

CITY OF COATESVILLE  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE

AN ORDINANCE AUTHORIZING THE CONDEMNATION BY EMINENT DOMAIN TO AQUIRE A PORTION OF CERTAIN PROPERTY IDENTIFIED AS UPI # 16-5-140 IN FEE SIMPLE TO ENABLE THE WIDENING OF THE RIGHT-OF-WAY FOR CERTAIN ROAD IMPROVEMENTS ALONG EAST LINCOLN HIGHWAY, ALL WITHIN THE CITY OF COATESVILLE

**WHEREAS**, the City of Coatesville is a Third Class City situated in Chester County, Pennsylvania (hereinafter “the City”) operating under a Home Rule Charter and the Third Class City Code, and;

**WHEREAS**, the City is undergoing infrastructure improvements within the City, which the City believes are consistent with the health, safety and welfare of the City and its residents, and;

**WHEREAS**, the City is anticipating acquiring a portion of certain property owned by Charles E. and Donna L. Hunter, and as more specially described on Exhibit “A” which is attached hereto and incorporated herein, identified as UPI # 16-5-140, more commonly known as 19 N. 1<sup>st</sup> Street, within the City (“the Subject Property”), constituting a portion of a vacant lot, for the purposes of widening of the right-of-way for certain road improvements along East Lincoln Highway, in the vicinity of the intersection of Route 30 (Lancaster Pike) and Route 82, and;

**WHEREAS**, Article I Section 10 of the Pennsylvania Constitution, Article X Section 4 of the Pennsylvania Constitution, the Pennsylvania Eminent Domain Code and Section 2801 of the Third Class City Code permits the City to acquire property, including a temporary construction easement, by eminent domain, entering upon, appropriating, taking, using and

occupying private lands and property for the purposes of laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets, and;

**WHEREAS**, Section 2-301 of the City Home Rule Charter requires that the exercise of the power of eminent domain and the purchase, or authorization to purchase, real property be exercised by ordinance, consistent with the procedures for enactment under Sections 2-304 to 2-308 of the City Home Rule Charter.

NOW THEREFORE, in consideration of the foregoing, City Council hereby ORDAINS as follows:

Section 1. The City shall by eminent domain, pursuant to the City Home Rule Charter, the Eminent Domain Code 26 Pa. C.S.A. section 101 et seq., Section 2801 of the Third Class City Code, condemn and take, for City purposes, in fee simple, including a temporary construction easement, including a portion of that certain real Subject Property, as more specially described on Exhibit "A" which is attached hereto and incorporated herein, located in the City of Coatesville and by the Chester County Assessment Office identified as a portion of tax parcel number 16-5-140, more commonly known as 19 N. 1<sup>st</sup> Street, owned by Charles E. and Donna L. Hunter, husband and wife.

Section 2. The City is authorized to take such action under the City Home Rule Charter, the Eminent Domain Code 26 Pa. C.S.A. section 101 et seq., Section 2431 of the Third Class City Code and Section 2801 of the Third Class City Code, following the enactment of an authorized ordinance as provided for under the City Home Rule Charter, which collectively sets forth the authority for such takings by the City for the purpose of the purposes of laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets.

Section 3. The City has determined that acquisition of a portion of the Subject Property, as more specially described on Exhibit "A" which is attached hereto and incorporated herein, for public use is needed as part of construction for widening of the right-of-way for certain road improvements along East Lincoln Highway, including a temporary construction easement, and the City finds it necessary to take the Subject Property to complete the improvements as further described in the Declaration of Taking.

Section 4. The City shall acquire fee simple title to the Subject Property, as more specially described on Exhibit "A" which is attached hereto and incorporated herein, after complying with all legal requirements of the statutes and codes referenced herein, and after engaging in negotiations with those having an interest in the property to be acquired, and after compliance with all requirements of Charter relating to the enactment, publication, recording and codification of the ordinance authorizing the exercise of eminent domain.

Section 5. Just compensation for the acquisition of the Subject Property shall be secured by the power of taxation of the City whereupon the funds raised or to be so raised is deemed pledged and made security for the payment of damages as shall be determined by law.

