

ORDINANCE NO: 1 OF 2009
BEAR CREEK TOWNSHIP
LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE ENTERING INTO A DEVELOPMENT AGREEMENT WITH THE BEAR CREEK COMMUNITY CHARTER SCHOOL AND THE BEAR CREEK FOUNDATION FOR THE DEVELOPMENT OF RECREATIONAL AND PUBLIC SCHOOL FACILITIES WITHIN THE TOWNSHIP

Recitals

WHEREAS, it is the desire of Board of Supervisors to pass legislation to enter into a Development Agreement with the Bear Creek Community Charter School and with the Bear Creek Foundation for the acquisition and development of a certain portion of several tracts of real estate located along State Route 115 and more fully described in the Development Agreement attached as Exhibit “A”; and

WHEREAS, Board of Supervisors is vested with the power of Eminent Domain in the Second Class Township Code and the Eminent Domain Code of the Commonwealth of Pennsylvania; and

WHEREAS, Bear Creek Township may undertake neighborhood development projects pursuant to 53 P.S. § 661542 in the Second Class Township Code; and

WHEREAS, Bear Creek Township may designate recreation areas for the public on lands which have been taken by eminent domain to 53 P.S. § 672201 in the Second Class Township Code; and

WHEREAS, Bear Creek Township may enter into joint ownership and maintenance agreements with school districts or public school facilities to maintain and operate any recreational areas, pursuant to 53 P.S. § 672205 in the Second Class Township Code; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Bear Creek Township, and it is hereby ordained by the authority of the same that:

Covenants

SECTION 1. The Bear Creek Township Board of Supervisors has reviewed and examined the areas identified for development in the Development Agreement (see Exhibit “A”). In reviewing and examining the areas, and under the powers granted to the Township in the Second Class Township Code and the Eminent Domain Code, the Board of Supervisors hereby

adopts the Development Agreement and agrees to accept its terms and conditions, and exchange the consideration outlined with the other parties to the said Development Agreement.

SECTION 2. Severability. The provisions of this ordinance are severable. If any provision, sentence, clause, phrase, section or part thereof shall for any reason be found unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections, or parts thereof, but the same shall remain in effect. It is hereby declared to be the intent of the Township that this ordinance shall stand notwithstanding the invalidity of any part included herein.

SECTION 3. Effective Date. This Ordinance shall go into effect immediately upon approval by the Board of Supervisors.

ENACTED BY BEAR CREEK TOWNSHIP BOARD OF SUPERVISORS ON THIS **29th** DAY OF **SEPTEMBER, 2009.**

GARY ZINGARETTI, CHAIR

BONNIE J. WASILEWSKI, VICE CHAIR

RUTH ANN KOVAL

E. GARY SLUSSER

JOSEPH MASI

ATTEST:

TOWNSHIP SECRETARY

**EXHIBIT “A”
TO ORDINANCE NO. 1 OF 2009**