

**TOWNSHIP OF LOWER MACUNGIE**

Lehigh County, Pennsylvania

**RESOLUTION NO. 2022-59**

(Duly Adopted September 1, 2022)

**RESOLUTION AUTHORIZING THE CONDEMNATION AND  
ACQUISITION OF A CERTAIN PORTION OF THE  
PROPERTY LOCATED AT 8240 SPRING CREEK ROAD  
WITHIN LOWER MACUNGIE TOWNSHIP, LEHIGH  
COUNTY, FOR THE PURPOSE OF CONSTRUCTING A  
PUBLIC ROAD AND ASSOCIATED GRADING**

**WHEREAS**, the Township of Lower Macungie, after investigation, inquiry, and analysis, has determined that it is in the public interest to and for the benefit of the traveling public, and for the present and future use of the Township's citizens, to lay out, construct and grade a public road to access the Township compost facility from the extension of Sauerkraut Lane which is being constructed in the Township; and

**WHEREAS**, certain portions of 8240 Spring Creek Road, Alburdis, Lehigh County, Pennsylvania, being Lehigh County tax parcel identification number 546441331883-1 (the "Property"), privately owned, are needed for the public road as required right-of-way and a grading easement, as described in the Legal Description attached hereto as Exhibit "A" and depicted on the Plan sheet attached hereto as Exhibit "B;" and

**WHEREAS**, the acquisition of the required right-of-way and grading easement are necessary for the design, layout, and grading of the new public road; and

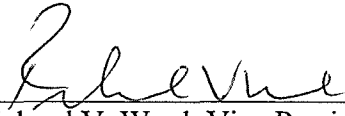
**NOW, THEREFORE, BE IT ADOPTED AND RESOLVED** by the Board of Commissioners of the Township of Lower Macungie, Lehigh County, Pennsylvania, as follows:

1. The Township Solicitor is hereby directed to take all actions as may be required to acquire and effectuate the acquisition of those portions of the Property specifically identified and depicted on Exhibits "A" and "B" attached hereto and incorporated herein as if set forth in full, based on the estimated fair market value of such acquisitions, including: negotiating with the owners; accepting deeds of dedication for the conveyances (including but not limited to deeds in lieu of condemnation); filing of a Declaration of Taking and all necessary ancillary documents to acquire the property interests herein described pursuant to the power of eminent domain, if necessary; and, direct the payment of estimated just compensation, if any, in such amounts as may be determined to be appropriate.
2. The Township Solicitor and Township Manager are authorized and directed to take all such action as may be necessary and appropriate to implement this Resolution.
3. All resolutions or parts thereof inconsistent herewith are hereby repealed to the extent of any such inconsistency.

4. This Resolution shall become effective immediately upon adoption.

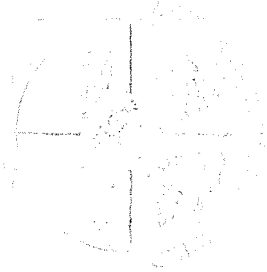
**DULY ADOPTED** this 1<sup>st</sup> day of September, 2022, by the Board of Commissioners of Lower Macungie Township, in lawful session duly assembled.

LOWER MACUNGIE TOWNSHIP  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Richard V. Ward, Vice President

Attest:

  
\_\_\_\_\_  
Renea Flexer, Secretary



**LEGAL DESCRIPTION**  
**VARIABLE WIDTH ACCESS RIGHT-OF-WAY**  
**AND 20 FOOT WIDE GRADING EASEMENT**  
**SLJ REALTY COMPANY, L.P.**  
**A.P.N. 546441331883-1**

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DESCRIPTION OF ALL THOSE CERTAIN strips of land situate in the Township of Lower Macungie, County of Lehigh, Commonwealth of Pennsylvania, for an access right-of-way and grading easement being bounded and described in accordance with a "Plan of Variable Width Access Right-of-Way w/20' Wide Grading Easement", on lands of now or late SLJ Realty Company, L.P., as prepared by CKS Engineers, Inc., Doylestown Pennsylvania, dated September 14, 2020.

