

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 "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.