

TOWNSHIP OF HATFIELD

MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION NO 11-28

A RESOLUTION OF THE TOWNSHIP OF HATFIELD, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING THE ACQUISITION BY CONDEMNATION OF A FEE SIMPLE INTEREST IN MONTGOMERY COUNTY TAX MAP PARCEL NO. 35-00-06175-00-9, BLOCK 63, UNIT 44, FOR THE PUBLIC USE OF SAID PROPERTY AS AND FOR A PUBLIC PARK AND A RECREATION PLACE; REPEALING INCONSISTENT RESOLUTIONS; CONTAINING A SEVERABILITY CLAUSE AND CONTAINING AN EFFECTIVE DATE

WHEREAS, Section 1901 of the Pennsylvania First Class Township Code, 53 P.S. §56901, authorizes Townships of the First Class to exercise their power of eminent domain to acquire land for the establishment of, *inter alia*, parks and recreation places; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the residents of Hatfield Township for the Township to acquire a fee simple interest in Montgomery County Tax Map Parcel No. 35-00-06175-00-9, Block 63, Unit 44 by condemnation for the public purpose of using the property acquired as a park and a recreation place; and

WHEREAS, Hatfield Township has been awarded a Keystone Recreation, Park and Conservation Fund grant by the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources for the acquisition of this property;

NOW THEREFORE, be it, and it is hereby **RESOLVED** by the Board of Commissioners of Hatfield Township:

Section 1. Acquisition of Property. The appropriate officers, officials and employees of Hatfield Township are hereby authorized to take all actions necessary to acquire, by condemnation, a fee simple interest in Montgomery County Tax Map Parcel No. 35-00-06175-00-9, Block 63, Unit 44 as more particularly described in the legal description and plan attached hereto as Exhibits “A” and “B” respectively, both of which are incorporated herein by reference, for the public use of said property as and for a public park and a recreation place.

Section 2. Keystone Recreation, Park and Conservation Fund Act. The Declaration of Taking will include the following provision: “This property was acquired with funds provided by the Pennsylvania Department of Conservation and Natural Resources (“Department”) under the Keystone Recreation, Park and Conservation Fund Act, 32 P.S. §§2011, *et seq.* (“Act”). This property, or any portion of it, may not be converted to purposes other than those authorized under the Act for property acquired with Department funds. No change of use and no transfer of ownership, control, or interest in this property may occur, and no encumbrance may be placed on this property, without the written consent of the Department or its

successor. The restriction in this paragraph applies to both the surface and subsurface of the property. This restriction has the effect of a covenant running in perpetuity with the land and is binding upon the owner(s) of the property and upon all subsequent owners, successors, and assigns. This restriction is enforceable by the Department and its successors.”

Section 3. Repealer. All resolutions or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of the inconsistency.

Section 4. Severability. It is hereby declared to be the legislative intent of the Board of Commissioners of Hatfield Township that if a court of competent jurisdiction declares any provision of this Resolution to be invalid or unconstitutional in whole or in part, the effect of such a decision shall be limited to those provisions which are expressly stated in the decision to be invalid or unconstitutional, and all other provisions of this Resolution shall continue to be separately and fully effective.

Section 5. Effective Date. This Resolution shall become effective on the date of its adoption by the Board of Commissioners.

RESOLVED this day 24th day of August, 2011.

ATTEST:

**BOARD OF COMMISSIONERS OF
HATFIELD TOWNSHIP:**

Andrew Haines, Secretary

Thomas C. Zipfel, President