

**ORDINANCE NO. 2022 -**

**“Condemnation of Portion of UPI No. 15-9-91.1”**

**PHOENIXVILLE BOROUGH COUNCIL  
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**AN ORDINANCE AUTHORIZING THE CONDEMNATION, BY  
EMINENT DOMAIN, OF THE REAL PROPERTY LOCATED AT  
CHESTER COUNTY UPI NO. 15-9-91.1 FOR MUNICIPAL PURPOSES**

**WHEREAS**, Phoenixville Borough is a municipal corporation existing under and governed by the Pennsylvania Borough Code (8 Pa.C.S. §101 *et seq.*), as amended and supplemented; and

**WHEREAS**, Phoenixville Borough Council has determined the need to acquire certain real property for municipal purposes, consisting of approximately 11,339 square feet, more or less, located at 425 Bridge Street in the Borough of Phoenixville, and more particularly identified as UPI No. of 15-9-91.1 (the “Property”); and

**WHEREAS**, Phoenixville Borough has been unable to agree with the owner of the Property to be acquired as to the price for damages to be paid; and

**WHEREAS**, in accordance with the Pennsylvania Eminent Domain Code and Pennsylvania Borough Code 8 Pa.C.S. §§1501 and 1502.1, the Borough is authorized to acquire title to said Property through Eminent Domain proceedings.

**NOW, THEREFORE**, it is hereby **ENACTED** and **ORDAINED** by the Council of the Borough of Phoenixville, Chester County Pennsylvania, as follows:

**SECTION I – Authorization to Condemn Property.**

**A.** Phoenixville Borough Council, in accordance with the authority conferred by law, has identified, for certain authorized municipal purposes, a 11,339 square foot portion of the

Property identified as Tax Parcel No. 15-9-91.1, with an exact legal description and plan of the area to be acquired more fully described in Exhibit “A” and “B”, which are attached hereto and incorporated herein by reference.

**B.** That the title of the Property to be acquired shall be in fee simple.

**C.** The Borough Solicitor and all other appropriate Borough Officers and staff are hereby authorized to take such actions as are necessary to implement this Ordinance and condemn and take the condemned rights, including, but not limited to, filing and recording a Declaration of Taking, Notice of Condemnation, Memorandum of Condemnation and providing notice to the Condemnee.

**D.** That the institution of such proceedings and any damages which may be awarded to the owner of said Property to be paid out of funds of the Borough.

**SECTION II – Authorization to Condemn Property.**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts, or section hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, part or section thereof not been included herein.

**SECTION III– Authorization to Condemn Property.**

All Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION IV – Authorization to Condemn Property.**

This Ordinance shall become effective upon enactment as provided by law.

**PASSED** by Borough Council this 1st day of November, 2022.

By: \_\_\_\_\_  
**Jonathan M. Ewald**, President  
Borough Council

**APPROVED** by the Mayor, this 1st day of November, 2022.

By: \_\_\_\_\_  
**Peter J. Urscheler**, Mayor

**ENACTED**, this 1st day of November, 2022.

By: \_\_\_\_\_  
**E. Jean Krack**, Borough Manager/Secretary

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 1st day of November, 2022.

By: \_\_\_\_\_  
**E. Jean Krack**, Borough Manager/Secretary

**Legal Description**

**EXHIBIT "A"**

DESCRIPTION OF A  
CONDEMNATION OF LANDS OF UPI 15-9-91.1  
TO BE GRANTED TO PHOENIXVILLE BOROUGH  
CHESTER COUNTY, PENNSYLVANIA  
FOR HALL STREET RIGHT-OF-WAY

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All that certain lot, tract or parcel of land and premises, situate, lying and being in the Borough of Phoenixville, County of Chester, Commonwealth of Pennsylvania, and being more particularly described as follows:

BEGINNING at the centerline of Hall Street (60-foot right-of-way) and the western right-of-way line of Bridge Street (60-foot right-of-way); thence

1. Along the centerline of Hall Street, South 86 degrees 45 minutes West a distance of 370.00 feet to a point, a common corner of UPI 15-9-91 (N/F Tague Family Limited Partnership II) and UPI 15-9-91.1 (N/F M & B Partners LLC); thence
2. Along the common line of Tague and M & B, North 03 degrees 15 minutes West a distance of 30.00 feet to a point; thence
3. Leaving the common line and passing through the bed of M & B, North 86 degrees 45 minutes East a distance of 385.92 feet to a point on the western right-of-way line of Bridge Street; thence
4. Along the right-of-way, South 24 degrees 42 minutes West a distance of 33.96 feet to the point and place of BEGINNING.

Containing within said condemnation 11,338.83 Sq. Ft. of land, more or less.

