

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

RESOLUTION NO. LNT-08-11

**AUTHORIZING THE RELINQUISHMENT OF CONDEMNATION
AUTHORIZED BY RESOLUTION NO. LNT-27-07 AND REVESTING
OF TITLE IN THE CONDEMNED PROPERTY TO GRANTEE AND
THE TAKING OF ALL NECESSARY ACTION FOR THE IMPLEMEN-
TATION 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., authorized the appropriation of lands from Charles Chrin for a thirty (30') foot wide sanitary sewer easement and authorized the filing of a Declaration of Taking and all necessary action for the acquisition thereof by Resolution No. LNT-27-07 on October 10, 2007 (Exhibit "A"); and

WHEREAS, on October 15, 2007, Declaration of Taking was filed in the Office of the Prothonotary of Northampton County in the matter of proceeding of Lower Nazareth Township for the condemnation of a portion of property of Charles Chrin consisting of 48,083 square feet as a sanitary sewer easement, at Docket No. C-48CV2007-9143 (Exhibit "B"); and

WHEREAS, Notice of Condemnation was filed in the Office of the Prothonotary of Northampton County in the above-referenced matter (Exhibit "C"); and

WHEREAS, pursuant to Order of Court of December 4, 2007, Amended Declaration of Taking was authorized (Exhibit "D"); and

WHEREAS, on December 4, 2007, Amended Notice of Condemnation was filed in the Office of the Prothonotary (Exhibit "E"); and

WHEREAS, Township has not made any payment as provided in Section 307 of The Eminent Domain Code, 26 Pa. C.S.A. §307, nor has Charles Chrin, owner of the fee simple title of the property, tendered possession as provided by Section 307 of The Eminent Domain Code, 26 Pa. C.S.A. §307; and

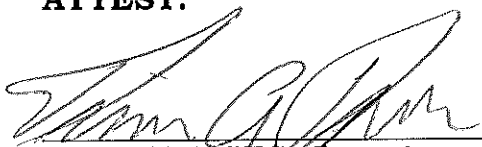
WHEREAS, Township hereby desires to relinquish the condemnation and to revest title in the condemned property to Charles Chrin in accordance with Section 308 of The Eminent Domain Code, 26 Pa. C.S.A. §308.

NOW, THEREFORE, be it resolved that the Township of Lower Nazareth, Northampton County, Pennsylvania, in accordance with the authority conferred by law, hereby authorizes the execution of any and all documents, including agreements with Charles Chrin, wherein the Township relinquishes its Amended Declaration of Taking and reverts title to the condemned property in Charles Chrin. Upon recording of an Agreement in the Office of the Recorder of Deeds in and for the County of Northampton, it is the intent of Lower Nazareth Township that fee simple title in the condemned property shall revest in Charles Chrin as of December 4, 2007, when the Amended Declaration of Taking was filed, and all mortgages and other liens existing as of that date ought to be reinstated.

DULY RESOLVED the 26 day of January, 2011.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:


TIMM TENGES, Secretary


BY: ERIC NAGLE, Chairman

Exhibit “A”

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

RESOLUTION NO. 457.27-07

AUTHORIZING THE APPROPRIATION OF LANDS FROM CHARLES CHRIN FOR A THIRTY (30') FOOT WIDE SANITARY SEWER 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 a sanitary sewer as hereinafter described; and

WHEREAS, in order to carry out the construction of the sanitary sewer extension facilities, it is necessary that the Township acquire a sanitary sewer easement on lands owned by Charles Chrin, as hereinafter described; and

WHEREAS, pursuant to the authority granted it under the aforementioned statutes, Lower Nazareth Township is authorized to acquire the sanitary sewer easement 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 a sanitary sewer easement the follow property:

All that certain tract or parcel of land more particularly described in Appendix I, attached hereto, and made a part hereof, descriptions of land to be acquired from Charles Chrin, for a sanitary

sewer easement, specifically the securing of an easement for the construction of sanitary sewer facilities, containing a calculated area of 48,083 square feet or 1.104 acres and being part of property identified as Northampton County Tax Parcel No. K7-18-10-0418, more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 2000-1, Page 172227.

RESOLVED, that the title to be acquired shall be a sanitary sewer 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 10 day of October, 2007.

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS**

BY: 
ALAN V. DILSAVER, Chairman

ATTEST:


TIMM TENGES, Secretary

Metes and Bounds Description
Proposed 30 foot wide Sanitary Sewer Easement
(portion of TMP K7-18-10)

ALL THAT CERTAIN lot or tract of ground situated in Lower Nazareth Township, Northampton County, Pennsylvania, being identified as a Proposed 30' wide Sanitary Sewer Easement on a plan entitled in part "Proposed 30 foot Sanitary Sewer Easement" as prepared by Van Cleef Engineering Associates, dated August 26, 2005, last revised November 3, 2005, attached hereto, and being more particularly described as follows:

BEGINNING at a point on the easterly existing legal right of way line of Nazareth Pike (S.R. 0191) (60' wide) at its intersection with the common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, and TMP K7-18-10A, lands now or formerly of Suburban PA Property Acquisitions LLC, and from said point running:

thence (1) along the common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, and TMP K7-18-10A, lands now or formerly of Suburban PA Property Acquisitions LLC, South 60°16'16" East, a distance of 213.25 feet to a point;

thence (2) through TMP K7-18-10, lands now or formerly of Charles Chrin, North 76°17'18" East, a distance of 576.90 feet to a point;

thence (3) still through TMP K7-18-10, lands now or formerly of Charles Chrin, North 52°31'14" East, a distance of 791.05 feet to a point on the common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, with TMP K7-18-8, lands now or formerly of Willard E. & Grace M. Setzer as it follows the existing 30' wide Sanitary Sewer Easement per Deed Book 2000-1 on Page 144290;

thence (4) along the aforementioned common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, with TMP K7-18-8, lands now or formerly of Willard E. & Grace M. Setzer as it follows the existing 30' wide Sanitary Sewer Easement per Deed Book 2000-1 on Page 144290, South 57°04'12" East, a distance of 30.00 feet to a point;

thence (5) through TMP K7-18-10, lands now or formerly of Charles Chrin, South 32°55'52" West, a distance of 5.18 feet to a point;

thence (6) still through TMP K7-18-10, lands now or formerly of Charles Chrin, South 52°31'14" West, a distance of 802.55 feet to a point;

