

Resolution 99-4

TOWNSHIP OF RUSH
CERTIFICATE OF RESOLUTION

The undersigned certifies that the following Resolution was adopted at a duly advertised and convened meeting of the Township of Rush on Wednesday, February 17, 1999, at which a quorum of the Board of Supervisors was present and that the Resolution hereinafter set forth was unanimously adopted and remains in full force and effect as of the date of this Certification:

WHEREAS, the Township is involved in the construction of a sewage collection and conveyance system and related facilities for the disposal of sanitary sewage waste emanating from residences located in the Villages of Quakake and Tamanend (the "Project").

WHEREAS, under the Second Class Township Code, as amended, the Township has the power of eminent domain to acquire the necessary property interests for the construction, installation, and maintenance of the project facilities.

WHEREAS, the Township and/or its duly authorized designee initially negotiated with the property owners or reputed owners - Stephen B. Wonssock and Jennifer L. Wonssock, his wife, for a parcel of property located along S.R. 54, being more particularly described as Schuylkill County tax assessment parcel number 25-7-94, to construct a sewage treatment plant. Said negotiations were unsuccessful and it is necessary to proceed by virtue of the exercise of the Township's power of eminent domain.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. In order to enable the Township or its duly authorized designee to undertake and finance the Project, the Solicitor, in accordance with the provisions of the applicable laws, is to take such additional steps as may be necessary, including condemnation proceedings, to enable the Township to acquire said property.

2. The proper officers of the Township are authorized and directed to execute, attest, acknowledge, and deliver such instruments and documents as may be necessary to effect the taking of the foregoing Property and to determine upon consultation with the Solicitor and such other advisors as may be deemed necessary, the consideration to be paid and the time and manner of such payment to compensate the owners of said Property in accordance with the requirements of law and, if

possible, to enter into one or more agreements with said owners to acquire the Property in question.

3. The proper officers of the Township are hereby authorized and directed to execute and deliver such other documents and instruments and to take such other actions as they, in their discretion and upon the advice of legal counsel, shall deem necessary, appropriate, or desirable to carry out the intent of this Resolution, including but not limited to, such other documents relating to acquisition and construction of the Project.

4. All prior resolutions or parts of resolutions insofar as the same are inconsistent herewith, shall be in the same and expressly are repealed.

IN WITNESS WHEREOF, I, Carol Ann Opet, being the duly qualified (Asst.) Secretary of the Township of Rush, have executed this Certificate of Resolution this 17th day of February, 1999.

TOWNSHIP OF RUSH

BY: Carol Ann Opet
(ASST.) SECRETARY

IN THE COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY
CIVIL ACTION - LAW

IN RE: : No. S- -1999
THE MATTER OF PROCEEDING BY :
THE TOWNSHIP OF RUSH, :
SCHUYLKILL COUNTY, FOR THE :
CONDEMNATION OF THE PROPERTY :
REPUTEDLY OWNED BY STEPHEN B. :
WONSOCK AND JENNIFER L. WONSOCK, :
HIS WIFE, LOCATED AT SCH. CO. TAX :
ASSESSMENT NO. 25-7-94 IN THE :
TOWNSHIP OF RUSH, :
SCHUYLKILL COUNTY : EMINENT DOMAIN

BOND

KNOW ALL MEN BY THESE PRESENTS that a Declaration of Taking having been filed _____, 1999, by the Township of Rush ("Obligor"), a body corporate and politic organized and existing under the laws of the Commonwealth of Pennsylvania, being held and firmly bound unto the Commonwealth of Pennsylvania ("Obligee") for the use and benefit of the owner or owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner or reputed owners of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation of the tract or parcel of land needed for the construction of a sewage treatment plant and other related facilities located in Rush Township more particularly described in Exhibit "B" of the Declaration of Taking filed herewith.

WHEREAS, the Obligor has condemned the said property and cannot agree with the owners of said property upon the just

VERIFICATION

I, **GEORGE A. PINKEY**, Chairman of the Board of Supervisors of the Township of Rush, certify that the statements made in the foregoing pleading, which are within my personal knowledge, are true and those which are based upon information received from others I believe to be true. 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.

TOWNSHIP OF RUSH

BY: *George A. Pinkey*
George A. Pinkey

Dated:
3/8/99