

ORDINANCE NO. 2022 -

“Condemnation of Portion of UPI No. 15-4-10”

**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. 15-4-10 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 2,636 square feet, more or less, located at the current terminus of Ashburn Road in the Borough of Phoenixville, and more particularly identified as UPI No. of 15-4-10 (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 2636 square foot portion of the

Property identified as Tax Parcel No. 15-4-10, with an exact legal description of the area to be acquired more fully described in Exhibit “A,” which is 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 PREMISES "A"
OVER A PORTION OF UPI NO. 15-4-10
TO PHOENIXVILLE BOROUGH,
CHESTER COUNTY, PENNSYLVANIA**

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 a point at the intersection of the southerly right-of-way line and the westerly terminus of Ashburn Road (60' wide); thence

1. North 72 degrees 47 minutes 19 seconds East a distance of 50.89 feet to a point, in the easterly line of UPI No. 15-4-8; thence
2. Along the dividing line between UPI 15-4-10 to the east and UPI No. 15-4-8 to the west, North 23 degrees 27 minutes 07 seconds East, a distance of 16.74 feet to a point; thence
3. Along the dividing line between UPI 15-4-10 to the north and UPI No. 15-4-8 to the south, North 62 degrees 06 minutes 31 seconds West, a distance of 21.08 feet to a point; thence
4. Along the dividing line between UPI 15-4-10 to the east and UPI No. 15-4-8 to the west, North 21 degrees 48 minutes 53 seconds East, a distance of 41.82 feet to a point; thence
5. Along a curve to left, having a radius of 270.00 feet, an arc distance of 8.26 feet and a delta of 01 degrees 45 minutes 07 seconds, with a chord bearing of North 73 degrees 39 minutes 53 seconds East, a distance of 8.26 feet to a point of tangency; thence
6. North 72 degrees 47 minutes 19 seconds East, a distance of 20.26 feet to a point at the intersection of the northerly right-of-way line and the westerly terminus of Ashburn Road
7. Along the westerly terminus of Ashburn Road, South 17 degrees 12 minutes 41 seconds East, a distance of 60.00 feet to the point and place of BEGINNING.

Containing within said condemnation 2,636 Sq. Ft. of land, more or less.

This description was written accordance with a filed plan entitled "Fillmore Village – Phase 2", prepared by BL Companies, dated August 2, 2012, and last revised March 23, 2016, recorded in Chester County Recorder of Deeds on April 12, 2016, in plan book 19932, page 1, and a plan entitled "Exhibit Plan for Coventry Ridge, L.P., Phoenixville Borough, Chester County, PA. prepared by Bercek & Associates, dated July 27, 2022

Date: 10/18/22

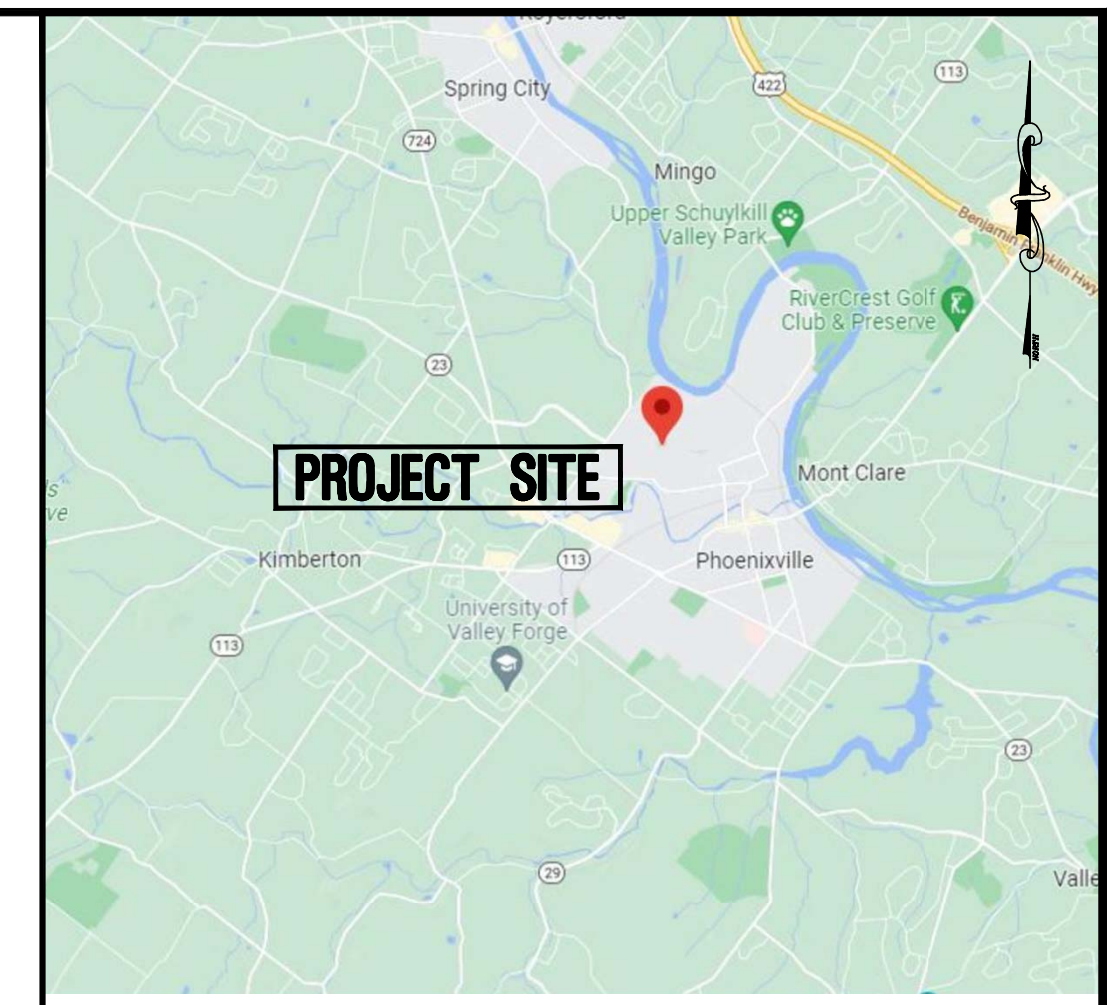
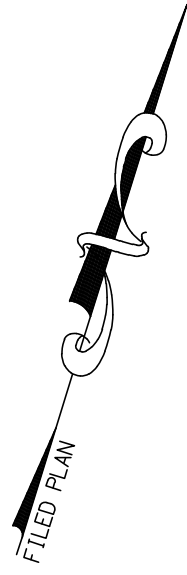