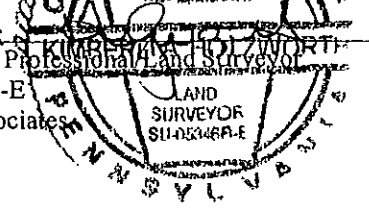
thence (7) still continuing through TMP K7-18-10, lands now or formerly of Charles Chrin, South 76°17'18" West, a distance of 595.16 feet to a point;

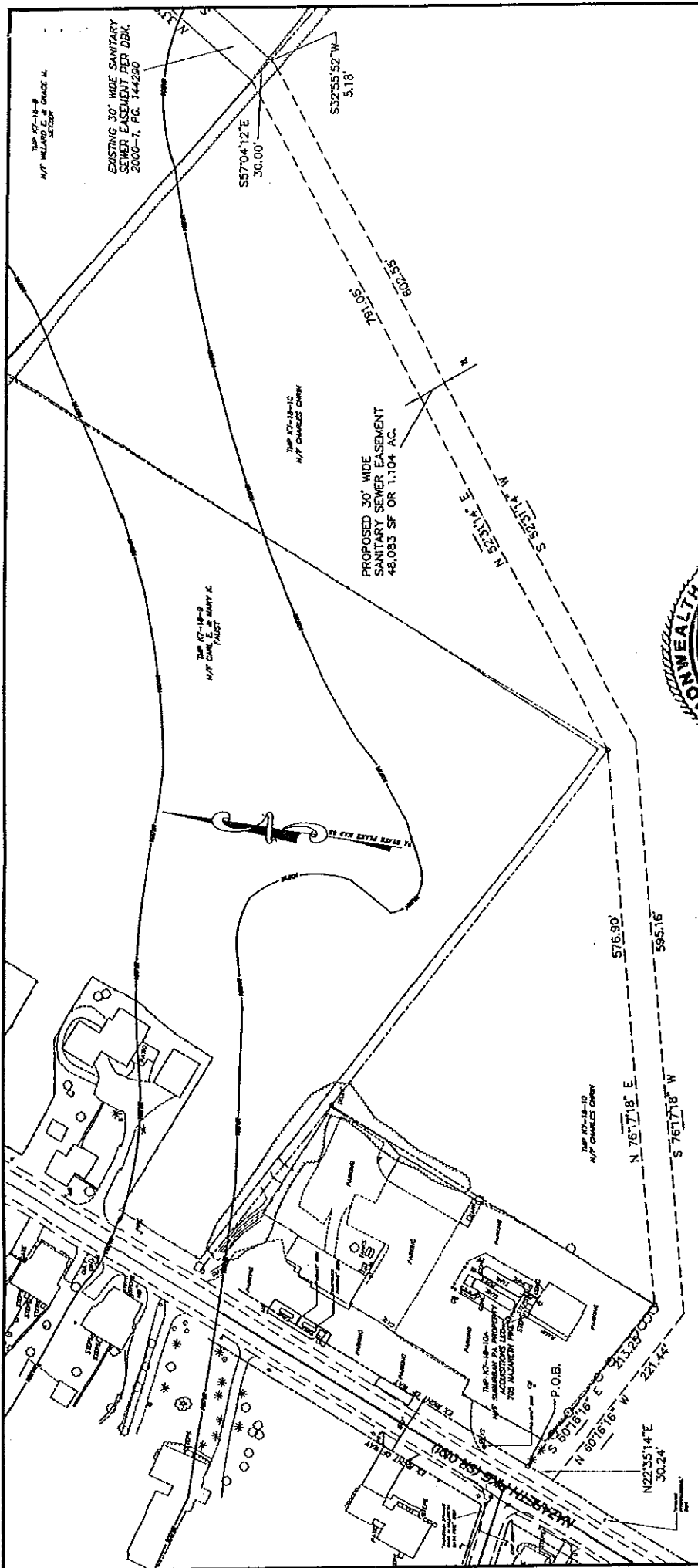
thence (8) still continuing through TMP K7-18-10, lands now or formerly of Charles Chrin, North 60°16'16" West, a distance of 221.44 feet to a point on the easterly existing legal right of way line of Nazareth Pike (S.R. 0191) (60' wide);


thence (9) along the aforementioned easterly existing legal right of way line of Nazareth Pike (S.R. 0191) (60' wide), North 22°35'14" East, a distance of 30.24 feet to the **POINT OF BEGINNING**.

Containing a calculated area of 48,083 square feet or 1.104 acres.

Kimberli A. Holzworth
Kimberli A. Holzworth, PA Professional Land Surveyor
PA License No. SU-053468-E
Van Cleef Engineering Associates
August 26, 2005
Revised November 3, 2005
Reissue December 20, 2006
Revised March 12, 2007






Van Cleef
 ENGINEERING ASSOCIATES
 51 MAIN STREET, BETHELSDALE, PA 15808
 CHARLETTOWN, PA 17733
 OFFICE THROUGHOUT NJ AND GAITHERY PA

Consulting Civil Engineering
 Surveying
 Municipal Engineering
 Land Surveying
 Professional Planning
 Landscape Architecture

PROPOSED 30 FOOT SANITARY SEWER EASEMENT
 TWP K7-18-10

LOWER NAZARETH TOWNSHIP
 NORTHAMPTON COUNTY, PENNSYLVANIA

REGISTERED	AUGUST 26, 2005
REVISIONS	
REVISED PER TWP ENG	KAH
REVISED FOR FILING	KAH
REVISED PER EVIDENCE	KAH
REVISED TITLE	KAH
REVISIONS	KAH
PLANNING BOARD NO.	04-05-LON
SUBDIVISION NO.	SU-053489-E

BY: *Kimberly A. Holzworth*
 KIMBERLY A. HOLZWORTH, PA PLS No. SU-053489-E

PLAN NOTATION
 ONLY THESE PLANS WHICH CONTAIN AN IMPROVED OR COLORED SEAL OF THE REGISTERED PROFESSIONAL ENGINEER SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN REVIEWED AND APPROVED FOR FILING BY THE REGISTERED PROFESSIONAL ENGINEER. NO OTHER CLARIFICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PERMITTED. RELIANCE ON THIS PLAN FOR ANY PURPOSES OTHER THAN THAT INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

Exhibit “B”

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

In the Matter of Proceeding of Lower
Nazareth Township for the Condem-
nation of a Portion of Property of
Charles Chrin Consisting of 48,083
Square Feet as a Sanitary Sewer
Easement

) No. C-48CV2007-9143

)
)
)
)
)

2007 OCT 10 11:00 AM

DECLARATION OF TAKING

AND NOW, Comes Township of Lower Nazareth, by and through its Solicitor, Gary Neil Asteak, Esquire, and respectfully represents:

1. That the Township of Lower Nazareth is a body corporate and politic of the Commonwealth of Pennsylvania, organized for the purpose of exercising public and essential governmental functions, whose address is 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.

