

LOWER PAXTON TOWNSHIP AUTHORITY
Dauphin County, Pennsylvania
RESOLUTION 23-05-01

WHEREAS, the Lower Paxton Township Authority (the “Authority”) is a municipality authority, existing under the Municipality Authorities Act, as amended; and

WHEREAS, the Authority is replacing portions of the storm sewer system, as part of the sanitary sewer system project associated with the PADEP Consent Decree; and

WHEREAS, it is necessary to acquire a temporary construction easement for purposes of replacing the storm sewer line and it’s appurtenances, on the property now or formerly owned by SHIV 1024 LLC, 504 N. Mountain Road, Tax Parcel # 35-027-020; and

WHEREAS, it has been deemed to be in the public interest for the Authority to acquire, by purchase or eminent domain proceedings, a temporary construction easement in such lands as the Authority deems necessary for continued effective storm sewer service; and

WHEREAS, the Board of the Authority, upon the recommendation of its Manager and the advice of its engineer and other advisors, has selected a temporary construction easement to be acquired, all as more fully described on Exhibit “A” hereto, as attached and to be acquired for the purposes of providing an improved storm sewer main.

NOW THEREFORE, the Authority hereby adopts the following resolution:

1. The Chairman, Secretary and other such officers as they may designate, through the Solicitor of the Authority and with the assistance of such other advisors as the Manager deems appropriate, shall contact the owner thereof and negotiate the acquisition of the temporary construction easement described in Exhibit “A” on terms and conditions deemed advantageous to the Authority in light of the public objectives of the Authority and the necessity to acquire the temporary construction easement as soon as possible, and to settle on the acquisition of, make proper compensation and full payment for and secure the temporary construction easement in order to complete the storm sewer construction project.
2. The proper officers of the Authority are hereby authorized and directed to do all things necessary and desirable to implement the above action by the Authority, including the fixing of the fair market value for the temporary construction easement, making an offer to acquire the easement by agreement and to order the preparation and execution of any and all such documentation necessary to accomplish this acquisition.

3. In the event that the Authority cannot expeditiously agree on terms of the acquisition of the temporary construction easement with the owners of the property in question, then the Chairman and Secretary, with the assistance of the Solicitor and such engineering and other assistance as is deemed appropriate by the officers of the Authority, are hereby authorized and directed to take the temporary construction easement by exercise of the eminent domain power of the Authority for storm sewer purposes under the Municipality Authorities Act, as amended and supplemented from time to time and under the Eminent Domain Code, as amended and supplemented from time to time.
4. Proper officers of the Authority are authorized and directed to execute, file and deliver such documents and to do such other things as may be necessary to carry out the intent and purpose of this Resolution, including, but not limited to a Declaration of Taking.
5. This Resolution shall become effective immediately.
6. In the event any provision, section, sentence, clause or part of this Resolution shall be held invalid, such invalidity shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

DULY ADOPTED as Resolution 23-05-01 this 22nd day of August 2023 by the Board of the Lower Paxton Township Authority.

ATTEST:

LOWER PAXTON TOWNSHIP AUTHORITY

(Assistant) Secretary

By: _____
(Vice) Chairman

CERTIFICATE

I, the undersigned, Secretary of the Lower Paxton Township Authority (the “Authority”), certify that the foregoing Resolution was adopted by a majority of the entire Board of the Authority at a meeting duly convened according to law and held on August 22, 2023, at which meeting a quorum was present; said Resolution was adopted by an aye or nay vote; said Resolution and the vote thereon showing how each member voted have been recorded in the minutes of said Board; and said Resolution remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and official seal of the Authority, this _____ day of _____, 2023.

(Assistant) Secretary

(SEAL)