PART I - VARIABLE WIDTH ACCESS RIGHT-OF-WAY

BEGINNING at a point in the westerly line of lands of now or late Eastern Environmental Development Corp. (A.P.N. 546450328854-1), said point being the northeasterly corner of lands of now or late Jaindl Realty, L.P., (A.P.N. 546349492773); thence from said point to BEGINNING along the northerly line of said now or late Jaindl Realty, L.P. N 76° 08' 57" W, 57.43 feet to a point, a corner; thence through lands of now or late SLJ Realty Company, LP. (A.P.N. 546441331883-1), of which this is a part, the following three (3) courses and distances, to wit: (1) N 02° 52' 31" W, 15.61 feet to a point of curve; thence (2) by an arc curving to the right having a radius of 219.00 feet and central angle of 35° 21' 01", an arc length of 135.12 feet to a point of tangent; thence (3) N 32° 28' 30" E, 25.27 feet a point, a corner of this and in the aforesaid westerly line of lands of now or late Eastern Environmental Development Corp.; thence along said westerly line of lands S 02° 52' 31" E, 179.45 feet to the first mentioned point and place of BEGINNING.

CONTAINING 6,795 square feet (0.1560 acres) more or less.

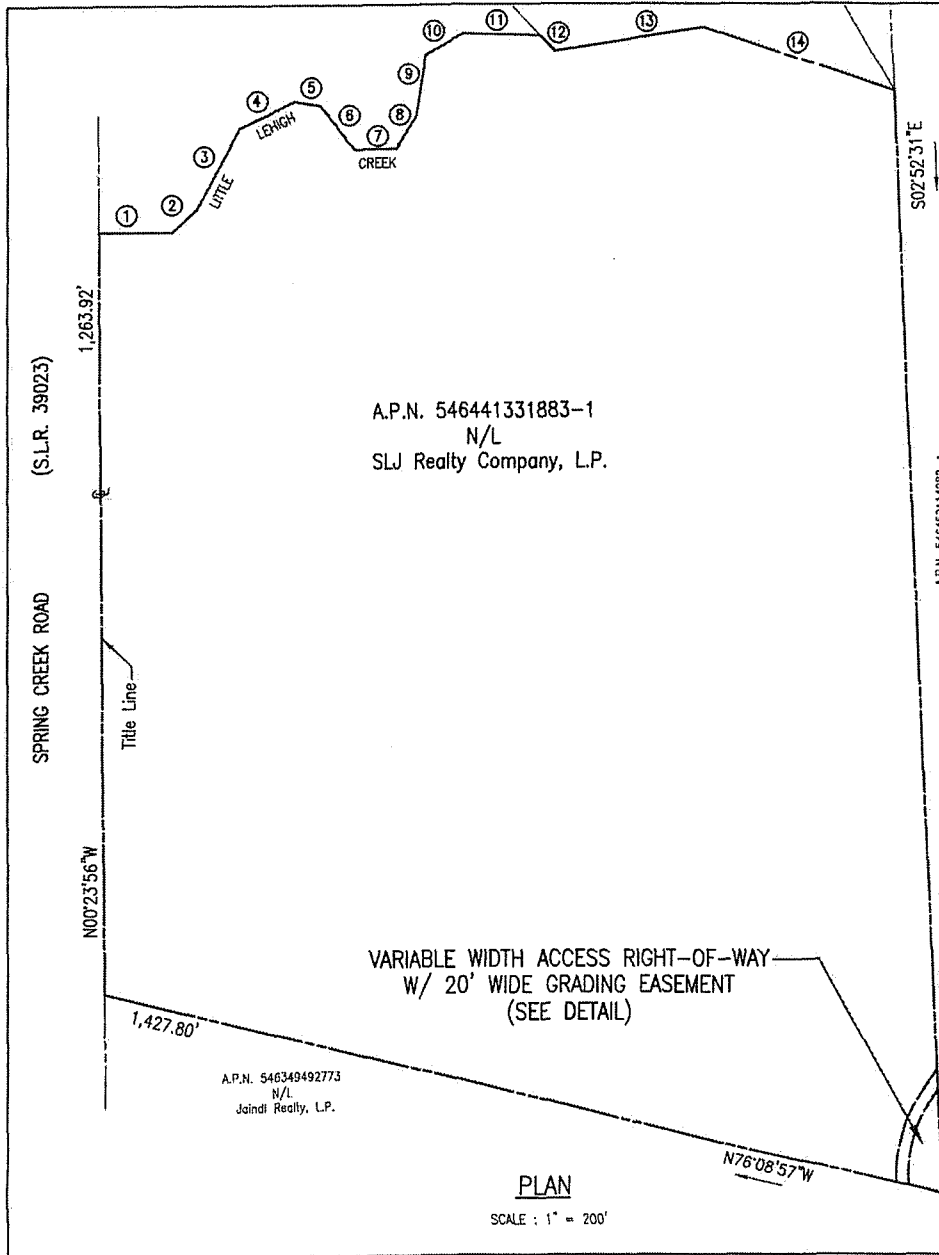
PART II - 20-FOOT-WIDE GRADING EASEMENT

BEGINNING at a point in the northerly line of lands of now or late Jaindl Realty, L.P., (A.P.N. 546349492773), said point being located N 76° 08' 57" W, 57.43 feet measured along said northerly line of lands from a point in the westerly