

TOWNSHIP OF SILVER SPRING
Cumberland County, Pennsylvania

RESOLUTION 2011-11

WHEREAS, the Township of Silver Spring (the "Township") is a township of the second class, existing under the Second Class Township Code, act of May 1, 1933, P.L. 103, No. 69 P.S. Section 65101, et seq., as amended; and

WHEREAS, the road system of the Township has or will be expanded as a result of construction and development in and through the Township; and

WHEREAS, it is necessary to acquire a permanent right of way for purposes of improvements to the intersection of Hempt and Texaco Road within the property now owned by Tim S. Bricker; and

WHEREAS, in order to ensure continuous and permanent road transportation, it has been deemed to be in the public interest for the Township to acquire, by purchase or eminent domain proceedings, a permanent right of way in such lands as the Township deems necessary for continued effective road service; and

WHEREAS, the Board of Supervisors of the Township, upon the recommendation of its Township Manager and the advice of its engineer and other advisors, has selected the right of way to be permanently acquired, all as more fully described on Exhibit "A" hereto, as attached and to be acquired for the purposes of providing an improved roadway.

NOW THEREFORE, the Township hereby adopts the following resolution;

1. The Chairman, Secretary and other such officers as they may designate, through the Solicitor of the Township and with the assistance of such other advisors as the Township Manager deems appropriate, shall contact the owner thereof and negotiate the acquisition of the permanent right of way described in Exhibit "A" on terms and conditions deemed advantageous to the Township in light of the public objectives of the Township and the necessity to take title to this permanent right of way as soon as possible, and to settle on the acquisition of, make proper compensation and full payment for and secure the ownership and possession of this permanent right of way in order to complete the road construction project.
2. The proper officers of the Township are hereby authorized and directed to do all things necessary and desirable to implement the above action by the Township, including the fixing of the fair market value for the permanent right of way taken, making an offer to acquire the property by agreement and to order the preparation and execution of any and all such documentation necessary to accomplish this acquisition.

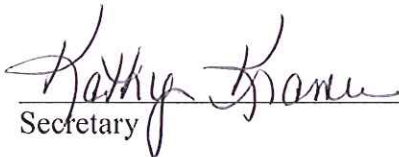
3. In the event that the Township cannot expeditiously agree on terms of the acquisition of the permanent right of way with the owners of the property in question, then the Chairman and Secretary, with the assistance of the Solicitor and such engineering and other assistance as is deemed appropriate by the officers of the Township, are hereby authorized and directed to take the permanent right of way by exercise of the eminent domain power of the Township for road purposes under the Second Class Township Code, as amended and supplemented from time to time and under the Eminent Domain Code of 1972, as amended and supplemented from time to time.
4. Proper officers of the Township are authorized and directed to execute, file and deliver such documents and to do such other things as may be necessary to carry out the intent and purpose of this Resolution, including, but not limited to a Declaration of Taking.
5. This Resolution shall become effective immediately.
6. In the event any provision, section, sentence, clause or part of this Resolution shall be held invalid, such invalidity shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