2. That the Township of Lower Nazareth Township has the power of eminent domain pursuant to the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, Section 3401, as reenacted and amended (53 P.S. 68401).

3. That the taking described herein is authorized by Resolution duly adopted on October 10, 2007, lodged for record in the Official Records of the Township of Lower Nazareth, Lower Nazareth Township Municipal Building, 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.

4. That possession of the parcel of land described herein is being taken by the Township of Lower Nazareth for the following purpose: sanitary sewer construction easement.

5. That a description of the parcel of land to be taken is set forth in Exhibit "A," and made a part hereof, being part of the same premises more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 2000-1, Page 172227, Uniform Parcel Identifier No. K7-18-10-0418, located in the Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania. Plans showing the property condemned as a sanitary sewer easement are on this day being lodged for record in the Office of the Recorder of Deeds of Northampton County.

6. That the estate or interest in the parcel so taken is specifically designated as 48,083 square feet of land to be acquired as a sanitary sewer easement for construction of sanitary sewer facilities as shown on the attached Plan.

7. Both the Resolution and the Plans showing the property condemned herein may be inspected at the address of the Condemnor.

8. Under Section 403(b) of the Eminent Domain Code, as amended, 26 P.S. 1-403-(b), the power of taxation granted to the Township of Lower Nazareth by the Commonwealth of Pennsylvania is sufficient to secure just compensation for the appropriation of the property described herein.

9. That pursuant to Section 405(d) of the Eminent Domain Code, 26 P.S. 1-405(d), a conformed copy of this Declaration of Taking together with the information and Notice required by Section 405(c) thereof, 26 P.S. 1-405(c) will be served upon the Condemnee in this proceeding. Proof of such service will be filed.

WHEREFORE, the Township of Lower Nazareth declares the within premises condemned and appropriated for the public purpose mentioned.



GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

(610) 258-2901

Attorney for Lower Nazareth Township

DATED: October 16, 2007.

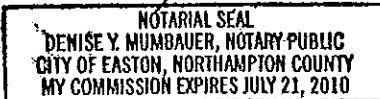
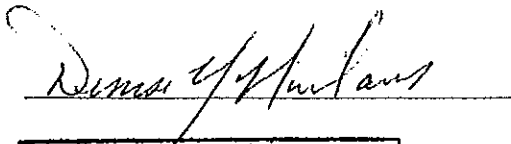
AFFIDAVIT

Gary Neil Asteak, Esquire, Lower Nazareth Township Solicitor, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Declaration of Taking are true and correct to the best of his knowledge, information and belief, and has been duly authorized by the Board of Supervisors of Lower Nazareth Township.



GARY NEIL ASTEAK, ESQUIRE
ID: 19233

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 16th DAY OF
October, 2007.



Metes and Bounds Description
Proposed 30 foot wide Sanitary Sewer Easement
(portion of TMP K7-18-10)

ALL THAT CERTAIN lot or tract of ground situated in Lower Nazareth Township, Northampton County, Pennsylvania, being identified as a Proposed 30' wide Sanitary Sewer Easement on a plan entitled in part "Proposed 30 foot Sanitary Sewer Easement" as prepared by Van Cleef Engineering Associates, dated August 26, 2005, last revised November 3, 2005, attached hereto, and being more particularly described as follows:

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thence (1) along the common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, and TMP K7-18-10A, lands now or formerly of Suburban PA Property Acquisitions LLC, South 60°16'16" East, a distance of 213.25 feet to a point;

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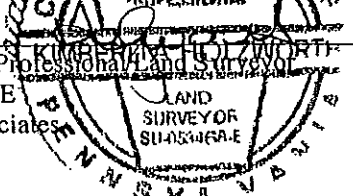
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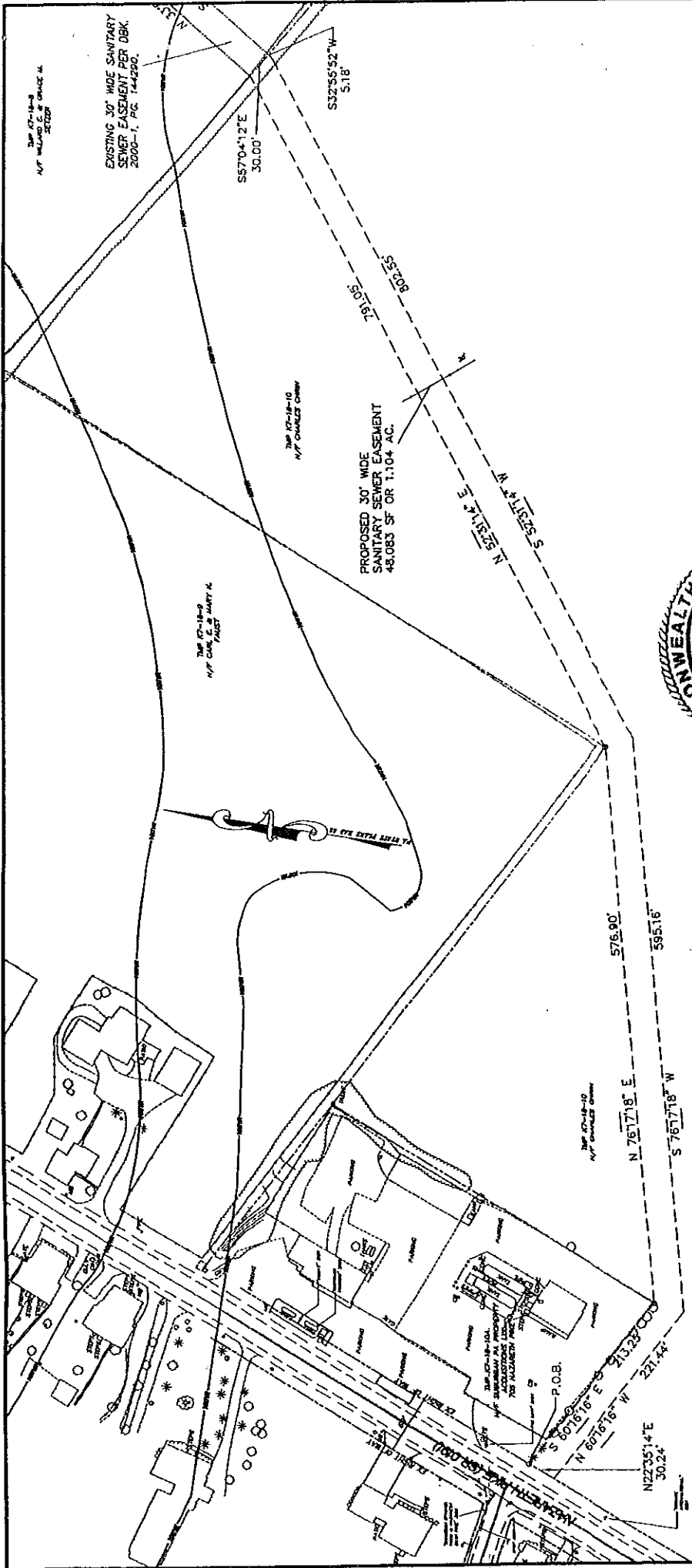
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Containing a calculated area of 48,083 square feet or 1.104 acres.