A handwritten signature in blue ink, appearing to read "B. T. Yorkiewicz".

Brian T. Yorkiewicz, P.L.S.
PA. License No. SU075193

Plan

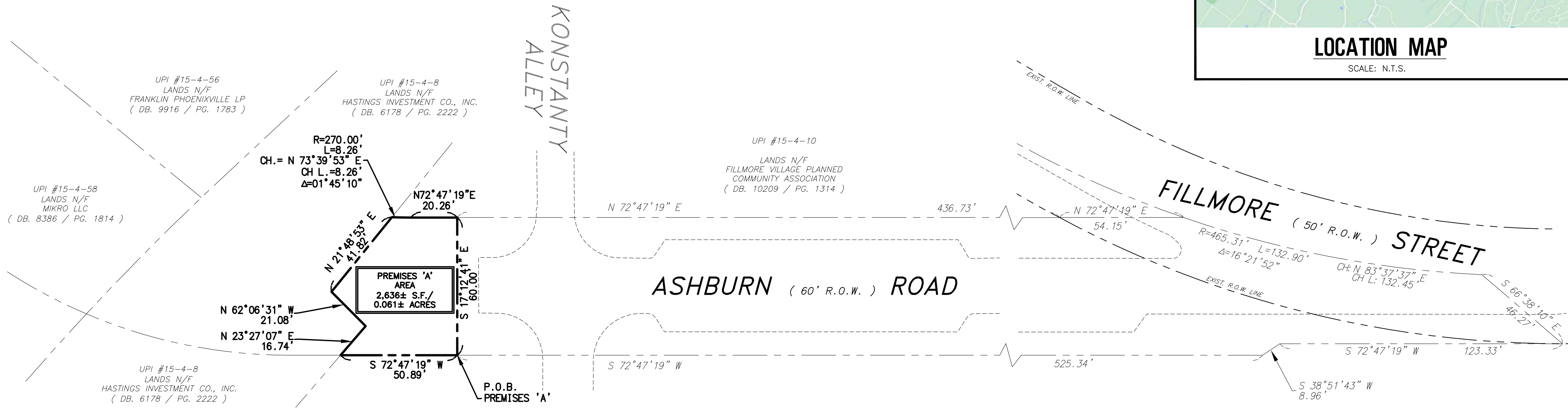
EXHIBIT “B”



PROJECT SITE

LOCATION MAP

SCALE: N.T.S.

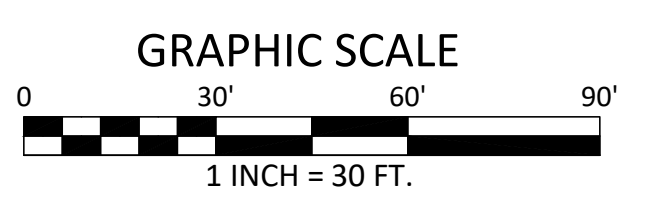


SURVEY NOTES:

- PROPERTY AND RIGHT-OF-WAY LINES SHOWN ON THESE PLANS ARE BASED ON THE REFERENCE MAPS AND DEED 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.
- 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.
- 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:

- FILED PLAN ENTITLED, 'FILLMORE VILLAGE - PHASE 2, PRELIMINARY / FINAL SUBDIVISION PLANS,' PREPARED BY BL COMPANIES, DATED AUGUST 2, 2012, REVISED TO MARCH 13, 2016. RECORDED IN CHESTER COUNTY RECORDER OF DEEDS ON APRIL 12, 2016 IN PLAN BOOK 19932, PAGE 1.
- PLAN ENTITLED, 'EXHIBIT PLAN FOR COVENTRY RIDGE, LP,' PREPARED BY BERCEK & ASSOCIATES, DATED JULY 27, 2022.



NO.	REVISION	DATE	BY	CHK.	BY
EXHIBIT PLAN					
PREMISES 'A'					
UPI# 15-4-10					
BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA					
					DATE: 10/18/2022
BRIAN T. YORKIEWICZ PROFESSIONAL LAND SURVEYOR LIC. NO. SU-076193					
REMINGTON & VERNICK ENGINEERS					
CROTON ROAD CORPORATE CENTER 555 CROTON ROAD, SUITE 401, KING OF PRUSSIA, PA 19406 610-261-1850, WEB SITE ADDRESS: WWW.RVE.COM -ENGINEERING EXCELLENCE-					
SCALE	DATE	DRAWN BY	DSGN. BY	CHK'D. BY	DWG. NO.
1"=30'	10/18/2022	JS	---	CEA	PCPB T 091
					SHEET NO. 1 OF 1