

RESOLUTION NO. 09-2024-1

**RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS OF MIDDLE SMITHFIELD TOWNSHIP TO SELECT AND APPROPRIATE EITHER AMICABLY OR BY EMINENT DOMAIN CERTAIN REAL ESTATE IN MIDDLE SMITHFIELD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, IN FEE SIMPLE TO BE USED FOR AUTHORIZED PUBLIC USES; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION THEREOF; PROVIDING FOR THE FURNISHING OF SECURITY FOR THE PAYMENT OF DAMAGES IN ACCORDANCE WITH THE LAW; AND AUTHORIZING CERTAIN OFFICERS OF MIDDLE SMITHFIELD TOWNSHIP TO ACT FOR IT IN ALL PROCEDURES AND ACTIONS REQUIRED BY THE EMINENT DOMAIN CODE.**

*WHEREAS*, the Middle Smithfield Township Board of Supervisors desires to control the use of land adjacent to existing municipal property in order to proceed with an authorized municipal and public use on the property; and

*WHEREAS*, the Middle Smithfield Township Board of Supervisors desires to remove public nuisances and blight within the Township in accordance with 26 Pa. C.S. §§ 204 and 205; and

*WHEREAS*, the Second Class Township Code, 53 P.S. 67201 permits the Township to acquire land or buildings for park and recreational purposes and other authorized public uses; and

*WHEREAS*, in order to carry out the foregoing-described purposes, it is necessary that the Township acquire title in fee simple to land suitably located within the Township.

***NOW, THEREFORE, IT IS HEREBY RESOLVED:***

1. That the Township authorizes the condemnation of and hereby selects and appropriates for the condemnation of the property located along Dancing Ridge Road, East Stroudsburg, Middle Smithfield Township, Monroe County, Pennsylvania, more particularly described at Monroe County Tax Parcel ID No. 09.17.1.5 and PIN No. 09730400797515.
2. That the nature of the title acquired by the authorized condemnation shall be absolute or fee simple title, including all easements, rights-of-way and real property interests of whatever nature.
3. That the Township Solicitor and the proper officers of the Township are hereby authorized to attempt to acquire said property by amicable agreement, however, if said property cannot be amicably acquired, the Township Solicitor and Township officers are hereby authorized to file a

Declaration of Taking and such other action to carry out the purpose of this Resolution.

4. That the institution of such proceedings, and any other damages, which may be agreed upon or awarded to any party in interest, including the owner or owners of said property, shall be paid out of the Township's General Fund.

**ADOPTED** this 12 day of September, A.D., 2024.

**TOWNSHIP OF MIDDLE SMITHFIELD**

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Annette Atkinson, Chairperson

*Mark Oney*

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Mark Oney, Vice-Chairperson

*Michael J. Dwyer*

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Michael J. Dwyer, Supervisor

(SEAL)

*Michele L. Clewell*

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Michele L. Clewell, Secretary