

BOROUGH OF NEW BERLIN  
UNION COUNTY, PENNSYLVANIA

ORDINANCE 70- 4

ORDINANCE AUTHORIZING CONDEMNATION OF PROPERTY AS A SITE FOR A NEW WATER SUPPLY; APPROVING DECLARATION OF TAKING THEREOF; AUTHORIZING AND DIRECTING FILING OF DECLARATION OF TAKING AND BOND AND PROCEEDING WITH CONDEMNATION.

WHEREAS, the Borough of New Berlin has experienced a continuing water emergency and foresees a continued increase in the demands upon its water supply, particularly to service the Sunbury Area Vo-Tech School; and

WHEREAS, the Borough of New Berlin, Union County, Pennsylvania (the "Borough") has the power of eminent domain under and pursuant to Sections 1501 and 2411 of the Borough Code (53 P.S. §§46501 and 47411); and

WHEREAS, a form of Declaration of Taking has been submitted to this meeting of Borough Council and a description of the property to be taken for the new water supply is described in Exhibit A attached to said Declaration of Taking; and

WHEREAS, the site described in said Exhibit A to the Declaration of Taking has been recommended to the Borough Council by its Consulting Engineers and its Consulting Geologist as the most desirable and feasible location for said new water supply; and

WHEREAS, Borough Council has entered into an Option Agreement with Ralph L. Frederick and Olive M. Frederick, his wife, and Harry T. D'Addario and Evelyn M. D'Addario, his wife, but a question has been raised as to the validity of the title to the property being condemned.

NOW, THEREFORE, it is hereby enacted by the Borough Council of the Borough of New Berlin as follows:

1. That the Declaration of Taking in the form presented to this meeting is hereby approved and the proper officers of the Borough are hereby authorized and directed to execute the same and to file the same in accordance with the Eminent Domain Code.
2. That the Solicitor for the Borough and the proper officers of the Borough are also hereby authorized and directed to take such further steps as may be necessary or appropriate to complete condemnation of said property for use as a new water supply for the Borough in accordance with the Eminent Domain Code and said Declaration of Taking, including filing of necessary bond.
3. This Ordinance shall become effective immediately upon enactment.

DULY ENACTED AND ORDAINED this 29th day of June, 1970, by the Borough Council of the Borough of New Berlin, Union County, Pennsylvania.

BOROUGH OF NEW BERLIN

(SEAL)

Attest:

Lynda K. Frederick  
Borough Secretary

By J. Harold Vane  
President of Borough Council

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the following ordinance was duly enacted by the Borough Council of the Borough of New Berlin, Union County, Pennsylvania, at its Special Meeting held June 29, 1970:

BOROUGH OF NEW BERLIN UNION COUNTY, PENNSYLVANIA ORDINANCE 70-4

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Lynda K. Frederick  
Borough Secretary

STATE OF PENNSYLVANIA }  
COUNTY OF UNION } SS:

On this 13th day of July, 1970, personally appeared

before me, a NOTARY PUBLIC, in and for said County and State,

Harris Lemon who being duly sworn according to law, doth depose and say that he is Publisher of THE

MIFFLINBURG TELEGRAPH, a weekly newspaper of general circulation, established in 1862 and published every THURSDAY at 358 Walnut Street,

Mifflinburg, Pennsylvania; that the advertisement, a copy of which is hereto attached, was published in the regular issue/issues of said newspaper on the 9th day of July, 1970

that the affiant has no interest in the subject matter of said advertisement, and that all the facts set forth in this statement are true and correct.

*Harris Lemon*  
Affiant

Sworn and subscribed to before me this 13th day of July, 1970

*A. Loren Kluskin*  
Notary Public  
MIFFLINBURG, PENNSYLVANIA, UNION COUNTY  
MY COMMISSION EXPIRES FEBRUARY 1, 1973

My Commission Expires