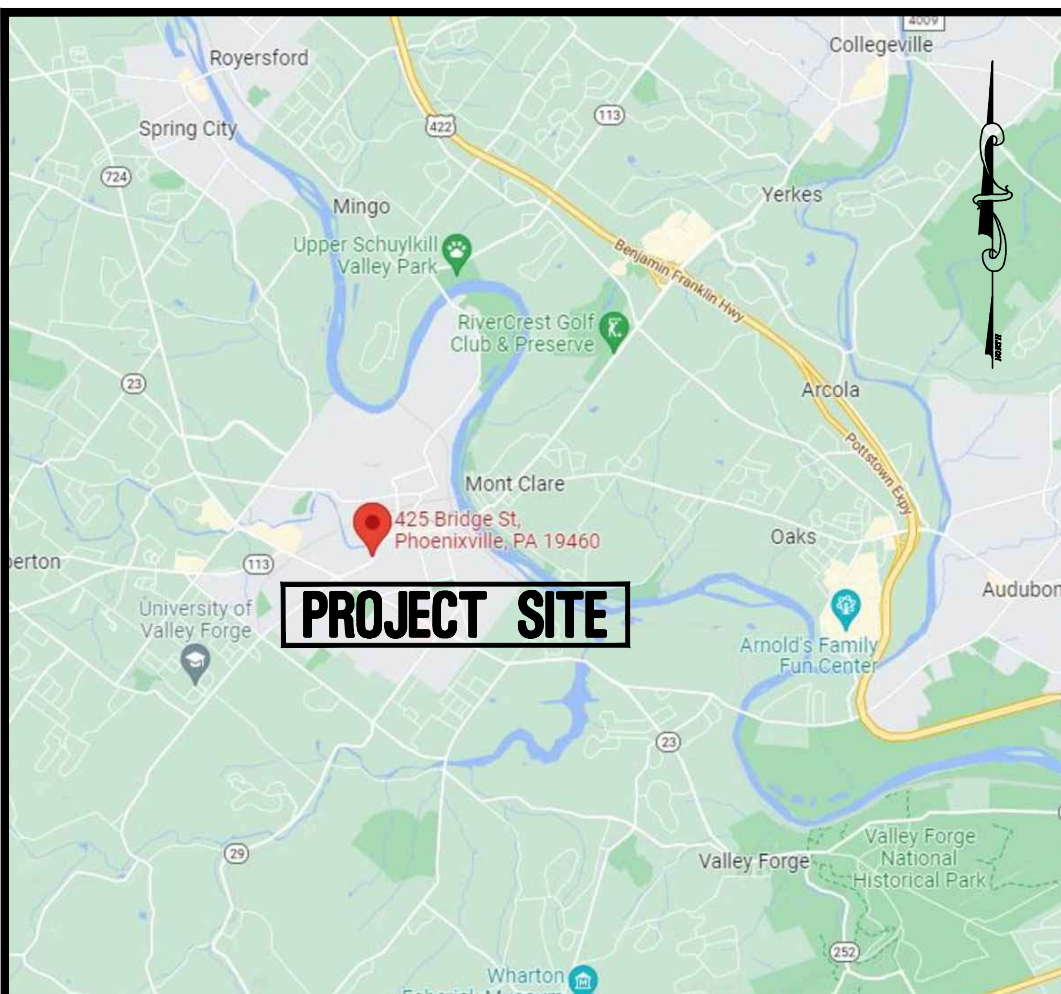
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Date: 10/6/22



