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ORDINANCE NO. 187

AN ORDINANCE OF THE TOWNSHIP OF EAST NORRITON, MONTGOMERY COUNTY, PENNSYLVANIA, CONDEMNING AND ACQUIRING BY THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN UNDER THE AUTHORITY GRANTED BY THE SECOND CLASS TOWNSHIP CODE, 53 P.S., §66001 et seq., AS AMENDED, AND THE ACT OF JUNE 22, 1964, P.L. 84, ARTICLE I, §1-101 et seq., BEING COMMONLY KNOWN AS THE EMINENT DOMAIN CODE OF 1964, 26 P.S., §1-101, CERTAIN LAND COMPRISING 9.4[±] ACRES LOCATED ON THE PROPERTY KNOWN AS THE NORRIS CITY CEMETERY TRACT, STANBRIDGE STREET, EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, FOR RECREATIONAL USE, DIRECTING THE PROPER OFFICERS AND THE SOLICITOR OF THE TOWNSHIP TO FILE A DECLARATION OF TAKING IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA, TO RECORD NOTICE OF CONDEMNATION TO THE CONDEMNEE, TO TAKE POSSESSION OF THE CONDEMNED LAND, AND TO TAKE SUCH OTHER AND FURTHER STEPS IN COURT OR ELSEWHERE AS MAY BE NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THIS ORDINANCE.

WHEREAS, East Norriton Township by virtue of the provisions of the Second Class Township Code and the Eminent Domain Code is vested with the power to acquire by Eminent Domain proceedings such land as the Township deems necessary for public purposes; and

WHEREAS, the Township has determined that it would be in the best interests of the Township to acquire certain property known as the Norris City Cemetery tract for recreational use.

NOW, THEREFORE, IT HEREBY IS ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, that:

DECLARATION OF TAKING

1. The name and address of the condemnor is East Norriton Township, 237 West Germantown Pike, Norristown, PA 19401.

2. This condemnation is authorized under the Second Class Township Code, 53 P.S., §66001 et seq., as amended, and the Act of June 22, 1964, P.L. 84, Art. I §101 et seq., being commonly known as the Eminent Domain Code of 1964, 26 P.S., §1-101 et seq.

3. The interest in and to the property described in Exhibit "A" attached hereto and made a part hereof is hereby condemned in fee simple or absolute title by the condemnor for recreational purposes as authorized by Ordinance No. *187*, adopted the *20th* day of *June*, 1983, by said condemnor. A copy of said Ordinance is attached hereto and made a part hereof as Exhibit "B". The original thereof may be examined at the address of the condemnor.

4. The purpose of the condemnation is to acquire 9.4± acres of the property known as the Norris City Cemetery for recreational use.

5. A description of the property condemned sufficient for its identification is set forth in Exhibit "A" attached hereto and made a part hereof.

6. The subject tract of land will be acquired with grants-in-aid assistance to be provided from Pennsylvania's Land and Water Conservation Fund, Act No. 443 of 1967, for recreation, historical, conservation, and reclamation purposes, as defined in the Act.

7. On the date this Declaration is being submitted to and filed with the Prothonotary of Montgomery County, Pennsylvania, notice and plans showing the property condemned are being filed and lodged for recording in the office of the Recorder of Deeds of Montgomery County, Pennsylvania, in accordance with Section 404 of the Pennsylvania Eminent Domain Code, 26 P.S. §1-101, et seq., and specifically 26 P.S. §1-404. A true and correct copy of said notice is attached hereto and made a part hereof as Exhibit "C".

8. A Plan showing the condemned property is attached hereto as part of Exhibit "A" and may be inspected at the offices of the condemnor at the aforesaid address.

9. Just compensation for the condemnation of said premises is secured by the power of taxation of the condemnor, whereupon the funds raised, or lawful to be raised, are deemed pledged and made security for the payment of the damages as shall be determined by law.

HAMBURG, RUBIN, MULLEN

By: _____

J. Edmund Mullen
East Norriton
800 East Main
Lansdale, PA 19446

EAST NORRITON TOWNSHIP

Attest: _____

Secretary

By: _____

Chairman

SECTION 1. East Norriton Township, under the powers granted to it by the Second Class Township Code and the Eminent Domain Code hereby exercises its right and power of eminent domain against a certain tract of land located in East Norriton Township, Montgomery County, Pennsylvania, for recreational use, said tract of land containing approximately 9.4[±] acres and being known as the Norris City Cemetery tract. A copy of the Plan of the property which is to be condemned is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The officers and solicitor of the Township are hereby authorized to file a Declaration of Taking regarding said tract of land in the Court of Common Pleas of Montgomery County, to record Notice of the condemnation, to take possession of the land, and to take all such other further steps in Court or otherwise as may be necessary to carry out the intent and purpose of this Ordinance.

Approved by the Board of Supervisors of East Norriton Township and ENACTED and ORDAINED into an Ordinance this 20th day of June, 1983.

EAST NORRITON TOWNSHIP

By: _____

John B. Lawley
Chairman

Attest: _____

Lemuth J. Bauwald
Secretary