

A special meeting of the Fayette County Board of Commissioners was held at 9:30 a.m. on Thursday, January 6, 2022 at the Fayette County Courthouse, 61 East Main Street, First Floor, Uniontown PA., Uniontown PA.

In attendance-

Commissioner Scott Dunn
Commissioner Dave Lohr
Commissioner Vince Vicites
Solicitor Jack Purcell
Chief Clerk Amy Revak

The meeting was called to order by Commissioner Lohr. All rose for a silent prayer, which was followed by the pledge of allegiance.

Public Comments on Agenda Items- None

Chief Clerk Revak read the agenda item.

Commissioners

A motion was made by Commissioner Dunn and seconded by Commissioner Vicites to consider adoption of an ordinance declaring the intention to acquire a portion of the lands of N. Maude Wishart and her heirs and authorizing preparation and submission of a Declaration of Taking and related documentation for a portion of the lands of said N. Maude Wishart and her heirs, as attached.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites yes

Motion passed unanimously

Public Comment- None

Adjournment

A motion was made by Commissioner Dunn and seconded by Commissioner Vicites to adjourn the meeting.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites yes

Motion passed unanimously

FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-1

AN ORDINANCE OF THE COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA, DECLARING THE INTENTION TO ACQUIRE A PORTION OF THE LANDS OF N. MAUDE WISHART AND HER HEIRS AND AUTHORIZING PREPARATION AND SUBMISSION OF A DECLARATION OF TAKING AND RELATED DOCUMENTATION FOR A PORTION FOR THE LANDS OF N. MAUDE WISHART AND HER HEIRS.

WHEREAS, the Board of Commissioners of Fayette County has determined that it is necessary and appropriate to acquire a Permanent Right of Way Easement and a Temporary Construction Easement for a project involving replacement, repair, and/or maintenance of Bridge No. 73, located within Bullskin Township and Connellsville Township, for the safety of the traveling public and for the below stated property owners, which project plans and rights of way drawings have been recorded in the Office of the Recorder of Deeds of Fayette County on October 29, 2021, as Instrument No. 202100012099 and Highway Plan Book Volume 16, Page 36; and

WHEREAS, a description of the property condemned from owners N. Maude Wishart and her heirs, successor, and assigns (collectively the "Condemnees") sufficient for its identification is set forth in Exhibit A being part of the same premises more particularly described in the Office of the Recorder of Deeds in and for Fayette County in the instruments recorded in Deed Book Volume 385, Page 472, and Deed Book Volume 461, Page 24, and located in Bullskin Township and Connellsville Township, Fayette County, Pennsylvania, also identified as Tax Map No. 04-34-0031 (the "Wishart Property"); and

WHEREAS, Fayette County (the "Condemnor") condemns a Permanent Right of Way Easement of 3,006 square feet (0.069 acre) and a Temporary Construction Easement of 1,220 square feet (0.028 acre) from the Wishart Property. A copy of the lot plan showing the Wishart Property and the portion of the land condemned and a legal description of the condemned land is attached as Exhibit A; and

WHEREAS, Fayette County is permitted to acquire land and interest in land by eminent domain pursuant to the County Code, 16 P.S. § 2401-A, *et seq.*, as amended, and the Eminent Domain Code, 26 Pa.C.S.A. § 101, *et seq.*, as amended.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Fayette County, in accordance with the requirements of 16 P.S. § 2403-A, as follows:

Section 1. Incorporation of Recitals. All "Whereas" clauses are hereby incorporated into this Ordinance.

Section 2. Declaring Intent to Acquire a Portion of Lands by Eminent Domain. That the Board of Commissioners of Fayette County hereby declare its intent to acquire a portion of lands of N. Maude Wishart and her heirs, successors, and assigns for the purpose of replacing, repairing, and/or maintaining Bridge No. 73, located within Bullskin Township and Connellsville Township, for the safety of the traveling public and for the below stated property owners, as authorized pursuant to 16 P.S. §§ 2601-2603.

Section 3. Authorization to Prepare and Execute Declaration of Taking and Related Documents. That the Office of the County Solicitors are hereby authorized and directed to prepare, and the proper officers to execute, a Declaration of Taking and Notice of Condemnation in accordance with the provisions of the Pennsylvania Eminent Domain Code of 2006, 26 Pa.C.S.A. § 101, *et seq.*, as amended.

Section 4. Authorization to File Declaration of Taking and Related Documents. That the Office of the County Solicitors are hereby authorized and directed to file the Declaration of Taking in the Office of the Prothonotary of Fayette County.

Section 5. Authorization to Record Notice of Condemnation. That the Office of the County Solicitors are hereby authorized and directed to record the Notice of Condemnation in the Office of the Recorder of Deeds of Fayette County.

Section 6. Authorization for Payment of Just Compensation. That Fayette County, acting by and through the Board of Commissioners of Fayette County and the Office of the County Solicitors, is hereby authorized and directed to pay, or to offer to pay, within sixty (60) days from the filing of the hereinabove mentioned Declaration of Taking, just compensation to the Condemnees as provided for and pursuant to Section 307 of the Eminent Domain Code, 26 Pa.C.S.A. § 307. The Board of Commissioners notes and acknowledges that no bond or other security is required to be filed with the Declaration of Taking because Fayette County has the power of taxation and, therefore no bond or other security is necessary pursuant to 26 Pa.C.S.A. § 303.

Section 7. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal,

invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 8. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 9. Effective Date. This Ordinance shall become effective immediately upon its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the Board of Commissioners of the County of Fayette at a duly advertised public meeting held on the 6th day of January, 2022. This Ordinance was advertised on the 29th day of December, 2021, in accordance with 16 P.S. § 509.

FAYETTE COUNTY
BOARD OF COMMISSIONERS

By: 

David Lohr, Chairman

By: 

Vincent A. Vicites, First Vice-Chairman

By: 

Scott Dunn, Second Vice-Chairman

ATTEST: (SEAL)


Amy Revak
County Clerk