**Plan**

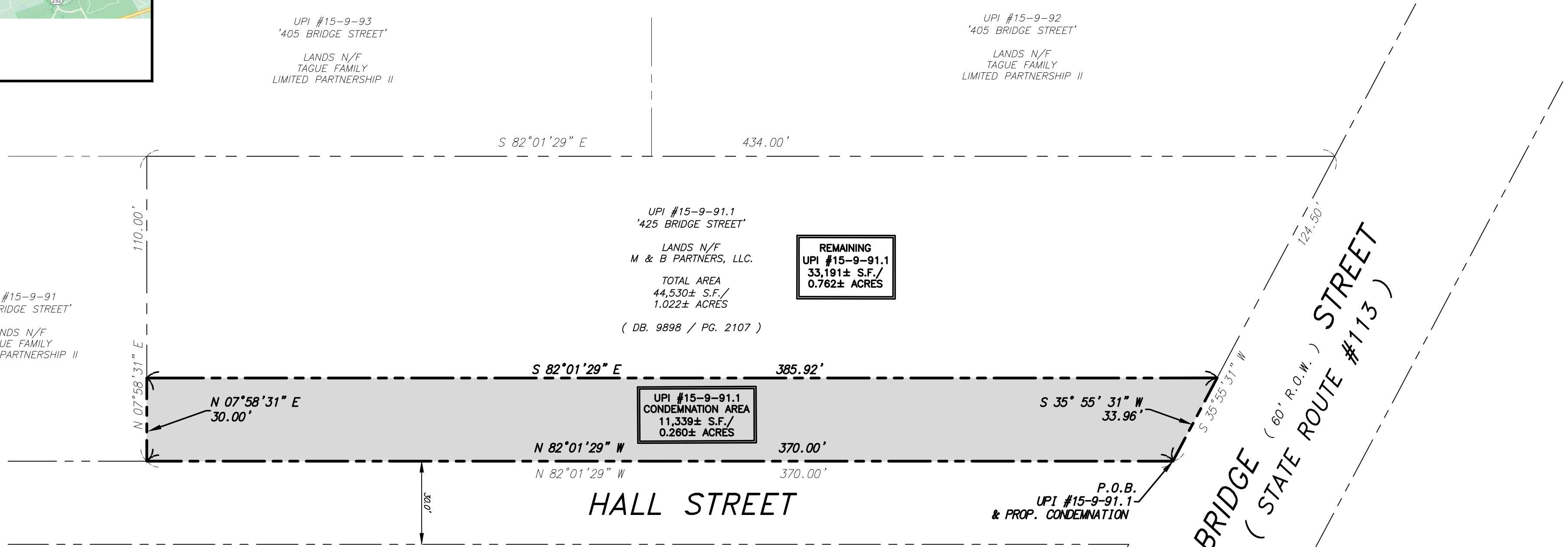
**EXHIBIT “B”**



**PROJECT SITE**

**LOCATION MAP**

SCALE: N.T.S.



UPI #15-9-93  
'405 BRIDGE STREET'  
LANDS N/F  
TAGUE FAMILY  
LIMITED PARTNERSHIP II

UPI #15-9-92  
'405 BRIDGE STREET'  
LANDS N/F  
TAGUE FAMILY  
LIMITED PARTNERSHIP II

UPI #15-9-91.1  
'425 BRIDGE STREET'  
LANDS N/F  
M & B PARTNERS, LLC.  
TOTAL AREA  
44,530± S.F./  
1.022± ACRES  
( DB. 9898 / PG. 2107 )

**REMAINING  
UPI #15-9-91.1  
33,191± S.F./  
0.762± ACRES**

UPI #15-9-91  
'405 BRIDGE STREET'  
LANDS N/F  
TAGUE FAMILY  
LIMITED PARTNERSHIP II

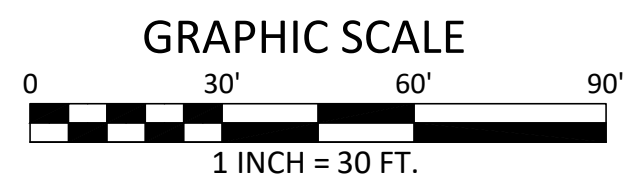
UPI #15-9-90  
'437 BRIDGE STREET'  
LANDS N/F  
STEELWORKS ACQUISITION LP

**SURVEY NOTES:**

1. THE HORIZONTAL DATUM IS BASED ON THE NEW JERSEY STATE PLANE COORDINATE SYSTEM (NAD-1983) AND THE VERTICAL DATUM IS BASED ON NAVD-1988.
2. PROPERTY AND RIGHT-OF-WAY LINES SHOWN ON THESE PLANS ARE BASED ON THE REFERENCE MAP AND DEEDS OF RECORD AS WELL AS THE CURRENT ASSESSMENT RECORDS & TAX MAPS OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA.  
  
ADJOINING PROPERTY AND RIGHT-OF-WAY LINES ARE SHOWN FOR GRAPHICAL INFORMATION ONLY AND HAVE NOT BEEN FIELD VERIFIED.
3. THIS PLAN AND SURVEY DOES NOT CERTIFY TO THE LOCATION, BOTH HORIZONTAL AND VERTICAL OF ANY UNDERGROUND UTILITY OR STRUCTURE THAT WAS NOT EXPOSED FOR DIRECT MEASUREMENT.
4. THIS SURVEY AND PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. PROPERTY IS SUBJECT TO SUCH STATE OF FACT THAT AN ACCURATE TITLE REPORT MY REVEAL INCLUDING ANY EASEMENTS, RESTRICTIONS AND ENCUMBRANCES.

**SURVEY REFERENCES:**

1. PLAN ENTITLED, 'REVERSE SUBDIVISION / LOT CONSOLIDATION PLAN,' PREPARED BY BERCEK & ASSOCIATES, DATED DECEMBER 17, 2017 AND REVISED TO MARCH 29, 2021.
2. PLAN ENTITLED, 'LOT CONSOLIDATION PLAN,' PREPARED BY LUDGATE ENGINEERING CORP., DATED SEPTEMBER 25, 2020 AND REVISED TO JANUARY 19, 2022.



NO.	REVISION	DATE	BY	CHK.	BY
<b>CONDEMNATION PLAN EXHIBIT</b>					
425 BRIDGE STREET UPI# 15-9-91.1 BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA					
DATE: 10/12/2022					
<b>BRIAN T. YORKIEWICZ</b> PROFESSIONAL LAND SURVEYOR LIC. NO. SU-076193					
<b>REMINGTON &amp; VERNICK ENGINEERS</b> CROTON ROAD CORPORATE CENTER 555 CROTON ROAD, SUITE 401, KING OF PRUSSIA, PA 19406 610-261-1050, WEB SITE ADDRESS: WWW.RVE.COM -ENGINEERING EXCELLENCE-					
SCALE	DATE	DRAWN BY	DSGN. BY	CHK'D. BY	DWG. NO.
1"=30'	10/12/2022	JS	---	CEA	PCPB T 091
					SHEET NO.
					1 OF 1