

COUNTY OF DELAWARE
PENNSYLVANIA

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, EXPRESSING AN INTENT TO TAKE PRIVATE PROPERTY LOCATED IN MEDIA BOROUGH AND UPPER PROVIDENCE TOWNSHIP FOR AN AUTHORIZED PURPOSE UNDER THE COUNTY CODE, 16 P.S. 2401-A ET SEQ.

WHEREAS, pursuant to 16 P.S. § 2401-A of the County Code, a county is authorized to enter upon, appropriate, or destroy private land according to the proceedings set forth in 26 Pa. C.S. § 101, et seq. (the “Eminent Domain Code”), for any purpose conferred upon the county by law; and

WHEREAS, 16 P.S. § 2501 states that the county commissioners may, in accordance with the provisions of the County Code and the Eminent Domain Code, acquire private property for the purpose of establishing, making, enlarging, extending, operating and maintaining public parks and multiuse recreational trails within the limits of the county; and

WHEREAS, pursuant to the Home Rule Charter approved by the residents of Delaware County in May of 1975, the County Council (“County Council”) of the County serves as the board of county commissioners; and

WHEREAS, the County Council desires to declare its intention pursuant to 16 P.S. §2403-A to acquire certain property for purposes of establishing a public park and related facilities, to include open space and/or multiuse recreational areas and trails, and also to include such other uses as permitted by law, within Delaware County as more fully set forth herein.

IT IS HEREBY ENACTED AND ORDAINED by the County Council of Delaware County, Pennsylvania as follows:

Section 1. County Council hereby signifies its intention pursuant to 16 P.S. §2403-A to file a declaration of taking under the provisions of the County Code, 16 P.S. § 2401-A et seq., as amended, to acquire a portion of the property located in the County identified as tax folio numbers 26-00-01889-00 and 35-00-02297-00 indicated as “Proposed Subdivision” on Exhibit “A” for the purpose of establishing a public park and related facilities, to include open space and/or multiuse recreational areas and trails, and also to include such other uses as permitted by law, within Delaware County. A legal description for the property to be taken is attached hereto and incorporated herein as Exhibit “B”.

Section 2. The Chair of County Council and the County Clerk are hereby authorized and directed to execute a Declaration of Taking in order to effectuate the taking identified herein.

Section 3. The Solicitor is directed to file said Declaration of Taking with the Court of Common Pleas of Delaware County, Pennsylvania together with all exhibits as necessary to effectuate the taking of the property described in Section 1 in accordance with 26 Pa. C.S. §302.

Section 4. All ordinances and resolutions and parts of ordinances and resolutions inconsistent herewith are hereby rescinded, cancelled and annulled.

Section 5. This Ordinance shall take effect on the on the tenth day after its adoption.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania, this
day of _____, 2021.

