

**AN ORDINANCE OF THE COUNTY OF FRANKLIN, PENNSYLVANIA,
AUTHORIZING THE EXERCISE OF EMINENT DOMAIN AS MAY BE NECESSARY
TO IMPLEMENT THE PROJECT KNOWN AS THE “BRIDGE 121 – HEISEY ROAD
BRIDGE” PURSUANT TO THE AUTHORITY PROVIDED IN THE PENNSYLVANIA
COUNTY CODE, 16 P.S. § 2603**

WHEREAS, the Franklin County Board of Commissioners authorized the replacement/repair of Franklin County Bridge No. 121, located along Heisey Road (T-331) over the West Branch of the Conococheague Creek in Montgomery Township, Franklin County, as in need of replacement and/or repair (hereinafter “the Project”);

WHEREAS, in order to complete the Project, a permanent right of way must be acquired along Heisey Road from Parcel No. 6 of the Plan Drawings Authorizing Acquisition and Accepting Dedication of Right-of-Way for T-311 (Heisey Road) Section BRG R/W in Franklin County From STA. 103+02.00 to STA. 108+00.10, Length 498.10 FT., 0.094 MI., inclusive (“the Plans”); and

WHEREAS, the Board of Commissioners, County of Franklin, Commonwealth of Pennsylvania, upon the recommendation of its County Engineer and the advice of other advisors, has selected the right of way to be permanently acquired, and also the easement for construction to be temporarily acquired, all as more fully described on the Plans, and related documents, attached as Exhibit “A,” hereto, and incorporated herein by reference, and to be acquired for the purposes of providing an improved roadway.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners, County of Franklin, Commonwealth of Pennsylvania, as follows:

1. The recitals referenced above are incorporated herein, by reference hereto.
2. The Board of Commissioners authorize and direct the County Solicitor to file, as may be necessary, a Declaration of Taking of permanent and temporary construction easements and right-of-way in accordance with the Plans in accordance with the provisions of applicable laws and to take such additional steps as may be necessary for the Project in accordance with the Plans.

3. The proper officials of the County are hereby authorized and directed to execute, attest, acknowledge and deliver such instruments and documents as may be necessary to effect the taking of the foregoing easements and rights-of-way and to determine, upon consultation with the county solicitor and such other advisors as may be deemed necessary, the consideration to be paid and the time and manner of such payments to compensate the owner of said properties in accordance with the requirements of law, including the Pennsylvania Eminent Domain Code, and, if possible, to enter into one or more agreements with such owners for delivery of such easements and rights-of-way.

4. Proper officials of the County are authorized and directed to execute, file and deliver such documents and instruments and to take such other actions as they, in their discretion and upon the advice of counsel shall deem necessary, appropriate, or desirable to carry out the intent of this ordinance, including but not limited to acceptance of easements agreements or other instruments granting the County easements and rights-of-way and applications, plans or other documents relating to acquisition and construction of the Project.

5. This ordinance shall become effective immediately upon adoption.

6. In the event any provision, section, sentence, clause or part of this ordinance shall be held invalid, such invalidity shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the County that such remainder shall be and shall remain in full force and effect.

BE IT FURTHER RESOLVED, that all prior Resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

IN WITNESS WHEREOF, this Ordinance is hereby adopted by the Board of Commissioners of Franklin County, Commonwealth of Pennsylvania and attested to by the Chief Clerk of said Board of County Commissioners of Franklin County, Commonwealth of Pennsylvania this ____ day of June, 2019.

ATTEST:

FRANKLIN COUNTY BOARD OF
COMMISSIONERS

Carrie E. Gray, Chief Clerk

David S. Keller, Chairman

Robert S. Thomas, Commissioner

Robert G. Ziobrowski, Commissioner

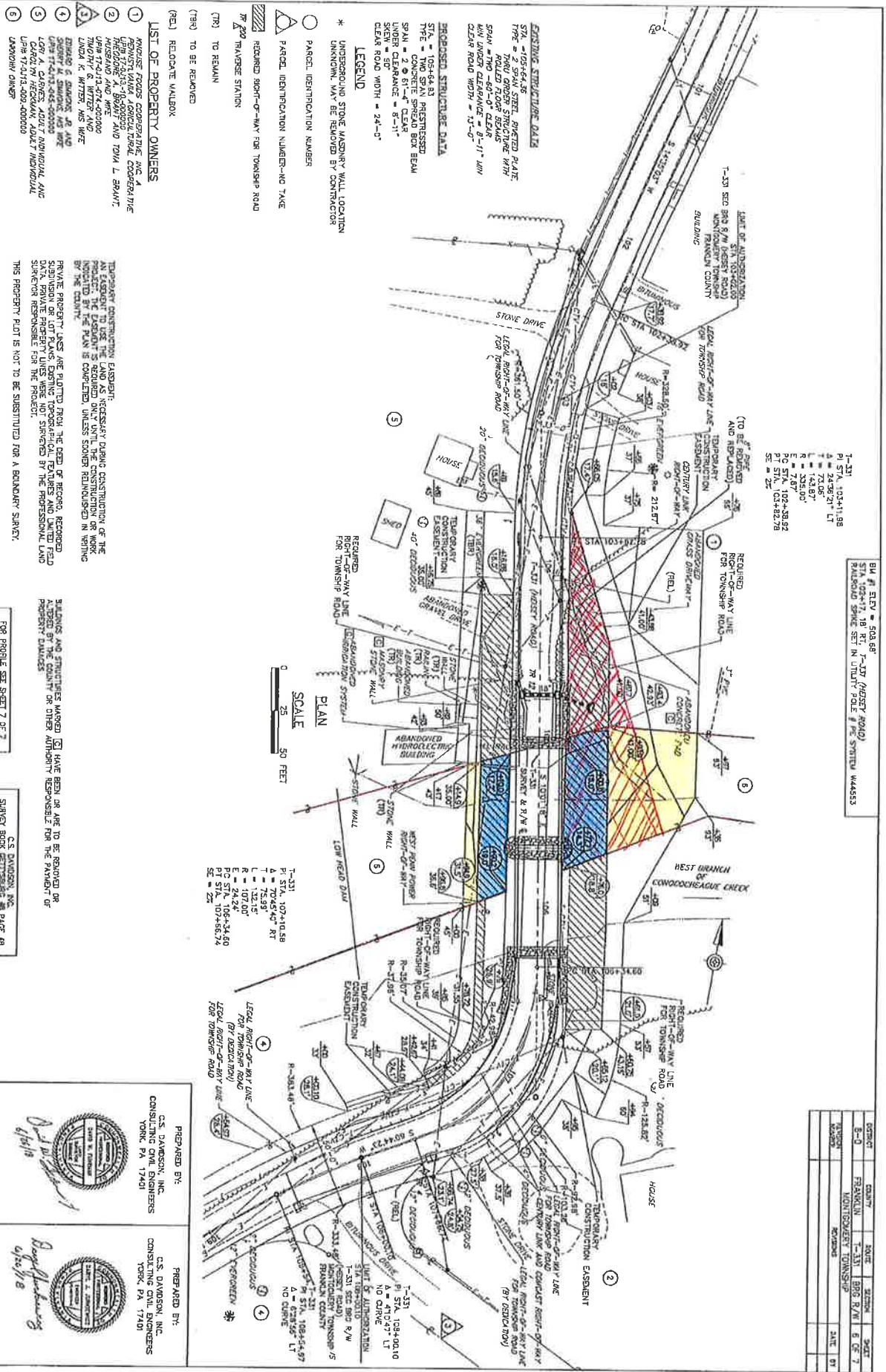


Exhibit A