



**WHEREAS**, Condemnor, Northampton County, condemns a Temporary Construction Easement of 917.93 square feet from the Kiefer Property. A copy of the plot plan showing the entire property and a portion of land condemned and the legal description of the land condemned are attached as Exhibit "2"; and

**WHEREAS**, a description of the property condemned from easement holder, Commonwealth of Pennsylvania sufficient for its identification is set forth in Exhibit "3" being part of the same Agricultural Conservation Easement more particularly described in the Office of the Recorder of Deeds in and for Northampton County Deed Book Volume 2009-1, Page 149230 located in Lower Mount Bethel Township, Northampton County Pennsylvania. A small portion of the Commonwealth's Agricultural Conservation Easement encumbers and overlaps the part of the lands to be condemned currently owned by Erica L. Busch (DBV 2009-1, Page 149230) and lands owned by Arling J. Kiefer Jr., and Peapack-Gladstone Bank, Co-Trustees of the Francis E. Kiefer Residuary Trust (DBV 2012-1, Page 18549) in the same acreage amounts; and

**WHEREAS**, Condemnor will condemn the Commonwealth of Pennsylvania's Conservation Easement encumbering the Busch lands for a Permanent Right of Way of 1,209.44 square feet and a Temporary Construction Easement for 3,743.97 square feet. For the Conservation Easement encumbering the Francis E. Kiefer Residuary Trust lands, Condemnor, Northampton County will condemn the Conservation Easement encumbering the Francis E. Kiefer Residuary Trust lands a Temporary Construction Easement of 917.93 square feet. A copy of the plot plan showing the entire easement and a portion of the easement condemned and legal description of condemned land is attached as Exhibit "3"; and

**WHEREAS**, Northampton County is permitted to acquire land and interests in land by Eminent Domain pursuant to the Eminent Domain Code, 26 Pa. C.S.A. Section 302 et seq. as amended.

**NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED** by the Northampton County Council as follows:

1. All "Whereas" clauses are hereby incorporated into this Ordinance.

2. That the County Solicitor's office, is 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, as amended.

3. That the Northampton County Solicitor is hereby authorized and directed to file the Declaration of Taking in the office of the Prothonotary of Northampton County.

4. That the Northampton County Solicitor is authorized and directed to record the Notice.

5. That Northampton County, acting by and through Northampton County Council and the Northampton County Executive and/or the Northampton County Solicitor's office, is hereby authorized and directed to pay, or to offer to pay, within sixty days from filing of the herein above mentioned Declaration of Taking, just compensation to each Condemnee as provided for and pursuant to Section 307 of the Eminent Domain Code.

6. That the Northampton County Solicitor's office is hereby authorized and directed to send the Notice required by Section 305 of the Eminent Domain Code to the record owner of the property or interest in property to be condemned by certified mail per Section 305(b) of the Eminent Domain Code.

This ordinance was advertised on the day \_\_\_\_ of \_\_\_\_\_ 2020, and was adopted by the Northampton County Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

ATTEST:

\_\_\_\_\_  
Linda M. Zembo  
Clerk to Council

\_\_\_\_\_  
Ronald Heckman  
County Council President

\_\_\_\_\_  
Lamont G. McClure  
County Executive

(J:\2020\bill\bill1782-2020)