Section 6. The City Solicitor, other City attorneys and all City Officers, Staff and Consultants are hereby authorized to take such actions as are necessary to implement this Ordinance and condemn and take the Subject Property, including, but not limited to, filing a Declaration of Taking, Notice of Condemnation and giving Notice to the Condemnees.


Section 7. Conflicts with statutory provisions. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania by regulations or regulated by departments or an agency of the Commonwealth promulgated by authority of law, such law or regulations, or other Ordinance of the City of Coatesville, as the case may be, shall control where the requirements

thereof are the same or in excess of the provisions of this Ordinance. The Code controls in all cases where the state requirements or the requirements of other Ordinances or the City are not as strict as those contained in this Ordinance.

Section 8. Severability. If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

Section 9. This Ordinance shall be effective as required by the City Code thirty (30) days after adoption.


ENACTED AND ORDAINED this 14<sup>th</sup> day of November, 2016.

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Linda Lavender-Norris, President City Council

ATTEST:   
\_\_\_\_\_  
Michael T. Trio, City Manager

CERTIFICATION

I HEREBY CERTIFY that the forgoing Ordinance was introduced on the 10<sup>th</sup> day of October, 2016, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 14<sup>th</sup> day of November, 2016, that the vote upon the said ordinance has been recorded on the Minutes of the City Council and that the Ordinance has been fully recorded.

  
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Michael T. Trio, City Manager

**EXHIBIT A**

PRELIMINARY  
DO NOT USE  
FOR RECORDING

CITY OF COATESVILLE CHESTER COUNTY, PENNSYLVANIA  
DRAFT PLAN OF CONDEMNATION  
30 & 82 INTERSECTION  
19 N. FIRST AVENUE  
COATESVILLE, PA. 19320

CEPAVILLE Engineering Group LLC  
5319 W. CHESTNUT ST. SUITE 200A, COATESVILLE, PA 19320  
610.795.4500 FAX 610.795.4503

DATE	
REVISIONS	
MARKS	
COMMENTS	

TRACT BREAKDOWNS

GENERAL ALLOTMENT	100.00
TRACT AREA	100.00
TOTAL	100.00
PERCENTAGE	100.00%

**GENERAL NOTES:**

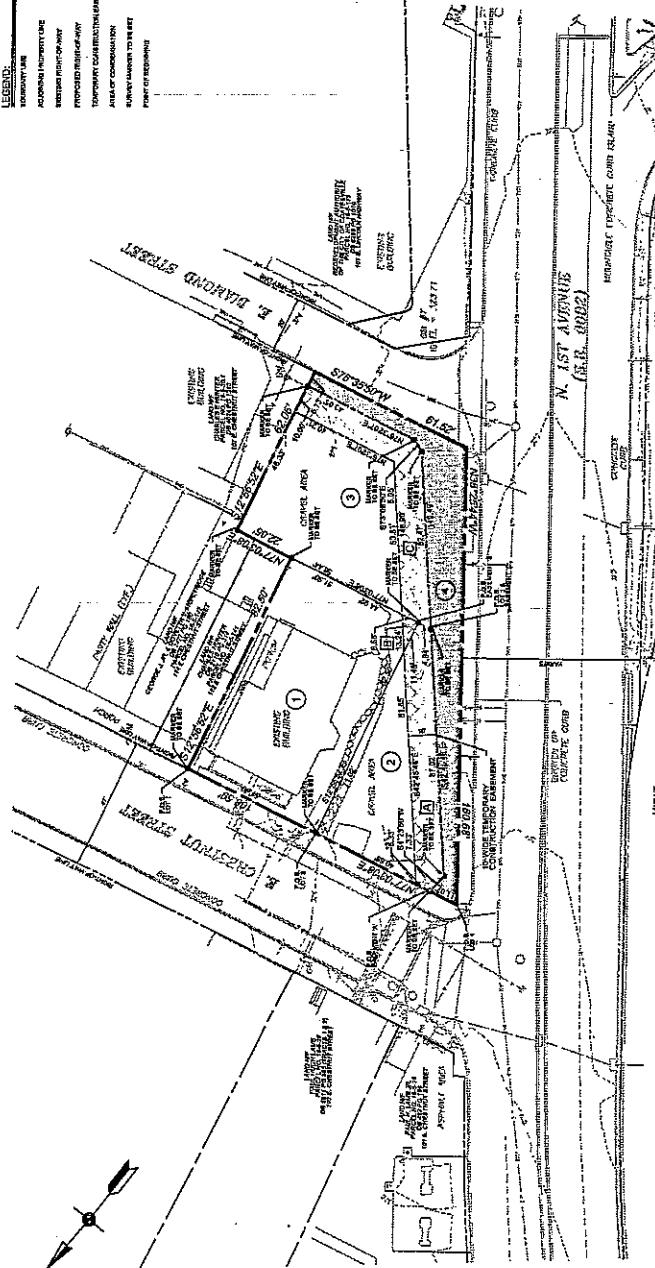
- THIS PLAN IS A PRELIMINARY DRAFT PLAN OF CONDEMNATION AND IS NOT TO BE USED FOR RECORDING.
- THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT COMPLIES WITH THE REQUIREMENTS OF THE CONDEMNATION ACT.
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SITE LOCATION MAP  
SCALE 1" = 1000'