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PA License No. SU-053468-E
Van Cleef Engineering Associates
August 26, 2005
Revised November 3, 2005
Reissue December 20, 2006
Revised March 12, 2007





Van Cleef
ENGINEERING ASSOCIATES

311 MAIN STREET, LITTLETON, PA 19350
 CHAMBERLAIN/PA/19350-1001
 PHONE (610)321-1171 FAX (610)321-1171

OFFICE THROUGHOUT NJ AND DELAWARE PA

Professional Engineer
 Professional Land Surveyor
 Professional Planner
 Professional Forester

PROPOSED 30 FOOT SANITARY SEWER EASEMENT
 TMP K7-18-10

LOWER NAZARETH TOWNSHIP
 NORTHAMPTON COUNTY, PENNSYLVANIA

REVISED PER TWP ENG	REGISTERED PLAN	NO. 26, 2005
REISSUED FOR FILING	DATE OF SALE	12-13-05
REVISED PER EVIDENCE	DATE OF SALE	08-05-05
REVISED TITLE	DATE OF SALE	08-05-05
REVISIONS	DATE OF SALE	08-05-05

BY: *Kimberly A. Holzworth*
 KIMBERLY A. HOLZWORTH, PA PLS No. SJ-0538382

PLAN NOTATION:
 ONLY THOSE PLANS WHICH CONTAIN AN IMPRESSED OR COLORED SEAL OF THE PROFESSIONAL ENGINEER OR LAND SURVEYOR SHALL BE CONSIDERED VALID. ANY REVISIONS TO THESE PLANS SHALL BE MADE BY THE ORIGINAL PROFESSIONAL ENGINEER OR LAND SURVEYOR. THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS REQUIRED FOR ANY REVISIONS TO THESE PLANS. THE PROFESSIONAL ENGINEER OR LAND SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY AND QUALITY OF THE APPLICABLE PARTY.

Exhibit "A"

Exhibit “C”

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

In the Matter of Proceeding of Lower Nazareth Township for the Condemnation of a Portion of Property of Charles Chrin Consisting of 48,083 Square Feet as a Sanitary Sewer Easement)

No. C-48CV2007-9143

NOTICE OF CONDEMNATION

In accordance with Section 405 of the Eminent Domain Code of 1964, 26 P.S. 1-405, as amended, the Township of Lower Nazareth notifies you that:

1. A Declaration of Taking, a copy of which is attached as Exhibit "A," was filed on the 16th day of October, 2007, in the Court of Common Pleas of Northampton County at the above Term and Number.
2. The Condemnee to whom this Notice of Condemnation is directed is Charles Chrin, 2841 Norton Avenue, Easton, Northampton County, Pennsylvania 18045.
3. The designated portion of your property, i.e., 48,083 square feet of land to be acquired for a sanitary sewer easement for construction of sanitary sewer facilities is identified in Exhibit "A" of the Declaration of Taking.
4. That the Township of Lower Nazareth has the power of eminent domain pursuant to the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, Section 3401, as reenacted and amended (53 P.S. 68401).

5. That the taking described herein is authorized by Resolution duly adopted on October 10, 2007, lodged for record in the Official Records of the Township of Lower Nazareth, Lower Nazareth Township Municipal Building, 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.

6. That possession of the parcel of land described herein is being taken by the Township of Lower Nazareth for the following public purpose: sanitary sewer easement for construction of sanitary sewer facilities.

7. That a description of the parcel of land to be taken is set forth in Exhibit "A," and made a part hereof, being part of the same premises more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 2000-1, Page 172227, Uniform Parcel Identifier No. K7-18-10-0418, located in the Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania. Plans showing the property condemned are on this day being lodged for record in the Office for the Recorder of Deeds of Northampton County.

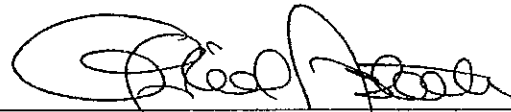
8. That estate or interest in the parcel so taken is specifically designated on Exhibit "A" as 48,083 square feet of land to be acquired as a sanitary sewer easement for the construction of sanitary sewer facilities.

9. Both the Resolution and the Plans showing the property condemned herein may be inspected at the address of the Condemnor.

10. Under Section 403(b) of the Eminent Domain Code, as amended, 26 P.S. 1-403(b), the power of taxation granted to the Township of Lower Nazareth by the Commonwealth of Pennsylvania is sufficient to secure just compensation for the appropriation of the property described herein.

11. That pursuant to Section 405(d) of the Eminent Domain Code, 26 P.S. 1-405(d), a conformed copy of this Declaration of Taking together with the information and Notice required by Section 405(c) thereof, 26 P.S. 1-405(c) will be served upon the Condemnee in this proceeding. Proof of such service will be filed.

12. If you wish to challenge the power or right of the Township of Lower Nazareth to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor, or the Declaration of Taking, you are required to file Preliminary Objections within thirty (30) days after being served with this Notice.



GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

(610) 258-2901

Attorney for Lower Nazareth Township

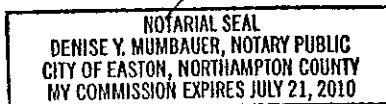
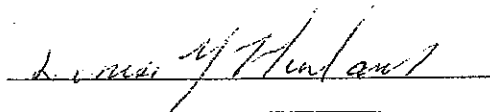
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF NORTHAMPTON)

GARY NEIL ASTEAK, ESQUIRE, Lower Nazareth Township Solicitor, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Notice are true and correct to the best of his knowledge, information and belief.



GARY NEIL ASTEAK, ESQUIRE
ID: 19233

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 16th DAY
OF October, 2007.



IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

In the Matter of Proceeding of Lower)	No.
Nazareth Township for the Condem-)	
nation of a Portion of Property of)	
Charles Chrin Consisting of 48,083)	
Square Feet as a Sanitary Sewer)	
Easement)	

DECLARATION OF TAKING

AND NOW, Comes Township of Lower Nazareth, by and through its Solicitor, Gary Neil Asteak, Esquire, and respectfully represents:

1. That the Township of Lower Nazareth is a body corporate and politic of the Commonwealth of Pennsylvania, organized for the purpose of exercising public and essential governmental functions, whose address is 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.
2. That the Township of Lower Nazareth Township has the power of eminent domain pursuant to the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, Section 3401, as reenacted and amended (53 P.S. 68401).
3. That the taking described herein is authorized by Resolution duly adopted on October 10, 2007, lodged for record in the Official Records of the Township of Lower Nazareth, Lower Nazareth Township Municipal Building, 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.

4. That possession of the parcel of land described herein is being taken by the Township of Lower Nazareth for the following purpose: sanitary sewer construction easement.

5. That a description of the parcel of land to be taken is set forth in Exhibit "A," and made a part hereof, being part of the same premises more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 2000-1, Page 172227, Uniform Parcel Identifier No. K7-18-10-0418, located in the Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania. Plans showing the property condemned as a sanitary sewer easement are on this day being lodged for record in the Office of the Recorder of Deeds of Northampton County.

6. That the estate or interest in the parcel so taken is specifically designated as 48,083 square feet of land to be acquired as a sanitary sewer easement for construction of sanitary sewer facilities as shown on the attached Plan.

7. Both the Resolution and the Plans showing the property condemned herein may be inspected at the address of the Condemnor.

8. Under Section 403(b) of the Eminent Domain Code, as amended, 26 P.S. 1-403-(b), the power of taxation granted to the Township of Lower Nazareth by the Commonwealth of Pennsylvania is sufficient to secure just compensation for the appropriation of the property described herein.

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WHEREFORE, the Township of Lower Nazareth declares the within premises condemned and appropriated for the public purpose mentioned.

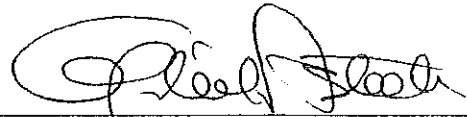


GARY NEIL ASTEAK, ESQUIRE
ID: 19233
726 Walnut Street
Easton, PA 18042
(610) 258-2901
Attorney for Lower Nazareth Township

DATED: October 16, 2007

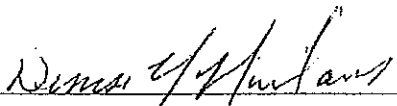
AFFIDAVIT

Gary Neil Asteak, Esquire, Lower Nazareth Township Solicitor, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Declaration of Taking are true and correct to the best of his knowledge, information and belief, and has been duly authorized by the Board of Supervisors of Lower Nazareth Township.



GARY NEIL ASTEAK, ESQUIRE
ID: 19233

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 16th DAY OF
October, 2007.



NOTARIAL SEAL
DENISE Y. MUMBAUER, NOTARY PUBLIC
CITY OF EASTON, NORTHAMPTON COUNTY
MY COMMISSION EXPIRES JULY 21, 2010

Metes and Bounds Description
Proposed 30 foot wide Sanitary Sewer Easement
(portion of TMP K7-18-10)

ALL THAT CERTAIN lot or tract of ground situated in Lower Nazareth Township, Northampton County, Pennsylvania, being identified as a Proposed 30' wide Sanitary Sewer Easement on a plan entitled in part "Proposed 30 foot Sanitary Sewer Easement" as prepared by Van Cleef Engineering Associates, dated August 26, 2005, last revised November 3, 2005, attached hereto, and being more particularly described as follows:

BEGINNING at a point on the easterly existing legal right of way line of Nazareth Pike (S.R. 0191) (60' wide) at its intersection with the common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, and TMP K7-18-10A, lands now or formerly of Suburban PA Property Acquisitions LLC, and from said point running:

thence (1) along the common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, and TMP K7-18-10A, lands now or formerly of Suburban PA Property Acquisitions LLC, South 60°16'16" East, a distance of 213.25 feet to a point;

thence (2) through TMP K7-18-10, lands now or formerly of Charles Chrin, North 76°17'18" East, a distance of 576.90 feet to a point;

thence (3) still through TMP K7-18-10, lands now or formerly of Charles Chrin, North 52°31'14" East, a distance of 791.05 feet to a point on the common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, with TMP K7-18-8, lands now or formerly of Willard E. & Grace M. Setzer as it follows the existing 30' wide Sanitary Sewer Easement per Deed Book 2000-1 on Page 144290;

thence (4) along the aforementioned common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, with TMP K7-18-8, lands now or formerly of Willard E. & Grace M. Setzer as it follows the existing 30' wide Sanitary Sewer Easement per Deed Book 2000-1 on Page 144290, South 57°04'12" East, a distance of 30.00 feet to a point;

thence (5) through TMP K7-18-10, lands now or formerly of Charles Chrin, South 32°55'52" West, a distance of 5.18 feet to a point;

thence (6) still through TMP K7-18-10, lands now or formerly of Charles Chrin, South 52°31'14" West, a distance of 802.55 feet to a point;


thence (7) still continuing through TMP K7-18-10, lands now or formerly of Charles Chrin, South 76°17'18" West, a distance of 595.16 feet to a point;