line of lands of now or late Eastern Environmental Development Corp. (A.P.N. 546450328854-1) being also the northeasterly corner of said lands of now or late Jaindl Realty, L.P., thence from said point of BEGINNING along the aforesaid northerly line of Jaindl Realty, L.P., N 76° 08' 57" W, 20.88 feet to a point, a corner; thence through lands of now or late SLJ Realty Company, LP., (A.P.N. 546441331883-1), of which this is a part, the following three (3) courses and distances, to wit: (1) N 02° 52' 31" W, 9.59 feet to a point of curve; thence (2) by an arc curving to the right having a radius of 239.00 feet and central angle of 35° 21' 01", an arc length of 147.46 feet to a point of tangent; thence (3) N 32° 28' 30" E, 53.47 feet a point, a corner of this and in the aforesaid westerly line of lands of now or late Eastern Environmental Development Corp.;

CKS Engineers, Inc.

thence along said westerly line of lands S 02° 52' 31" E, 34.57 feet to a point, a corner; thence again through the aforesaid lands of now or late SLJ Realty Company, L.P. , the following three (3) courses and distances, to wit: (1) S 32° 28' 30" W, 25.27 feet to a point of curve; thence (2) by an arc curving to the left having a radius of 219.00 feet and central angle of 35° 21' 01", an arc length of 135.12 feet to a point of tangent; thence (3) S 02° 52' 31" E, 15.61 feet is to the first mentioned point and place of BEGINNING.

CONTAINING 3,865 square feet (0.0887 acres) more or less.

