

**BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 204 _____

**AN ORDINANCE OF THE TOWNSHIP OF BARRETT, MONROE COUNTY,
PENNSYLVANIA, AUTHORIZING THE SALE OF REAL PROPERTY.**

The Board of Supervisors of Barrett Township (the "Board"), Monroe County, Pennsylvania, hereby ordains and enacts the following:

**PART 1
GENERAL PROVISIONS**

Section 101. Short Title. This Ordinance will be known as the Barrett Township Ordinance Authorizing the Sale of Real Property.

Section 102. Legal Authority. The Pennsylvania Second Class Township Code ("SCTC") authorizes a board of supervisors to make and adopt ordinances that are necessary for the proper management, care and control of the township, and to maintain the health and welfare of the township and its citizens. 53 P.S. § 66506 ("General Powers"). Under Section 1503(f) of the SCTC, when real property has been dedicated, deeded or devised to a township to be used for a designated purpose and the real property is accepted and used for that purpose, and the township supervisors determine that it is not possible or not desirable for the best interest of the township to use the real property for the purpose designated, the township supervisors, with the prior approval of the court of common pleas, may by ordinance reconvey to the original owners or their successors, heirs or assigns, or otherwise dispose of, the real property free and clear of any public right. 53 P.S. § 66503(f). By Order dated May 19, 2023, docketed at 3020-CV-2023, the Court of Common Pleas of Monroe County has authorized Barrett Township, by ordinance, to sell or otherwise dispose of the real property located at 3423 Spruce Cabin Road, Barrett Township, bearing Monroe County Parcel No. 01.33.1.9, without further Court approval. A copy of the May 19, 2023 Order is attached as Exhibit 1.

Section 103. Legislative Intent and Purpose. Based on the above referenced legal authority, the Board desires to sell and convey certain real property owned by Barrett Township.

The Board finds that:

- A. The real property located at 3423 Spruce Cabin Road, Barrett Township, bearing Monroe County Parcel No. 01.33.1.9 (the "Subject Property") has been dedicated, deeded or devised to Barrett Township with the condition that "the premises

conveyed herein are to be accessible to all Monroe County residents and the premises shall only be utilized, in perpetuity, for recreation and open space”;

- B. It is no longer desirable for the best interest of Barrett Township to use the Subject Property for the designated purposes;
- C. The Personal Representative of the former owner of the Subject Property has no objection to the Township’s proposed conveyance of the Subject Property; and
- D. The Township has sought and received authorization from the Court of Common Pleas of Monroe County to convey the Subject Property; and
- E. The Township intends to convey the Subject Property under and subject to the condition that it accessible to all Monroe County residents and be used, in perpetuity, for recreation and open space.

Section 104. Legal Conflicts.

- A. All prior Township ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.
- B. If any term, provision, covenant or restriction contained in this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions contained in this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated. The Township intends that this Ordinance would have been enacted had each and every invalid provision not been included.

**PART 2
AUTHORIZATION OF SALE**

Section 201. Authorization of Sale. The sale and conveyance of the Subject Property located at 3423 Spruce Cabin Road, Barrett Township, bearing Monroe County Parcel No. 01.33.1.9 to Kenneth J. Lang, at the price of \$335,000 pursuant to the terms of an Agreement of Sale dated May 1, 2023, which is on record with the Township and is incorporated by reference, is hereby authorized and approved. Proper officers of this Township are authorized and directed to take all action and to do all things which may be necessary and proper in order to carry out the intent and purpose of this Ordinance and complete this transaction.

Section 202. Ratification of Prior Actions. All prior actions of all Township officials arising from or related to this transaction are hereby ratified and reapproved.

**PART 3
EFFECTIVE DATE**

Section 301. Effective Date. This Ordinance will be effective immediately.

ENACTED AND ADOPTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 8 day of June, 2023.

**BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP**



Pamela Gardsy, Chair

Patti O'Keefe, Vice Chair



Kelly Slinger, Secretary/Supervisor



John Seese, Supervisor



Darryl Speicher, Supervisor

ATTEST:



Secretary

(TOWNSHIP SEAL)

Exhibit 1


**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

IN RE:	No. <u>3020</u> CV 2023
Petition of BARRETT TOWNSHIP,	
Petitioner	PETITION UNDER 53 P.S. § 66503

ORDER OF COURT

AND NOW, this 19th day of May, 2023, upon consideration of Barrett Township's Petition for Court Approval to Sell Real Property in accordance with Section 1503(f) of the Pennsylvania Second Class Township Code, 53 P.S. § 66503(f), and with the consent of the Personal Representative of the prior owner of record, it is hereby **ORDERED** that Barrett Township may, by ordinance, sell or otherwise dispose of the real property located at 3423 Spruce Cabin Road, Barrett Township, bearing Monroe County Parcel No. 01.33.1.9, without further Court approval.

BY THE COURT


_____ J.

cc: Todd W. Weitzmann, Esq.

Monroe County PA Prothonotary
MAY 19 '23 PM 1:56