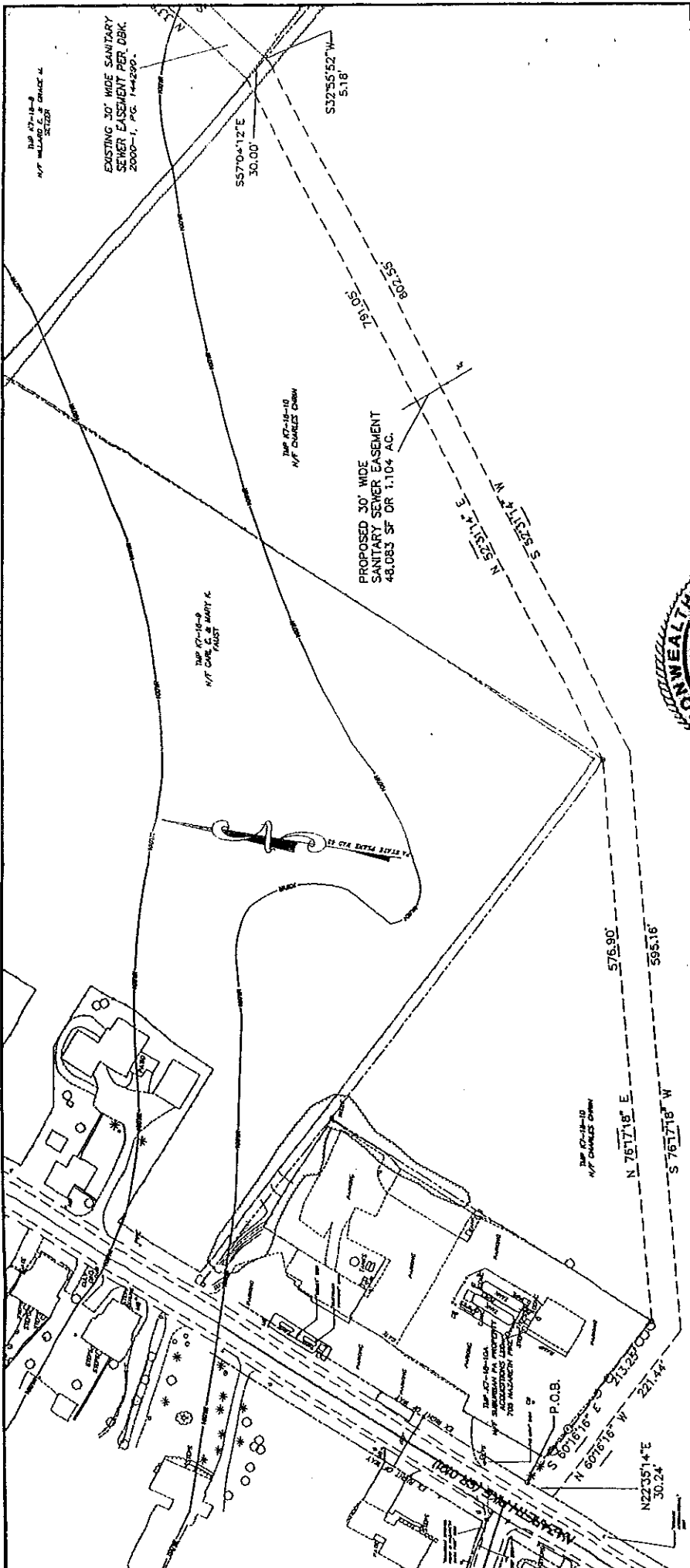
thence (8) still continuing through TMP K7-18-10, lands now or formerly of Charles Chrin, North 60°16'16" West, a distance of 221.44 feet to a point on the easterly existing legal right of way line of Nazareth Pike (S. R. 0191) (60' wide);

thence (9) along the aforementioned easterly existing legal right of way line of Nazareth Pike (S.R. 0191) (60' wide), North 22°35'14" East, a distance of 30.24 feet to the **POINT OF BEGINNING**.

Containing a calculated area of 48,083 square feet or 1.104 acres.

Kimberli A. Holzworth
Kimberli A. Holzworth, PA Professional Land Surveyor
PA License No. SU-053468-B
Van Cleef Engineering Associates
August 26, 2005
Revised November 3, 2005
Reissue December 20, 2006
Revised March 12, 2007





Consulting Civil Engineering
 Surveying and Engineering
 Municipal Engineering
 Land Surveying
 Landscape Architecture

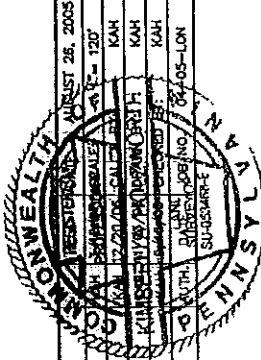
Van Cleef
 ENGINEERING ASSOCIATES

341 WOOD STREET, METZGERVILLE, PA 19069
 PHONE: (610) 281-2077 FAX: (610) 281-2071

OFFICE: HAZLETON, PA 18201
 PHONE: (610) 281-2077 FAX: (610) 281-2071

PROPOSED 30 FOOT SANITARY SEWER EASEMENT
 TMP K7-18-10

LOWER NAZARETH TOWNSHIP
 NORTHAMPTON COUNTY, PENNSYLVANIA



REVISED PER TWP ENG	AUGUST 26, 2005
REISSUED FOR PLUMB	KAH
REVISED PER EVIDENCE	KAH
REVISED TITLE	KAH
REVISIONS	KAH

BY: *Kimberly A. Holzworth*
 KIMBERLY A. HOLZWORTH, PA PLS NO. SU-058348PE

PLAN NOTATION:
 ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED BY THE
 SURVEYOR SHALL BE IN FEET AND DECIMALS THEREOF.
 DIMENSIONS SHALL BE MEASURED ALONG THE CENTERLINE
 UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHALL BE
 MEASURED FROM THE CENTERLINE UNLESS OTHERWISE
 SPECIFIED. DIMENSIONS SHALL BE MEASURED FROM THE
 CENTERLINE UNLESS OTHERWISE SPECIFIED. DIMENSIONS
 SHALL BE MEASURED FROM THE CENTERLINE UNLESS
 OTHERWISE SPECIFIED. DIMENSIONS SHALL BE AT THE
 DISCRETION OF THE SURVEYOR.

Exhibit “D”

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

In the Matter of Proceeding of Lower
Nazareth Township for the Condem-
nation of a Portion of Property of
Charles Chrin Consisting of 48,083
Square Feet as a Sanitary Sewer
Easement

) No. C-48CV2007-9143
)
)
)
)
)

ORDER OF COURT

AND NOW, This 4th day of DECEMBER, 2007, upon consideration of the
attached Application to File Amended Declaration of Taking, with notice having been
given to Condemnee, and after Conference with the Court, it is hereby ORDERED that
Condemnor is granted leave to file an Amended Declaration of Taking in the above-
captioned matter.