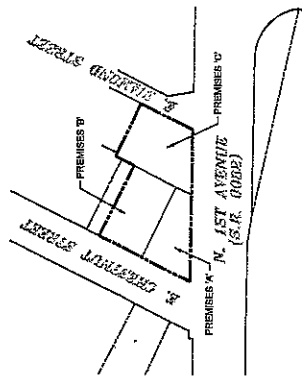


**LEGEND:**

- BOUNDARY LINE
- ADJOINING TRACTS
- PROPOSED RIGHT-OF-WAY
- PROPOSED TRACT
- PROPOSED CONDEMNATION
- ADJACENT TO THE RIGHT
- FRONT OF RECORD



NEW TRACT VIEW  
SCALE 1" = 20'



ORIGINAL TRACT VIEW  
SCALE 1" = 20'



## Temporary Construction Easement 'A' Required for Intersection Improvements

**ALL THAT CERTAIN** tract or parcel of land situate in the City of Coatesville, Chester County, Pennsylvania, as shown on plan entitled "Draft Plan of Condemnation, 30 & 82 Intersection, 19 N. First Ave" Prepared by Cedarville Engineering Group LLC, dated June 29, 2016, with no revision.

**BEGINNING** at a marker to be placed along the southerly right of way line of E. Chestnut Street (47 feet wide) and the northeasterly corner of Lot 4, said point being North 77 degrees 03 minutes 08 seconds East a distance of 11.07 feet from the intersection of the said southerly right of way line of E. Chestnut Street and the Northerly line of N. 1<sup>st</sup> Ave. (SR 0082) (width varies); thence

1. Along the southerly right of way of E. Chestnut Street (47 feet wide) North 77 degrees 03 minutes 08 seconds East for a distance of 5.33 feet to a point; thence
2. Through Lot 2, South 42 degrees 45 minutes 46 seconds East for a distance of 81.85 feet to the westerly line of Lot 1; thence
3. along the shared line of Lots 1 and 2, South 12 degrees 56 minutes 52 seconds East for a distance of 11.48 feet to a marker to be set at the southeasterly corner of Lot 2; thence
4. along the shared property line of Lots 2 and 3, South 77 degrees 03 minutes 08 seconds West for a distance of 4.94 feet to a marker to be set at the southwesterly corner of Lot 2; thence
5. along the easterly line of Lot 4, North 42 degrees 45 minutes 46 seconds West for a distance of 87.02 feet to a marker to be set at an angle point in the easterly line of Lot 4; thence
6. along the easterly line of Lot 4, North 4 degrees 23 minutes 50 seconds East for a distance of 7.33 feet to the POINT OF BEGINNING.

Containing 0.020 acres (891 square feet) more or less.