All prior Resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

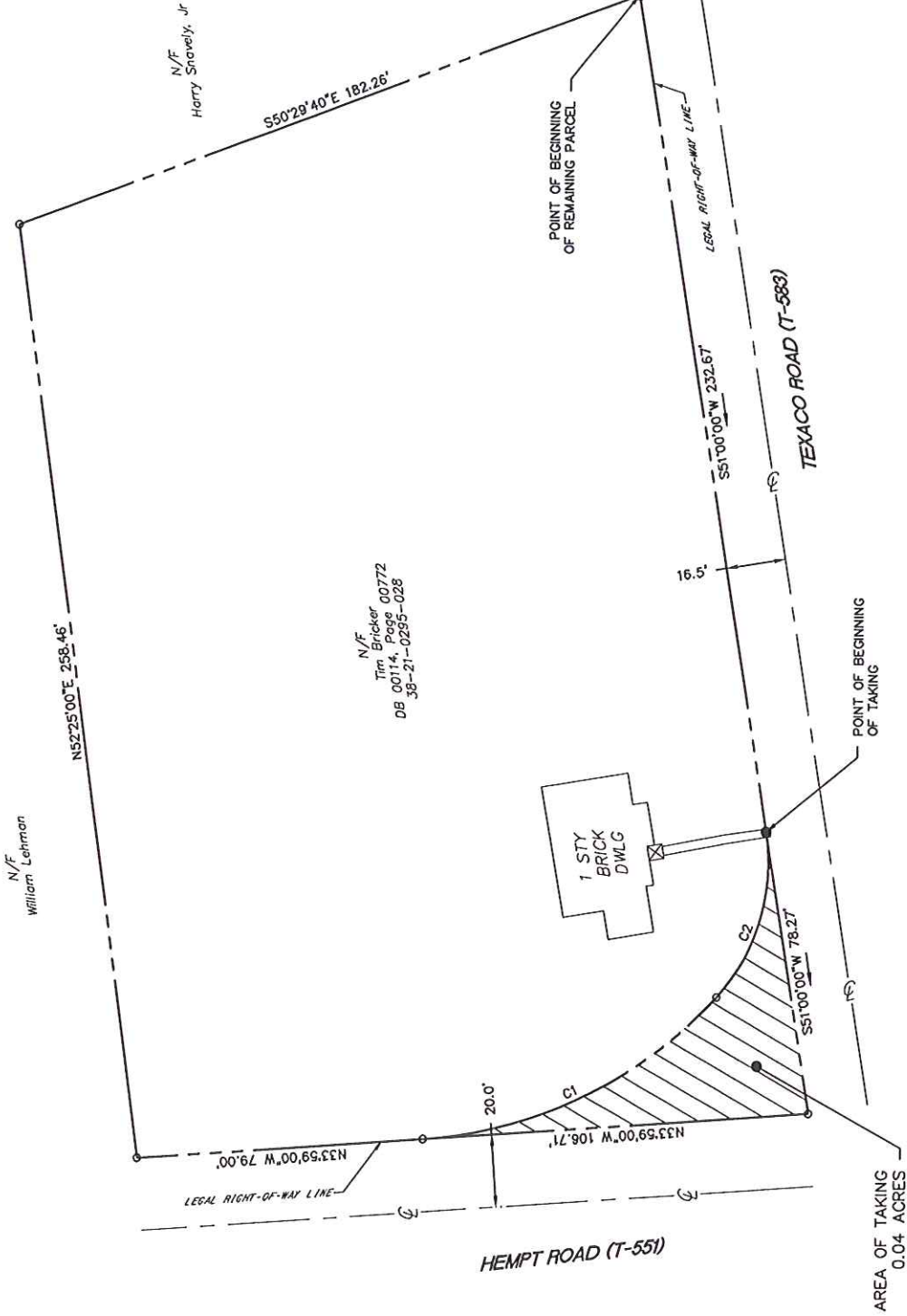
DULY ADOPTED as Resolution 2011-11, this 24th day of August, 2011
by the Board of Supervisors of the Township of Silver Spring.

ATTEST:

BOARD OF SUPERVISORS
TOWNSHIP OF SILVER SPRING


Secretary

By: 
Chairman



Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	91.94	120.00	43.90	N55° 56' 02\"/>	
C2	49.07	55.00	51.12	S76° 33' 28\"/>	



GRAPHIC SCALE IN FEET

N/F
 Tim Bricker 00772
 DB 00114, Page 0285-028

N/F
 William Lehman

N/F
 Harry Snively, Jr

AREA OF TAKING
 0.04 ACRES

POINT OF BEGINNING
 OF REMAINING PARCEL

POINT OF BEGINNING
 OF TAKING

HEMPT ROAD (T-551)

TEXACO ROAD (T-583)

LEGAL RIGHT-OF-WAY LINE

LEGAL RIGHT-OF-WAY LINE