

**OFFICIAL
BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 677-2023**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK,
ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE
CONDEMNATION, BY EMINENT DOMAIN, OF REAL
PROPERTY FOR MUNICIPAL PURPOSES.**

WHEREAS, the Borough of Franklin Park ("Borough") is a Pennsylvania municipal corporation existing under and governed by the Borough Code, 8 Pa.C.S. § 101 *et seq.*, as amended; and

WHEREAS, the Borough owns and operates Blueberry Hill Park, which consists of property identified by Allegheny County Department of Real Estate as Block and Lot Numbers 940-H-40, 940-S-251, 941-N-2, 821-D-146, and 822-E-231, and is located on Blaine's Way, Sewickley, PA 15143 ("Blueberry Hill Park"); and

WHEREAS, Borough Council has determined it has a need to acquire certain unimproved parcel of real property for municipal purposes having a Block and Lot Number of 822-F-00319-0000-00, now or formerly owned by Kevin M. Dougherty & Hope T. Dougherty, and located on McAleer Road, Sewickley, PA 15143 ("Property"); and

WHEREAS, the Property is adjacent to Blueberry Hill Park; and

WHEREAS, in accordance with the Pennsylvania Eminent Domain Code, 26 Pa.C.S. § 101 *et seq.*, and the Borough Code, 8 Pa.C.S. § 1502.1, the Borough is authorized to acquire title to said property through eminent domain proceedings.

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Franklin Park, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

SECTION 1. Borough Council, in accordance with the authority conferred by law, has identified, for certain authorized municipal purposes, the property identified as Block and Lot Number 822-F-00319-0000-00, and hereby declares its intention to acquire it through this Ordinance.

SECTION 2. The title to be acquired shall be in fee simple.

SECTION 3. The Borough Solicitor and all other appropriate Borough Officers are hereby authorized to take such actions as are necessary to implement this Ordinance, including, *inter alia*, condemning the property identified as Block and Lot Number 822-F-00319-0000-00 as contemplated in the Pennsylvania Eminent Domain Code, 26 Pa. C.S. § 101 *et seq.*, and filing a Declaration of Taking, Notice of Condemnation and giving notice to the Condemnee accordingly.

SECTION 4. The institution of such proceedings and any damages which may be awarded to

the owner of said premises to be paid out of funds of the Borough.

SECTION 5. All ordinances or parts of ordinances pertaining to the subjects covered by this Ordinance shall remain in full force and effect, except to the extent which they are inconsistent herewith in which case this Ordinance shall control. The provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 7. This Ordinance shall become effective in accordance with applicable law.

ORDAINED and **ENACTED** this _____ day of _____ 2023, by the Council of the Borough of Franklin Park in lawful session duly assembled.

ATTEST:

BOROUGH OF FRANKLIN PARK

Secretary

By: _____
Council President

Approved by me this _____ day of _____, 2023

Mayor

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the ____th day of _____, 2023.

By: _____
Borough Secretary