

BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE USE OF EMINENT DOMAIN AND THE PREPARATION OF A DECLARATION OF TAKING TO ACQUIRE A FEE SIMPLE INTEREST IN A PORTION OF RIGHT-OF-WAY ADJACENT TO MOON COURT FOR PURPOSES OF THE PUBLIC WORKS CAMPUS PROJECT.

WHEREAS, the Borough of Chambersburg (the “Borough”) owns and operates facilities for the operation of its public works, including, but not limited to, sanitation, sewer, streets, motor pool, gas, and electric; and

WHEREAS, Town Council for the Borough (“Town Council”) deems it necessary and in the best interests of the health, safety, morals, and general welfare of the Borough to construct a new public works campus and has authorized the acquisition of real estate to facilitate the same (the “Public Works Campus Project”); and

WHEREAS, within the Borough, there exists an approximate 0.07-acre portion of property, being the residue of the property conveyed by Grover R. Peck and Emma K. Peck, his wife, to Quigley Hafer by deed dated April 1, 1925, and recorded in the Office of the Recorder of Deeds for Franklin County, Pennsylvania, in Deed Book Volume 218, Page 389, which portion of property Quigley Hafer left to his wife, Hilda M. Hafer, in his last will and testament recorded in Franklin County Will Book Volume 38, Page 485 (the “Property”) (more particularly described in Exhibit “A”); and

WHEREAS, the Property is located between Moon Court and the duplex located at 322 and 326 Wayne Avenue and is currently improved with gravel and used as part of the vehicular circulation for adjacent properties; and

WHEREAS, the sliver of Property cannot be developed with any structure due to its nominal size and long rectangular shape; and

WHEREAS, the Borough believes that the Property was intended to be conveyed as part of the right-of-way for adjacent properties, including 366 Wayne Avenue, but was never conveyed for reasons unknown to the Borough; and

WHEREAS, identification any heirs of Ms. Hafer is very difficult, as there are no known children; and

WHEREAS, the Borough Code, 8 Pa.C.S. § 101, *et seq.*, and the Eminent Domain Code, 26 Pa.C.S. § 101, *et seq.*, authorize Town Council to condemn private property for public purposes; and

WHEREAS, Town Council has determined that, because of the unique circumstances regarding the Property, it is necessary to exercise its authority, pursuant to 8 Pa.C.S. §§ 1501–1503, to initiate eminent domain proceedings as may be necessary with respect to certain property, as more fully set forth herein, in order to proceed with the Public Works Campus Project.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. The above recitals are incorporated herein by reference hereto.

SECTION 2. Town Council does hereby authorize the condemnation, through the use of the power of eminent domain, of the Property in fee simple, situated in the Borough of Chambersburg, Franklin County Pennsylvania.

SECTION 3. Salzmann Hughes, P.C., Solicitor for the Borough, is authorized and directed to file, as may be necessary, a Declaration of Taking for the Property set forth on Exhibit “A” attached hereto and incorporated herein by reference, in accordance with the provisions of applicable laws and to take such additional steps as may be necessary

SECTION 4. The proper officers of the Borough are authorized and directed to execute, attest, acknowledge, and deliver such instruments and documents as may be necessary to effect the taking of the Property and to determine upon consultation with its Solicitor, Salzmann Hughes, P.C., and such other advisors as may be deemed necessary, the consideration to be paid and the time and manner of such payments to compensate the owner of said properties in accordance with the requirements of law, including the Pennsylvania Eminent Domain Code, and, if possible, to enter into one or more agreements with such owners for delivery of the Property.

SECTION 5. The proper officials of the Borough are authorized and directed to execute and deliver such other documents and instruments and to take such other actions as they, in their discretion and upon the advice of their Solicitor, Salzmann Hughes, P.C., shall deem necessary, appropriate, or desirable to carry out the intent of this Ordinance.

SECTION 6. Title to be acquired for the Property described in Exhibit “A” shall be in fee simple.

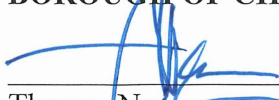
SECTION 7. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 8. All ordinances, or parts thereof, insofar as they are inconsistent herewith, shall be hereby repealed.

SECTION 9. This Ordinance shall become effective immediately.

ENACTED, ORDAINED and APPROVED this 26 day of August, 2024.

BOROUGH OF CHAMBERSBURG

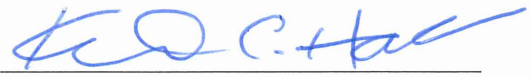


Thomas Newcomer
Vice-President of Town Council

ATTEST:



Tanya Sisk
Assistant Borough Secretary of Town Council



Kenneth Hock
Mayor

Exhibit A

LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL, AND TRACT OF LAND situate in the Borough of Chambersburg, Franklin County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point along Wayne Avenue; thence along same South 18 degrees 43 minutes 59 seconds East 19.64 feet to a point at corner of land now or formerly of Kevin Davis; thence along same South 50 degrees 56 minutes 01 seconds West 18.59 feet to an existing iron pin; thence along same South 50 degrees 56 minutes 01 seconds West 157.11 feet to an existing iron pin along a 16' public alley; thence along same North 19 degrees 37 minutes 20 seconds West 19.53 feet to an existing iron pin; thence along same North 50 degrees 56 minutes 01 seconds East 156.80 feet to an existing iron pin; thence along same North 50 degrees 56 minutes 01 seconds East 19.22 feet to a point, the place of BEGINNING.

BEING a portion of property conveyed by Grover R. Peck and Emma K. Peck, his wife, to Quigley Hafer by deed dated April 1, 1925, and recorded in the Office of the Recorder of Deeds for Franklin County, Pennsylvania, in Deed Book Volume 218, Page 389, which said Quigley Hafer died seized of said real estate on April 24, 1944, and by his last will and testament recorded in Franklin County Will Book Volume 38, Page 485, devised the said real estate to Hilda M. Hafer.