 250-10469-0-0000  
Deed Reference: Record Book 6465, Page 257

Section 2. The Borough hereby elects and resolves to take, to use and to appropriate, for public purposes, the rights-of-way over the properties referenced in Section 1 of this Resolution.

Section 3. The President or Vice President of Borough Council be and they are hereby authorized to proceed in the name of and on behalf of the Borough to prosecute condemnation proceedings in the Court of Common Pleas of Lancaster County, Pennsylvania, for the purpose of acquiring the rights-of-way over the properties referenced in Section 1 of this Resolution or to accept grants in lieu of condemnation.

Section 4. It is the intention of Borough Council that the acquisition of the rights-of-way over the properties shall be exempt from Pennsylvania and local realty transfer taxes, and the Borough Secretary or the Borough Solicitor is authorized to execute realty transfer tax statements of value in order to obtain such exemption.

Section 5. In the event any provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of Borough Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 6. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 19<sup>th</sup> day of January, 2017, by Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ELIZABETHTOWN  
Lancaster County, Pennsylvania

Attest: R. Ryan  
(Assistant) Secretary

By: [Signature]  
(Vice) President  
Borough Council

[BOROUGH SEAL]