

RESOLUTION NO. 46-03

A RESOLUTION OF THE NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS AUTHORIZING THE  
CONDEMNATION BY RIGHT OF EMINENT DOMAIN OF A  
CERTAIN PROPERTY IN NEW HANOVER TOWNSHIP FOR  
PURPOSES OF OPEN SPACE/RECREATION.

**WHEREAS**, New Hanover Township is a municipal corporation existing under and governed by the Second Class Township Code (53 P.S. §65101, et seq.) as amended and supplemented; and

**WHEREAS**, New Hanover Township is prepared to file a condemnation action against Larry Parestis for a certain tract of real property located at 2003 Little Road, consisting of approximately 20.687 acres of vacant land for open space purposes.

**WHEREAS**, in accordance with the Second Class Township Code, the Township is authorized to acquire title to said property through eminent domain proceedings.

**WHEREAS**, in lieu of the eminent domain proceedings, New Hanover Township and Larry Parestis have been negotiating a voluntary agreement in lieu of said condemnation action.

**WHEREAS**, Seller is owner in fee of a certain tract of real property located at 2003 Little Road, consisting of approximately 20.687 acres of vacant land, together with all sub-surface oil and natural gas rights, said property is currently in the process of being sub-divided and more fully described in a Minor Subdivision

plan as lot number two (2), in a plan prepared by Aston Surveyors/Engineers, Inc., dated May 8, 2008, said plan has yet to be recorded, but is attached hereto, incorporated herein as Exhibit "A". The open space lot is to be subdivided from Tax Parcel Nos. 47-00-04668-00-1 more fully described in a Deed recorded in the Office of the Recorder of Deeds for Montgomery County, at Deed Book 5535, Page 1834 (hereinafter "Premises"); and

**WHEREAS**, Seller desires to sell the aforementioned Premises and Buyer desires to purchase the aforementioned Premises for open space purposes upon the terms set forth in a separate Agreement of Sale.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the Township of New Hanover, in accordance with the authority conferred by law, has identified, for the purpose of open space/recreation, the property of Larry Parestis, being Tax Parcel Number 47-00-04668-00-1, located in New Hanover Township, Montgomery County, Pennsylvania, as and for permanent open space the exact legal description of the area to be acquired more fully described in Exhibit "A" which is attached hereto and incorporated herein by reference.

**RESOLVED**, that the title to be acquired shall be in fee simple.

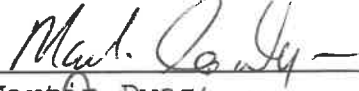
**RESOLVED**, that the Solicitor for the Township and its proper officers are hereby authorized to file a Declaration of Taking, if

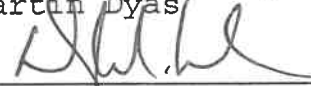
necessary, and such other proceedings, including the entry of such Bond as may be necessary or desirable, to carry out the purpose of this Resolution.

**RESOLVED**, that the institution of such proceedings and any damages which may be awarded to the owner of said premises are to be paid out of funds of the Township.

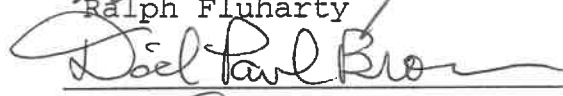
**ENACTED and RESOLVED** this 24<sup>th</sup> day of November, 2008.


**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Martin Dyas


  
\_\_\_\_\_  
Douglas Muller

  
\_\_\_\_\_  
Ralph Fluharty

  
\_\_\_\_\_  
David P. Brown

  
\_\_\_\_\_  
Andrew Kelly

ATTEST:

  
\_\_\_\_\_  
Edward C. Wagner, Township Secretary