

ORDINANCE NO: 2 OF 2009
BEAR CREEK TOWNSHIP
LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE BEING PASSED FOR THE CONDEMNATION OF REAL PROPERTY LOCATED ALONG STATE ROUTE 115 FOR THE PUBLIC PURPOSE OF CREATING PUBLIC RECREATION AREAS AND THE CREATION OF A NEW PUBLIC COMMUNITY CHARTER SCHOOL, AS AUTHORIZED BY BOTH THE SECOND CLASS TOWNSHIP CODE AND THE EMINENT DOMAIN LAW.

Recitals

WHEREAS, it is the desire of Board of Supervisors to pass legislation to condemn property within Bear Creek Township for purposes of establishing public recreation areas and to create a public community charter school; 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 is authorized and empowered to take the subject property under the aforesaid Eminent Domain Powers.

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. Bear Creek Township, pursuant to the Eminent Domain Powers granted to the Board of Supervisors in Section 661542, 672201 and 672205 of the Second Class Township Code (53 P.S. § 661542, 672201 and 672205) and the Eminent Domain Code, hereby condemns the real property located along State Route 115 in Bear Creek Township, specifically and completely identified in the legal description attached to this Ordinance as Exhibit “A” and as outlined by the Map attached as Exhibit “B”.

SECTION 2. The Township Solicitor is hereby directed to file the appropriate documents and the Declaration of Taking with the Prothonotary of Luzerne County, Pennsylvania.

SECTION 3. 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 4. 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. 2 OF 2009

All that certain lot, piece or parcel of land situated in Bear Creek Township, County of Luzerne, and Commonwealth of Pennsylvania more specifically bonded and described as follows:

BEGINNING at a point, said point being the most Northerly corner of Parcel No. 3 and also being located on the Easterly right-of-way line of a one hundred (100) feet wide PPL right-of-way;

THENCE from said right-of-way line South 48 degrees 13 minutes 11 seconds East a distance of 121.58 feet to an existing iron pipe, said pipe being the Westerly property corner of lands now or formerly of James W. and Joyce Smith;

THENCE along lands now or formerly of James W. and Joyce Smith South 44 degrees 48 degrees 31 minutes East a distance of 399.33 feet to an existing iron pin, said pin being the Westerly property corner of lands of Bear Creek Foundation, Inc.;

THENCE along lands of Bear Creek Foundation, Inc. South 44 degrees 44 minutes 51 seconds East a distance of 300.00 feet to an existing iron pin, said pin being the Westerly property corner of Parcel No. 11 of lands of Joan H. Riebel, Harold J. Harris, Jr., and Brian W. Harris and also being Northerly property corner of Parcel No. 13 of lands of Joan H. Riebel, Harold J. Harris, Jr. and Brian W. Harris;

THENCE along Parcel No. 13 and Parcel No. 12 of the aforementioned lands of Riebel, Harris, and Harris South 45 degrees 15 minutes 09 seconds West a distance of 200.00 feet to a point, said point being the Westerly property corner of Parcel No. 12;

THENCE along Parcel No. 12 South 50 degrees 40 minutes 51 seconds East a distance of 144.62 feet to a point;

THENCE through Parcel No. 3 and lands of Harold J. Harris, MD South 36 degrees 51 minutes 09 seconds West a distance of 1,138.88 feet to a point, said point being located on the Northerly property line of Parcel No.14 of the aforementioned lands of Riebel, Harris, and Harris;

THENCE along Parcel No. 14 North 53 degrees 08 minutes 51 seconds West a distance of 255.00 feet to a point;

THENCE along Parcel No. 14 and Parcel No. 2 and Parcel No. 1 of the aforementioned lands of Riebel, Harris, and Harris and along lands now of formerly of Michael Sucahr South 31 degrees 30 minutes 52 seconds West a distance of 795.82 feet to an stone pile, said stone pile being located on the Northerly property line of Parcel No. 23 of the aforementioned lands of Riebel, Harris, and Harris and also being the most Easterly property corner of Parcel No. 20 of the aforementioned lands of Riebel, Harris, and Harris;

THENCE through Parcel No. 23 South 53 degrees 10 minutes 00 seconds West a distance of 375.00 feet to a point;

THENCE continuing through Parcel No. 23 and through Parcel No. 20 of the aforementioned lands of Riebel, Harris, and Harris North 44 degrees 44 minutes 51 seconds West a distance of

803.36 feet to a point, said point being along the aforementioned Easterly right-of-way line of PPL;

THENCE along the Easterly right-of-way line of PPL North 54 degrees 16 minutes 39 seconds East a distance of 381.90 to a point;

THENCE continuing along the Easterly right-of-way line of PPL North 37 degrees 53 minutes 13 seconds East a distance of 2,126.02 feet, which is the place of beginning;

CONTAINING an area of 2,128,487 sq. ft. or 48.86 acres;

BEING "Overall Parcel" as shown on plan entitled "Property Survey—Lands of Joan H. Riebel, Harold J. Harris, Jr. and Brian W. Harris; Bear Creek Township, Luzerne County, Pennsylvania", prepared by HSS Land Surveyors, Bloomsburg, PA; dated March 12, 2009;

ALSO BEING part of lands conveyed to Joan H. Riebel, Harold J. Harris, Jr., and Brian W. Harris by deed of Marion C. Alexander dated November 1, 1996 recorded in Luzerne County Deed Book 2584 Page 714.

**EXHIBIT “B”
TO ORDINANCE NO. 2 OF 2009**