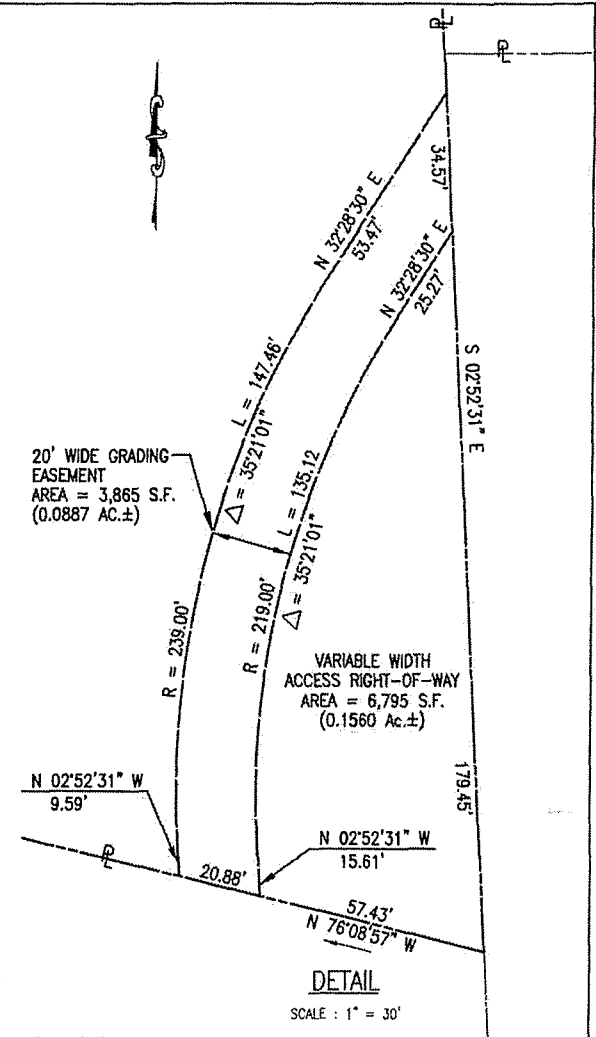


**METES AND BOUNDS LEGEND**

COURSE NO.	BEARING	DISTANCE
①	N 89°36'04" E	120.13'
②	N 47°14'35" E	54.92'
③	N 27°44'28" E	152.53'
④	N 63°41'35" E	99.28'
⑤	S 80°32'16" E	42.58'
⑥	S 37°29'34" E	92.01'
⑦	N 89°09'27" E	68.01'
⑧	N 30°39'02" E	62.77'
⑨	N 08°26'51" E	102.11'
⑩	N 59°51'31" E	71.69'
⑪	S 88°22'02" E	124.25'
⑫	S 42°23'28" E	38.00'
⑬	N 80°54'04" E	247.50'
⑭	S 71°27'56" E	331.84'

A.P.N. 546652114282-1  
N/L  
Lower Maccungie Township

A.P.N. 546450328854-1  
N/L  
Eastern Environmental  
Development Corp.



METES AND BOUNDS FOR A.P.N. 546441331883-1 AS SHOWN HEREON TAKEN FROM DEED AS RECORDED IN THE LEHIGH COUNTY RECORDER OF DEEDS OFFICE IN INSTRUMENT NO. 7050961

 275 W. Swanton Road Suite 410 Doylestown, PA 18042 www.cksengineers.com 215.253.0222	Rev. No.	Date	Description	
	PLAN OF VARIABLE WIDTH ACCESS RIGHT-OF-WAY W/ 20' WIDE GRADING EASEMENT SLJ REALTY COMPANY, L.P. A.P.N. 546441331883-1			
Lower Maccungie Township,		Lehigh County,		Pennsylvania
Date:	Scale:	Drawn By:	Plan No.	Sheet No.
9/14/20	AS NOTED	Checked By: KSK	12500-61	1 OF 1

HIGH SWARTZ LLP  
By: David J. Brooman, Esquire (I.D. No. 36571)  
Mark R. Fischer, Jr., Esquire (ID No. 94043)  
40 East Airy Street  
Norristown, PA 19404  
(t) (610) 275-0700  
(f) (610) 275-5290  
dbrooman@highswartz.com  
mfischer@highswartz.com

Solicitors for Condemnor  
Lower Macungie Township

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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA  
ACTION IN REM

IN RE: CONDEMNATION BY LOWER :  
MACUNGIE TOWNSHIP OF A PORTION OF : No.  
8240 SPRING CREEK ROAD, ALBURTIS, PA, :  
FOR REQUIRED RIGHT-OF-WAY AND : PROCEEDING IN  
A GRADING EASEMENT NEEDED FOR THE : EMINENT DOMAIN  
CONSTRUCTION OF A PUBLIC ROAD :  
:  
LOWER MACUNGIE TOWNSHIP :  
3400 Brookside Road :  
Macungie, PA 18062 :  
Condemnor :  
:  
vs. :  
:  
SLJ REALTY COMPANY, L.P. :  
c/o Pitcairn Trust Company :  
165 Township Line Rd., Suite 3000 :  
Jenkintown, PA 19046 :  
Condemnee :  
:

**DECLARATION OF TAKING**

Condemnor, Lower Macungie Township, through its Solicitor, High Swartz, LLP,  
respectfully files this Declaration of Taking (“Declaration”) pursuant to the First Class Township  
Code, 53 P.S. § 56901, *et seq.*, and the Eminent Domain Code, 26 Pa.C.S. § 101, *et seq.*, and  
represents as follows:

1. Condemnor is Lower Macungie Township, with its principal offices located at 3400 Brookside Road, Macungie, PA 18062.

2. Condemnor is a township within the County of Lehigh, Commonwealth of Pennsylvania, organized and operating under the First Class Township Code, 53 P.S. § 55101, *et seq.*

3. Condemnor is authorized by the First Class Township Code, 53 P.S. § 56901, to exercise the power of eminent domain, including entering upon, appropriating, taking, using and occupying private lands and property for public purposes, including but not limited to, the laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets or highways, and for public works or land for a public works related function.

4. The condemnation set forth in this Declaration was authorized by a Resolution of the Board of Commissioners of Lower Macungie Township, dated August 18, 2022, a true and correct copy of which is attached hereto as Exhibit "1" and incorporated herein by reference as if set forth in full.

5. The purpose of the condemnation is to acquire required right-of-way and a grading easement for the laying out, opening, and grading of a public road to access the Township compost facility from the extension of Sauerkraut Lane which is being constructed in the Township.

6. Certain portions of 8240 Spring Creek Road, Alburtis, Lower Macungie Township, Lehigh County, Pennsylvania, being Lehigh County tax parcel identification number 546441331883-1 (the "Property"), as more fully described below, are needed as required right-of-way and a grading easement for said public road.

7. The Township hereby condemns and takes as required right-of-way and a grading easement the portions of the Property identified in the legal description attached hereto as Exhibit "2," and depicted on the plan attached hereto as Exhibit "3," both of which are incorporated herein by reference as if set forth in full.

8. The nature of the title hereby acquired for the required right-of-way is fee simple.

9. The nature of the title hereby acquired for the grading easement is an easement.

10. A copy of a plan showing the entire Property and the condemned portions thereof is attached hereto as Exhibit "4" and may also be inspected at the address of Condemnor, 3400 Brookside Road, Macungie, PA 18062, by inquiring with the Office of the Township Secretary.

11. A plan showing the condemned portions of the Property are being lodged for record as an attachment to a Notice of Filing of Declaration of Taking in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania on the same date as the filing of this Declaration of Taking in accordance with Section 304 of the Eminent Domain Code, 26 Pa.C.S. § 304.

12. The owner of the Property is SLJ Realty Company, L.P., whose last known mailing address according to the Lehigh County property records is 165 Township Line Rd., Suite 3000, Jenkintown, PA 19046.

13. The payment of just compensation in this matter is secured by Condemnor's power of taxation, and Condemnor pledges the funds raised or authorized by law to be raised by its power of taxation as security pursuant to Section 303 of the Eminent Domain Code, 26 Pa.C.S. § 303.



14. The information required by Section 305 of the Eminent Domain Code, 26 Pa.C.S. § 305, will be served upon the condemnees and any mortgagees and lien holders of record, in the manner provided by that section.

WHEREFORE, Lower Macungie Township declares the properties identified herein as condemned and appropriated for the above-stated public purpose.

HIGH SWARTZ LLP

By: \_\_\_\_\_  
David J. Brooman, Esquire  
Mark R. Fischer, Jr., Esquire  
Solicitors for Condemnor  
Lower Macungie Township

Date: \_\_\_\_\_

**VERIFICATION**

I, Bruce Beitel, hereby verify that I am the Township Manager of Lower Macungie Township, that I am authorized to make this verification on behalf of the Township, and that the statements made in the foregoing Declaration of Taking are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

LOWER MACUNGIE TOWNSHIP

By: \_\_\_\_\_  
Bruce Beitel  
Township Manager

Date: \_\_\_\_\_