Brian P. Zidek, Chair

Dr. Monica Taylor, Vice Chair

Kevin M. Madden

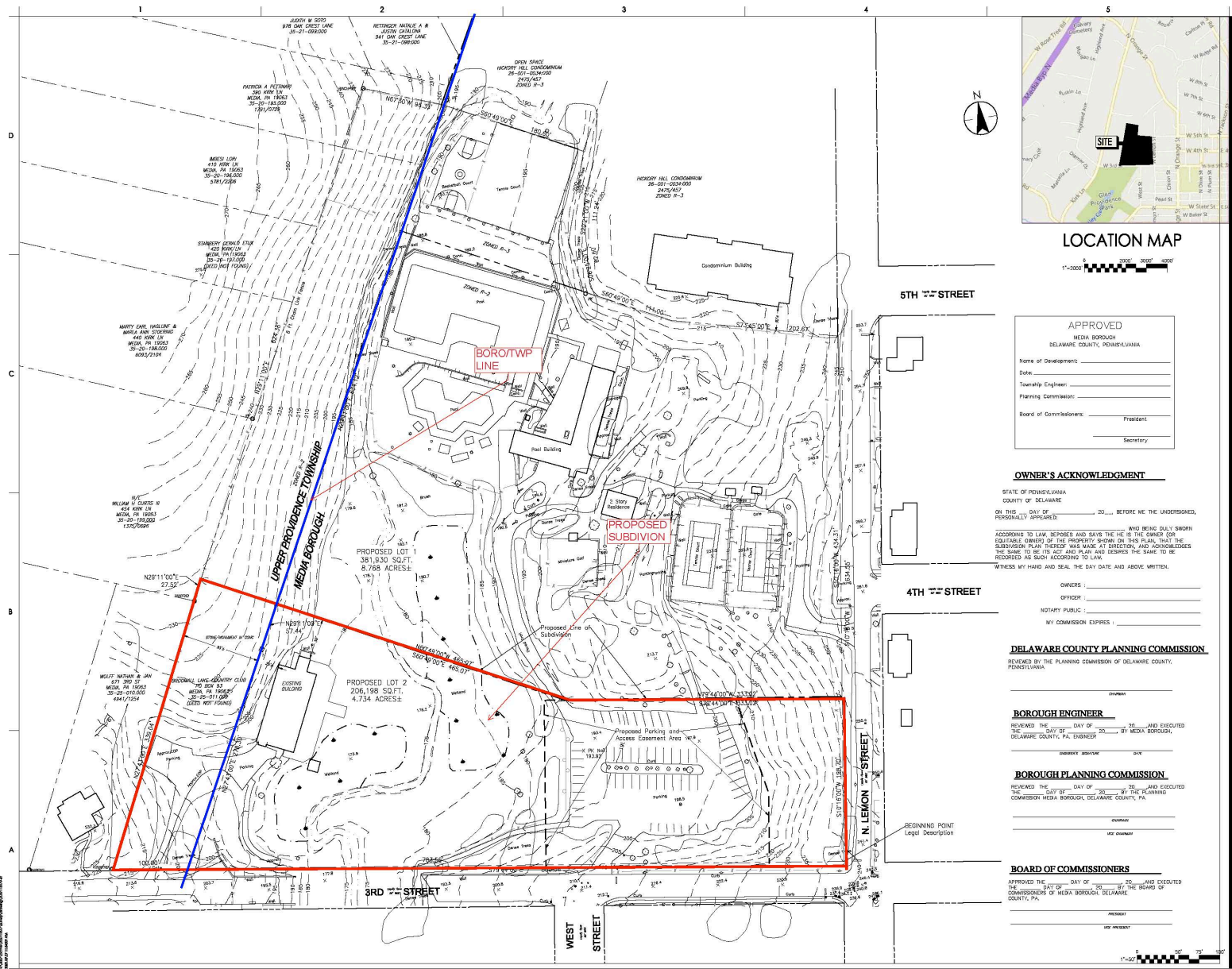
Elaine Paul Schaefer

Christine A. Reuther

Attested:

Anne M. Coogan, County Clerk

Exhibit "A"



LOCATION MAP
1" = 300'

APPROVED
MEDIA BOROUGH
DELAWARE COUNTY, PENNSYLVANIA

Name of Development: _____
Date: _____
Township Engineer: _____
Planning Commissioner: _____
Board of Commissioners: _____
President _____
Secretary _____

OWNER'S ACKNOWLEDGMENT

STATE OF PENNSYLVANIA
COUNTY OF DELAWARE

ON THIS DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED, PERSONALLY APPEARED:

_____, WHO BEING DULY SWORN SUBSCRIBER AND SAYS THAT HE IS THE OWNER (OR EQUIVALENT OWNER) OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE SUBDIVISION PLAN HEREOF WAS MADE AT HIS DIRECTION, AND ACKNOWLEDGES THE SAME TO BE HIS ACT AND PLAN AND DESIRES THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW.

WITNESS MY HAND AND SEAL THE DAY DATE AND ABOVE WRITTEN.

OWNERS: _____
OFFICER: _____
NOTARY PUBLIC: _____
BY COMMISSION EXPRES: _____

DELAWARE COUNTY PLANNING COMMISSION
REVIEWED BY THE PLANNING COMMISSION OF DELAWARE COUNTY, PENNSYLVANIA

CHAIRMAN _____
MEMBER _____

BOROUGH ENGINEER
REVIEWED THE DAY OF _____, 20____ AND EXECUTED THE DELAWARE COUNTY, PA, ENGINEER

SUBSCRIBER SIGNATURE: _____
DATE: _____

BOROUGH PLANNING COMMISSION
REVIEWED THE DAY OF _____, 20____ AND EXECUTED THE COMMISSION MEDIA BOROUGH, DELAWARE COUNTY, PA.

CHAIRMAN _____
MEMBER _____

BOARD OF COMMISSIONERS

APPROVED THE DAY OF _____, 20____ AND EXECUTED THE COMMISSIONERS OF MEDIA BOROUGH, DELAWARE COUNTY, PA.