## Temporary Construction Easement 'B' Required for Intersection Improvements

**ALL THAT CERTAIN** tract or parcel of land situate in the City of Coatesville, Chester County, Pennsylvania, as shown on plan entitled "Draft Plan of Condemnation, 30 & 82 Intersection, 19 N. First Ave" Prepared by Cedarville Engineering Group LLC, dated June 29, 2016, with no revision.

**BEGINNING** at a marker to be set at the southwesterly corner of Lot 3, said marker being the following 4 courses from the intersection of the southerly right of way line of E. Chestnut Street and the Northerly line of N. 1<sup>st</sup> Ave. (SR 0082) (width varies):

- a) North 77 degrees 03 minutes 08 seconds East, a distance of 11.07 feet to a marker to be set; thence
- b) South 04 degrees 23 minutes 50 seconds West, a distance of 7.33 feet to a marker to be set; thence
- c) South 42 degrees 45 minutes 46 seconds East, a distance of 87.02 feet to a marker to be set; thence
- d) North 77 degrees 03 minutes 08 seconds East, a distance of 4.94 feet; thence

From said **POINT OF BEGINNING**:

1. along the shared line of Lots 1 and 2, North 12 degrees 56 minutes 52 seconds West for a distance of 11.48 feet; thence
2. through lands of Lot 1, South 42 degrees 45 minutes 46 seconds East for a distance of 13.24 feet; thence
3. along the shared line of Lots 1 and 3, South 77 degrees 03 minutes 08 seconds East for a distance of 6.58 feet to the **POINT OF BEGINNING**;

Containing 0.001 acres (38 square feet) more or less.





## Temporary Construction Easement 'C' Required for Intersection Improvements

**ALL THAT CERTAIN** tract or parcel of land situate in the City of Coatesville, Chester County, Pennsylvania, as shown on plan entitled "Plan of Condemnation 30 & 82 Intersection, 19 N. First Ave" Prepared by Cedarville Engineering Group LLC, dated June 29, 2016, with no revision.

**BEGINNING** at a marker to be set at the northwesterly corner of Lot 3, said marker being the following three courses from the intersection of the southerly right of way line of E. Chestnut Street and the Northerly line of N. 1<sup>st</sup> Ave. (SR 0082) (width varies):

- a) North 77 degrees 03 minutes 08 seconds East, a distance of 11.07 feet to a marker to be set; thence
- b) South 04 degrees 23 minutes 50 seconds West, a distance of 7.33 feet to a marker to be set; thence
- c) South 42 degrees 45 minutes 46 seconds East, a distance of 87.02 feet to a marker to be set; thence

From said **POINT OF BEGINNING**:

1. North 77 degrees 03 minutes 08 seconds East for a distance of 11.52 feet and crossing a marker to be set at 4.94 feet to a point along the shared line of Lot 1 and 3; thence
2. through lands of lot 3, South 42 degrees 45 minutes 46 seconds East for a distance of 53.81 feet;
3. continuing through lands of lot 3, North 76 degrees 32 minutes 07 seconds East for a distance of 40.21 feet to the westerly line of Parcel 16-5-30.1, now or formerly of Charles E. Hunter; thence
4. along the said westerly line, South 12 degrees 56 minutes 52 seconds East for a distance of 10.00 feet to a marker to be set at the northeasterly corner of Lot 4; thence
5. along the northerly line of Lot 4, South 76 degrees 32 minutes 07 seconds West for a distance of 43.05 feet to a marker to be set at an angle point in Lot 4; thence
6. continuing along Lot 4, North 73 degrees 06 minutes 50 seconds West for a distance of 5.05 feet to a marker to be set at an angle point in Lot 4; thence
7. continuing along Lot 4, North 42 degrees 45 minutes 46 seconds West for a distance of 62.47 feet to the **POINT OF BEGINNING**.

Containing 0.023 acres (1,023 square feet), more or less.



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Legal Description 'Lot 1'

**ALL THAT CERTAIN** tract or parcel of land situate in the City of Coatesville, Chester County, Pennsylvania, as shown on plan entitled "Draft Plan of Condemnation, 30 & 82 Intersection, 19 N. First Ave" Prepared by Cedarville Engineering Group LLC, dated June 29, 2016, with no revision.