BY THE COURT:

R. P. Whelan, M. J. Allen
J.

COURT OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA
2007 DEC -4 A 9:59

FILED

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

In the Matter of Proceeding of Lower Nazareth Township for the Condemnation of a Portion of Property of Charles Chrin Consisting of 48,083 Square Feet as a Sanitary Sewer Easement) No. C-48CV2007-9143
)
)
)
)
)

APPLICATION TO AMEND DECLARATION OF TAKING

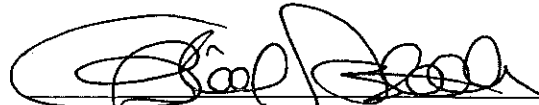
AND NOW, Comes Condemnor, Lower Nazareth Township, by and through its Solicitor, Gary Neil Asteak, Esquire, and respectfully submits:

1. On October 15, 2007, Declaration of Taking and Notice of Condemnation were filed in the Office of the Prothonotary of Northampton County in the above-captioned matter.
2. Timely Preliminary Objections were filed by Condemnee challenging pursuant to Section 306(a)(3) the power or right of the Condemnor to appropriate the condemned property and procedures followed.
3. Pursuant to Section 306(f)(3) of the Eminent Domain Code (26 Pa. C.S.A. 306(f)(3)), the Court may allow amendment or direct the filing of a more specific Declaration of Taking.
4. Condemnor seeks to specifically address the issues raised in Condemnee's Preliminary Objections by the filing of an Amended Declaration of Taking.

2007 OCT 15 9:59 AM
FILED
COURT OF COMMON PLEAS
NORTHAMPTON COUNTY, PA

WHEREFORE, Condemnor, Lower Nazareth Township, respectfully prays your Honorable Court to permit an amendment to the Declaration of Taking as filed in the above-captioned matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary Neil Astek", written over a horizontal line.

GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

(610) 258-2901

Attorney for Condemnor,

Lower Nazareth Township

VERIFICATION

I, Alan V. Dilsaver, Chairman of the Board of Supervisors of Lower Nazareth Township, being duly sworn according to law, depose and say that the facts set forth in the foregoing Application to Amend Declaration of Taking are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: November 28, 2007



ALAN V. DILSAVER, Chairman

Exhibit “E”

COUNTY OF NORTHAMPTON

RECORDER OF DEEDS
NORTHAMPTON COUNTY GOVERNMENT CENTER
669 WASHINGTON STREET
EASTON, PENNSYLVANIA 18042-7486
Area Code (610) 559-3077

Ann L. Achatz - Recorder
Andrea F. Suter - Lead Deputy
Kathy Nansteel - Deputy



Book - 2007-1 Starting Page - 432995
*Total Pages - 11

Instrument Number - 2007056263

Recorded On 12/4/2007 At 11:45:00 AM

* Instrument Type - CONDEMNATION NOTICE - NON PROPERTY TRANSFER

Invoice Number - 569499

* Grantor - CHRIN, CHARLES

* Grantee - LOWER NAZARETH TOWNSHIP

User - KAB

* Customer - GARY NEIL ASTEAK

*** FEES**

STATE WRIT TAX
RECORDING FEES
COUNTY RECORDS
IMPROVEMENT FEE
DEEDS RECORDS
IMPROVEMENT FEE
TOTAL PAID

***RECORDED BY:**
\$0.50 GARY NEIL ASTEAK
\$25.00 726 WALNUT ST
\$2.00 EASTON, PA 18042
\$3.00
\$30.50

I hereby CERTIFY that this document is recorded in the
Recorder's Office Of Northampton County, Pennsylvania



Ann L. Achatz

Ann L. Achatz
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW THE FIRST PAGE
OF THIS LEGAL DOCUMENT

Book: 2007-1

Page: 432995



* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

In the Matter of Proceeding of Lower Nazareth Township for the Condemnation of a Portion of Property of Charles Chrin Consisting of 48,083 Square Feet as a Sanitary Sewer Easement

) No. C-48CV2007-9143
)
)
)
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)

COPY

COURT OF COMMON PLEAS
NORTHAMPTON COUNTY
2007 DEC -4 A 11:44

FILED

AMENDED NOTICE OF CONDEMNATION

In accordance with Section 305 of the Eminent Domain Code, 26 Pa. C.S.A.

101, et seq., the Township of Lower Nazareth notifies you there:

1. An Amended Declaration of Taking, a copy of which is attached as Exhibit "A," was filed on the 4th day of December, 2007, in the Court of Common Pleas of Northampton County at the above Term and Number.
2. The Condemnee to whom this Amended Notice of Condemnation is directed is Charles Chrin, 2841 Norton Avenue, Easton, Northampton County, Pennsylvania 18045.
3. The designated portion of your property, i.e., 48,083 square feet of land to be acquired for a sanitary sewer easement for construction of sanitary sewer facilities is identified in Exhibit "A" of the Amended Declaration of Taking.
4. That the Township of Lower Nazareth has the power of eminent domain pursuant to the Act of Assembly of May 16, 1891, P.L. 75, as amended (53 P.S. 1081),

A TRUE COPY
ATTEST:

HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PRO/HONOTARY
Holly Ruggiero (ML)

and as implemented by the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended (53 P.S. 68401).

5. That the taking described herein is authorized by Resolution duly adopted on October 10, 2007, lodged for record in the Official Records of the Township of Lower Nazareth, Lower Nazareth Township Municipal Building, 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.

6. That possession of the parcel of land described herein is being taken by the Township of Lower Nazareth for the following public purpose: sanitary sewer easement for construction of sanitary sewer facilities.

7. That a description of the parcel of land to be taken is set forth in Exhibit "A," and made a part hereof, being part of the same premises more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 2000-1, Page 172227, Uniform Parcel Identifier No. K7-18-10-0418, located in the Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania. Plans showing the property condemned are on this day being lodged for record in the Office for the Recorder of Deeds of Northampton County.

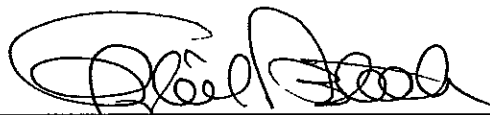
8. That estate or interest in the parcel so taken is specifically designated on Exhibit "A" as 48,083 square feet of land to be acquired as a sanitary sewer easement for the construction of sanitary sewer facilities.

