

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

RESOLUTION NO. *LNT 14-12*

AUTHORIZING THE APPROPRIATION OF LANDS FROM GEORGE W. SMITH, JR. AND NANCY SMITH FOR A FIFTEEN (15') FOOT WIDE UNDERGROUND STORMWATER UTILITY EASEMENT AND AUTHORIZING THE FILING OF A DECLARATION OF TAKING AND ALL NECESSARY ACTION FOR THE ACQUISITION THEREOF.

WHEREAS, the Board of Supervisors of Lower Nazareth Township, pursuant to authority granted it under The Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, Section 101, et seq., as reenacted and amended, and The Eminent Domain Code, Act of June 22, 1964, Special Session, P.L. 84, Article I, Section 101, et seq., contemplates the construction of stormwater drainage facilities as hereinafter described; and

WHEREAS, in order to manage stormwater within the Township of Lower Nazareth and provide for the health, safety, and welfare of its citizens, it is necessary that the Township acquire an underground stormwater utility easement on lands owned by George W. Smith, Jr. and Nancy Smith through eminent domain proceedings.

NOW, THEREFORE, be it resolved, that the Township of Lower Nazareth, Northampton County, Pennsylvania, in accordance with authority conferred by law, selects and appropriates for the purposes of underground stormwater drainage facilities the following property:

All that certain tract or parcel of land more particularly described in Exhibit "A", attached hereto, and made a part hereof, being description of land, underground stormwater utility easement, drainage and utility easement, to be acquired from George W. Smith,

Jr. and Nancy Smith, for underground stormwater drainage facilities, specifically the securing of an underground stormwater utility easement for stormwater drainage facilities, containing a calculated area of 3,895.4 square feet or 0.0894 acres of land more or less and being part of property identified as Northampton County Tax Parcel No. L7-5-16-75, more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 815, Page 0304.

RESOLVED, that the title to be acquired shall be an underground storm-water utility easement, drainage and utility easement.

RESOLVED, that the Lower Nazareth Township Solicitor and its proper Officers are hereby authorized to file a Declaration of Taking and such other proceedings 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 agreed upon or awarded to any party in interest, including the owner of said property, and located within the area shall be paid out of the funds of Lower Nazareth Township.

DULY RESOLVED this 23 day of May, 2012.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

BY: 

RICK NAGLE, Chairman

ATTEST:


TIMM TENGES, Secretary

Property Description
for
Lands of George W., Jr. & Nancy Smith
To be Condemned for Underground StormWater Utility Easement
by Lower Nazareth Township

ALL THAT CERTAIN tract or parcel of land situate along the southerly side of Graystone Drive in Lower Nazareth Township, County of Northampton, Commonwealth of Pennsylvania, and indicated as Area to be Condemned Tax Id: L7-5-16-75 on a plan entitled "Condemnation Plan, lands of Debonis and Smith, 4499 and 4493 Graystone Drive" as prepared by Keystone Consulting Engineers Inc., dated May 15, 2012, and more fully shown on Exhibit "A" attached hereto, bounded and described as follows to wit:

BEGINNING at a point in the southerly right-of-way line of Graystone Drive (50 feet wide), said point being a common property corner with lands now or formerly of Peter J. & Lynn E. Debonis;

Thence along the southerly right-of-way line of Graystone Drive, following a curve to the left with a radius of 445.00 feet, an arc length of 15.02 feet, a chord bearing of North 69 degrees 35 minutes 15 seconds East and a chord length of 15.01 feet to a point;

Thence in and through lands now or formerly of George W., Jr. & Nancy Smith the following two (2) courses and distances:

1. South 19 degrees 26 minutes 45 seconds East, 191.78 feet to a point;
2. South 64 degrees 10 minutes 22 seconds East, 37.97 feet to a point in line of lands now or formerly of Samuel Palmer;

Thence along lands now or formerly of Samuel Palmer, South 43 degrees 13 minutes 42 seconds West, 21.78 feet to a concrete monument found being a common property corner with lands now or formerly of James J. & Pamela I. Wilson and lands now or formerly of Hidden Oaks III LLP;

Thence along lands now or formerly of Hidden Oaks III LLP, South 85 degrees 15 minutes 00 seconds West, 23.13 feet to an iron pin found being a common property corner with lands now or formerly of Peter J. & Lynn E. Debonis;

Thence along lands now or formerly of Peter J. & Lynn E. Debonis, North 19 degrees 26 minutes 45 seconds West, 222.63 feet to the point and place of beginning.

CONTAINING 0.0894 acres of land more or less.

Subject to any notes, easements or covenants on Condemnation Plan and any other pertinent facts a title search might disclose.