**BEGINNING** at a marker to be placed along the southerly right of way line of E. Chestnut Street (47 feet wide) and the northwesterly corner of Parcel No. 16-5-141, lands now or formerly of Charles Hunter, said point being North 77 degrees 03 minutes 08 seconds East a distance of 108.59 feet from the intersection of the said southerly right of way line of E. Chestnut Street and the Northerly line of N. 1<sup>st</sup> Ave. (SR 0082) (width varies); thence

1. along the western property line of Parcel No. 16-5-141 and western line of lot 3, lands now or formerly of Charles Hunter, South 12 degrees 56 minutes 52 seconds East for a distance of 82.50 feet to a marker to be set at the southeasterly corner of Lot 1; thence
2. along the shared line of Lots 1 and 3, South 77 degrees 03 minutes 08 seconds West for a distance 51.50 feet to a marker to be set and the southwesterly corner of Lot 1; thence
3. along the shared line of Lots 1 and 2, North 12 degrees 56 minutes 52 seconds West for a distance of 82.50 feet a marker to be set along the southerly right of way line of said E. Chestnut Street; thence
4. along the southerly right of way of said E. Chestnut Street, North 77 degrees 03 minutes 08 seconds East for a distance of 51.50 feet to the **POINT OF BEGINNING**.

Containing 0:098 acres (4,249 square feet), more or less.

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### Legal Description 'Lot 2'

**ALL THAT CERTAIN** tract or parcel of land situate in the City of Coatesville, Chester County, Pennsylvania, as shown on plan entitled "Plan of Condemnation 30 & 82 Intersection, 19 N. First Ave" Prepared by Cedarville Engineering Group LLC, dated June 29, 2016, with no revision.

**BEGINNING** at a marker to be placed along the southerly right of way line of E. Chestnut Street (47 feet wide) and the northeasterly corner of Lot 2, said point being North 77 degrees 03 minutes 08 seconds East a distance of 57.09 feet from the intersection of the said southerly right of way line of E. Chestnut Street and the Northerly line of N. 1<sup>st</sup> Ave. (SR 0082) (width varies); thence

1. along the western line of Lot 1, South 12 degrees 56 minutes 52 seconds East for a distance of 82.50 feet to a marker to be set at the southeast corner of Lot 2; thence
2. along the northerly line of Lot 3, South 77 degrees 03 minutes 08 seconds West for a distance 4.94 feet to a marker to be set at the southwesterly corner of said lot 2; thence
3. along the easterly line of Lot 4, North 42 degrees 45 minutes 46 seconds West for a distance of 87.02 feet to a marker to be set at an angle point in the easterly line of Lot 4; thence
4. along the easterly line of Lot 4, North 4 degrees 23 minutes 50 seconds East for a distance of 7.33 feet to a marker to be set at the northwesterly corner of lot 2; thence
5. along the southerly right of way of said E. Chestnut Street, North 77 degrees 03 minutes 08 seconds East for a distance of 46.02 feet to the **POINT OF BEGINNING**.

Containing 0.054 acres (2,336 square feet) more or less.



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Legal Description 'Lot 3' – Lands Required for Intersection Improvements

**ALL THAT CERTAIN** tract or parcel of land situate in the City of Coatesville, Chester County, Pennsylvania, as shown on plan entitled "Plan of Condemnation 30 & 82 Intersection, 19 N. First Ave" Prepared by Cedarville Engineering Group LLC, dated June 29, 2016, with no revision.