9. Both the Resolution and the Plans showing the property condemned herein may be inspected at the address of the Condemnor.

10. Under Section 303(b) of the Eminent Domain Code, 26 Pa. C.S.A. 303(b), the power of taxation granted to the Township of Lower Nazareth by the Commonwealth of Pennsylvania is sufficient to secure just compensation for the appropriation of the property described herein.

11. That pursuant to Section 305(d) of the Eminent Domain Code, 26 Pa. C.S.A. 305(d), a conformed copy of this Amended Declaration of Taking together with the information and Notice required by Section 305(c) thereof, 26 Pa. C.S.A. 305(c), will be served upon the Condemnee in this proceeding. Proof of such service will be filed.

12. If you wish to challenge the power or right of the Township of Lower Nazareth to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor, or the Amended Declaration of Taking, you are required to file Preliminary Objections within thirty (30) days after being served with this Notice.



GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

(610) 258-2901

Attorney for Lower Nazareth Township

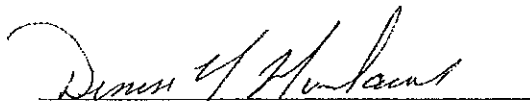
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF NORTHAMPTON)

GARY NEIL ASTEAK, ESQUIRE, Lower Nazareth Township Solicitor, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Notice are true and correct to the best of his knowledge, information and belief.



GARY NEIL ASTEAK, ESQUIRE
ID: 19233

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 4th DAY
OF December, 2007.



NOTARIAL SEAL
DENISE Y. MUMBAUER, NOTARY PUBLIC
CITY OF EASTON, NORTHAMPTON COUNTY
MY COMMISSION EXPIRES JULY 21, 2010

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION

In the Matter of Proceeding of Lower) No. C-48CV2007-9143
Nazareth Township for the Condem-)
nation of a Portion of Property of)
Charles Chrin Consisting of 48,083)
Square Feet as a Sanitary Sewer)
Easement)

COPY

FILED
2007 DEC -4 A 9:56
COURT OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA

AMENDED DECLARATION OF TAKING

AND NOW, Comes Township of Lower Nazareth, by and through its Solicitor, Gary Neil Asteak, Esquire, and respectfully represents:

1. That the Township of Lower Nazareth is a body corporate and politic of the Commonwealth of Pennsylvania, organized for the purpose of exercising public and essential governmental functions, whose address is 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.
2. That the Township of Lower Nazareth has the power of eminent domain pursuant to the Act of Assembly of May 16, 1891, P.L. 75, as amended (53 P.S. 1081), and as implemented by the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended (53 P.S. 68401).
3. That the taking described herein is authorized by Resolution duly adopted on October 10, 2007, lodged for record in the Official Records of the Township of Lower Nazareth, Lower Nazareth Township Municipal Building, 306 Butztown Road, Bethlehem, Northampton County, Pennsylvania.

4. That possession of the parcel of land described herein is being taken by the Township of Lower Nazareth for the following purpose: sanitary sewer construction easement.

5. That a description of the parcel of land to be taken is set forth in Exhibit "A," and made a part hereof, being part of the same premises more particularly described in the Office for the Recording of Deeds in and for Northampton County in Deed Book Volume 2000-1, Page 172227, Uniform Parcel Identifier No. K7-18-10-0418, located in the Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania. Plans showing the property condemned as a sanitary sewer easement are on this day being lodged for record in the Office of the Recorder of Deeds of Northampton County.

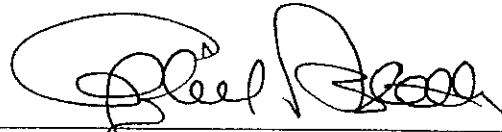
6. That the estate or interest in the parcel so taken is specifically designated as 48,083 square feet of land to be acquired as a sanitary sewer easement for construction of sanitary sewer facilities as shown on the attached Plan.

7. Both the Resolution and the Plans showing the property condemned herein may be inspected at the address of the Condemnor.

8. Under Section 303(b) of the Eminent Domain Code, 26 Pa. C.S.A. 303(b), the power of taxation granted to the Township of Lower Nazareth by the Commonwealth of Pennsylvania is sufficient to secure just compensation for the appropriation of the property described herein.

9. That pursuant to Section 305(d) of the Eminent Domain Code, 26 Pa. C.S.A. 305(d), a conformed copy of this Amended Declaration of Taking together with the information and Notice required by Section 305(c) thereof, 26 Pa. C.S.A. 305(c), will be served upon the Condemnee in this proceeding. Proof of such service will be filed.

WHEREFORE, the Township of Lower Nazareth declares the within premises condemned and appropriated for the public purpose mentioned.



GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

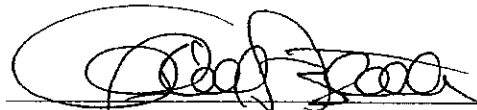
(610) 258-2901

Attorney for Lower Nazareth Township

DATED: November 28, 2007

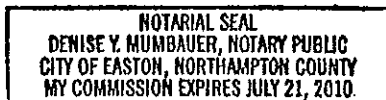
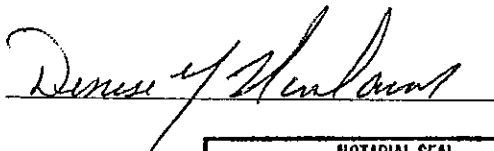
A F F I D A V I T

Gary Neil Asteak, Esquire, Lower Nazareth Township Solicitor, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Amended Declaration of Taking are true and correct to the best of his knowledge, information and belief, and has been duly authorized by the Board of Supervisors of Lower Nazareth Township.



GARY NEIL ASTEAK, ESQUIRE
ID: 19233

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 28th DAY OF
November, 2007.



Metes and Bounds Description
Proposed 30 foot wide Sanitary Sewer Easement
(portion of TMP K7-18-10)

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thence (4) along the aforementioned common dividing line between TMP K7-18-10, lands now or formerly of Charles Chrin, with TMP K7-18-8, lands now or formerly of Willard E. & Grace M. Setzer as it follows the existing 30' wide Sanitary Sewer Easement per Deed Book 2000-1 on Page 144290, South 57°04'12" East, a distance of 30.00 feet to a point;

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PA License No. SU-053468-E
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