PREPARED BY: _____
DATE PREPARED: _____



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- NOTES**
- THIS SURVEY PLAN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FACTORS A VALID TITLE REPORT WOULD DISCLOSE, NOT FOR CONSTRUCTION, SUBSEQUENT PURPOSES ONLY.
 - BOUNDARY SHOWN ON THIS PLAN IS BASED UPON DEEDS OF RECORD AND EXISTING CONDITIONS THAT PROPERTY OF BROOMALL LAKE COUNTRY CLUB PREPARED BY G.D. HOUTMAN & SON INC. DATED DECEMBER 1, 2017.
 - THIS SURVEY PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY STANTEC CONSULTING SERVICES INC., IN APRIL OF 2021. BENCHMARK: PE. WAL. IN PARKING LOT AS SHOWN ON PLAN.
 - AERIAL PHOTOGRAPHY AND MAPS PROVIDED BY AEG GOSPITALITY, LLC, EASTON, MARYLAND. PHOTOGRAPHY DATE: MARCH 29, 2021.
 - ATTENTION IS CALLED TO THE MEDIA BOROUGH ZONING CODE AS AMENDED, PROPERTY IS ZONED P-3-A (P-3). ATTENTION IS CALLED TO THE UPPER PROVIDENCE TOWNSHIP ZONING CODE AS AMENDED, PROPERTY IS ZONED R-3.
 - A REVIEW OF THE PROPERTY IS IN ZONE A, SPECIAL FLOOD HAZARD AND WITHOUT BASIC ELIMINATION OF THE FLOOD INSURANCE RATE MAP, COUNTY FILED NO. 4295020987, WHICH BECAME AN EFFECTIVE DATE OF 11/18/2009.
 - UTILITY INFORMATION FROM SURFACE EVIDENCE OBSERVED IN THE FIELD ONLY. ALL UTILITY LOCATIONS AND DEPTHS SHOWN BE FIELD WRITTEN PRIOR TO CONSTRUCTION. THE EXTENT, EXACT LOCATION AND DEPTH OF UNDERGROUND UTILITIES HAS NOT BEEN, INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER. THE CONTRACTOR SHALL DETERMINE THE EXTENT AND EXACT LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION WORK. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE INCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. CONTRACTOR SHALL NOTIFY UTILITY COMPANIES THREE (3) DAYS PRIOR TO COMMENCING WORK TO COMPLY WITH PENNA. ACT 68-287.
 - THE LOCATION OF ALL BENCHMARKS AND APPROPRIATELY SHOWN HEREON ARE A GRAPHIC REPRESENTATION OF THE SITE. NO COORDINATE VALUES HAVE BEEN OBTAINED FOR THESE FEATURES. THE USER OF THESE PLANS ASSUMES ALL RESPONSIBILITY FOR THE PLACEMENT AND/OR CONSTRUCTION OF THE SAME.

Revision	By	App'd	DATE

Permit/Seal
PRELIMINARY NOT FOR CONSTRUCTION
Not for permit, pricing or other official purposes. This document has not been completed or checked and is for general information or comment only.

Client/Project
COUNTY OF DELAWARE

BROOMALL LAKE COUNTRY CLUB
v. MEDIA BOROUGH
Media, PA

Title
PROPOSED SUBDIVISION

Project No. 202711817
Revision 0
Scale 1" = 50'
Drawing No. V-EI
1 of 1

Exhibit "B"

All that certain lot or piece of ground, situate in the Borough of Media and Upper Providence Township in Delaware County, Pennsylvania, described in accordance with a Proposed Subdivision Plan prepared by Stantec Consulting Services Inc., Project #202711817, dated September 7th, 2021, as follows to wit:

Beginning at the Northwesterly intersection of W. 3rd Street (50 feet wide, legally open) and N. Lemon Street (50 feet wide, legally open) and running thence North 79 degrees 44 minutes West along the said Northerly side of W 3rd Street, crossing the municipal boundary into Upper Providence Township, 883.56 feet to the easterly line of land now or formerly of Nathan & Jan Wolff, a found iron pin; thence binding with same North 27 degrees 43 minutes East, 339.04 feet to a found iron pin; thence North 29 degrees 11 minutes East, 27.52 feet, partially along the line of land now or formerly of William H. Curtis III; to a point; thence South 60 degrees 49 minutes East, re-crossing the municipal boundary into Media Borough 465.07 feet to a point on the northerly line of a proposed Parking and Access Easement Area as shown on said plan; thence South 79 degrees 44 minutes East along said northerly line 333.02 feet to a point on the said Westerly side of N. Lemon Street; thence South 10 degrees 16 minutes West along the said Westerly side of N. Lemon Street 198.70 feet to the point of BEGINNING.

Containing in area 206,198 square feet, or 4.734 acres, more or less, as shown on said plan.