**BEGINNING** at a marker to be set at the northwesterly corner of Lot 3, said marker being the following three courses from the intersection of the southerly right of way line of E. Chestnut Street (47 feet wide) and the Northerly line of N. 1<sup>st</sup> Ave. (SR 0082) (width varies):

- a) North 77 degrees 03 minutes 08 seconds East, a distance of 11.07 feet to a marker to be set; thence
- b) South 04 degrees 23 minutes 50 seconds West, a distance of 7.33 feet to a marker to be set; thence
- c) South 42 degrees 45 minutes 46 seconds East, a distance of 87.02 feet to a marker to be set; thence

From said **POINT OF BEGINNING**:

1. along the shared line of Lots 2 and 3, North 77 degrees 03 minutes 08 seconds East for a distance of 4.94 feet to a marker to be set at the southwest corner of Lot 1; thence
2. along the shared line of Lots 1 and 3, North 77 degrees 03 minutes 08 seconds East for a distance of 51.50 feet to a marker to be set at the southeasterly corner of Lot 1; thence
3. along the southerly line of Parcel No. 16-5-141, now or formerly of Charles Hunter and the southerly line of Parcel No. 16-5-142, now or formerly of George J. Jr. and Dovetta V. McFettridge, North 77 degrees 03 minutes 08 seconds East for a distance of 22.05 feet to a marker to be set at the northeasterly corner of Lot 3; thence
4. along the westerly line of Parcel No. 16-5-30.1, now or formerly of Charles E. Hunter, South 12 degrees 56 minutes 52 seconds East for a distance of 56.33 feet to a marker to be set at a corner of Lot 4; thence
5. along the northerly line of Lot 4, South 76 degrees 32 minutes 07 seconds West for a distance of 43.05 feet to a marker to be set at an angle point in Lot 4; thence
6. along the northerly line of Lot 4, North 73 degrees 06 minutes 50 seconds West for a distance of 5.05 feet to a marker to be set at an angle point in Lot 4; thence
7. along the easterly line of Lot 4, North 42 degrees 45 minutes 46 seconds West for a distance of 62.47 feet to the **POINT OF BEGINNING**.

Containing 0.081 acres (3,518.37 square feet), more or less.

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## Legal Description 'Lot 4' – Lands Required for Intersection Improvements

**ALL THAT CERTAIN** tract or parcel of land situate in the City of Coatesville, Chester County, Pennsylvania, as shown on plan entitled "Plan of Condemnation 30 & 82 Intersection, 19 N. First Ave" Prepared by Cedarville Engineering Group LLC, June 29, 2016, with no revision.

BEGINNING at the intersection of the southerly right of way line of E. Chestnut Street (47 feet wide) and the Northerly line of N. 1st Ave. (SR 0082) (width varies); thence

1. along the southerly right of way of E. Chestnut Street (47 feet wide), North 77 degrees 03 minutes 08 seconds East for a distance of 11.07 feet to a marker to be set at the northwesterly corner of Lot 2; thence
2. along the western line of Lot 2, South 04 degrees 23 minutes 50 seconds West for a distance of 7.33 to a marker to be set at an angle point in Lot 2; thence
3. along the western line of Lot 2, South 42 degrees 45 minutes 46 seconds East for a distance of 87.02 feet to a marker to be set at the southwest corner of Lot 2; thence
4. along the western line of Lot 3, South 42 degrees 45 minutes 46 seconds East for a distance of 62.47 feet to a marker to be set at an angle point in Lot 3; thence
5. along the western line of Lot 3, South 73 degrees 06 minutes 50 seconds East for a distance of 5.05 feet to a marker to be set at an angle point in Lot 3;
6. along the southerly line Lot 3, North 76 degrees 32 minutes 07 seconds East for a distance of 43.05 feet to a marker to be set at the southeasterly corner of Lot 3; thence
7. along the western property line of Parcel No. 16-5-30.1, now or formerly of Charles E. Hunter South 12 degrees 56 minutes 52 seconds East for a distance of 5.73 feet to the northerly right of way line of E. Diamond Street (20 feet wide); thence
8. along the northerly right of way line of said E. Diamond Street, South 76 degrees 35 minutes 50 seconds West for a distance of 61.52 feet to a point at the intersection of the northerly right of way line of said E. Diamond Street and the easterly line of N. 1<sup>st</sup> Ave (SR 0082)(width varies); thence
9. along the easterly right of way of said N. 1<sup>st</sup> Avenue, North 38 degrees 25 minutes 44 seconds West for a distance of 160.68 feet to the **POINT OF BEGINNING**.

Containing 0.046 acres (1,995.38 square feet), more or less.