FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA

RESOLUTION NO. 98-_____

WHEREAS, the Borough of Fawn Grove, York County, Pennsylvania has determined it is desirable that it acquire property situate on the West side of Pennsylvania State Route 425, known as North Market Street, in Fawn Grove Borough, York County, Pennsylvania, which lies adjacent to the property owned by the Fawn Grove Improvement Association, containing 4.531 acres, to be utilized as a community park; and

WHEREAS, the said property is presently owned by Robert E. Morris and Beverly A. Morris, husband and wife, being part of the premises which were acquired from Harry J. Martin, Thomas S. Summers, C. Dwight Summers, William F. Corse, Deborah S. Summers and Jane V. Summers, co-partners trading and doing business as Fawn Foods, a Pennsylvania general partnership, by Deed dated July 23, 1980 and recorded July 31, 1980 in the Office of the Recorder of Deeds of York County, Pennsylvania in Record Book 81-O, page 771, said property being further identified as York County Tax Assessment Property ID #61-AN-43; and

WHEREAS, the Borough has determined that acquiring through eminent domain, if necessary, the lands of Morris, is necessary for the purpose of acquiring the said property; and

WHEREAS, in accordance with the Borough Code, Act of February 1, 1966, P.L. 581, as amended, the Borough is entitled to acquire fee simple title on property through eminent domain proceedings;

NOW, THEREFORE, BE IT RESOLVED, that Fawn Grove Borough, in accordance with the authority conferred by law, selects and appropriates for the purposes of public use all that certain land designated in Resolution Exhibit A, attached hereto and made a part

hereof.

BE IT FURTHER RESOLVED, that title to be acquired in the above land shall be fee simple, free and clear of all liens and encumbrances.

BE IT FURTHER RESOLVED, that counsel for Borough Council and its proper officers are hereby authorized to file a Declaration of Taking and such other proceeding, including the entry of such bond, as may be necessary or desirable to carry out the purposes of this Resolution.

BE IT FURTHER RESOLVED, that counsel and the proper officers are also hereby authorized to offer to pay or to pay the condemnees in order to obtain immediate possession of the premises, the fair and reasonable amount of damages as estimated by Borough's appraisers, or as can be agreed upon by Borough Council and Robert E. and Beverly A. Morris.

BE IT FURTHER RESOLVED, that the costs of institution of such proceedings and any damages which may be awarded to the owners of said premises or any other parties in interest whether paid as a result of Borough Council's posting its open-end bond or otherwise be paid out of the funds of the Borough.

ATTEST:

H. Nelson Herbert
Secretary

FAWN GROVE BOROUGH

BY Gordon McTodd
President, Borough Council

DATED: June 1, 1998

F:\USERS\KAK\FAWNGROV\CONDEMN\RESOLUTN.MOR

RESOLUTION EXHIBIT A

ALL that certain tract of land situate in **FAWN GROVE BOROUGH**, York County, Pennsylvania, known as Lot #3 on a final subdivision plan prepared by Shaw Surveying, identified as Drawing 98-23, dated February 13, 1998, bounded and described as follows:

BEGINNING at a point in Pennsylvania State Route 425, known as North Market Street, at corner of remaining lands of Robert E. and Beverly A. Morris, Lot #1 on the above mentioned plan; thence in and through North Market Street South 06 degrees 54 minutes 00 seconds West 264.69 feet to a point at corner of lands now or formerly of Fawn Grove Improvement Association; thence along lands now or formerly of Fawn Grove Improvement Association, passing through an existing rebar situate 32.68 feet from the beginning of this course, North 59 degrees 43 minutes 45 seconds West 657.36 feet to an existing rebar; thence continuing along same South 11 degrees 49 minutes 57 seconds West 701.25 feet to an existing iron pipe at lands now or formerly of H. Turner Brown; thence along lands now or formerly of H. Turner Brown North 67 degrees 21 minutes 10 seconds West 148.52 feet to a rebar set at aforementioned remaining lands of Robert E. and Beverly A. Morris, Lot #1 on the above mentioned plan; thence along Lot #1 North 18 degrees 57 minutes 00 seconds East 813.37 feet to a rebar set; thence continuing along same, passing through a rebar set 30.65 feet from the terminus of this course, South 71 degrees 17 minutes 20 seconds East 650.64 feet to the point in North Market Street and the place of beginning; containing 4.531 acres (4.35 acres net);

BEING part of the same premises which Harry J. Martin, Thomas S. Summers, C. Dwight Summers, William F. Corse, Deborah S. Summers and Jane V. Summers, co-partners trading and doing business as Fawn Foods, a Pennsylvania general partnership, by Deed dated July 23, 1980 and recorded July 31, 1980 in the Office of the Recorder of Deeds of York County, Pennsylvania in Record Book 81-O, page 771, granted and conveyed to Robert E. Morris and Beverly A. Morris, husband and wife.