

. . . ORDINANCE

TAKING APPROPRIATING AND CONDEMNING FOR PARK PURPOSES CERTAIN PROPERTY OWNED OR CLAIMED BY THE TRUSTEES OF THE UNITED PRESBYTERIAN CHURCH OF NEW MILFORD, WITH REVERTER TO FREDERICK F. BADGER AND MARTHA JANE BADGER, THEIR EXECUTORS, ADMINISTRATORS, AND ASSIGNS.

Be it hereby enacted and ordained that the Borough of New Milford, Susquehanna County, Pennsylvania does hereby take, appropriate and condemn for Park purposes all those certain pieces or parcels of land situate in the Borough of New Milford, Susquehanna County, Pennsylvania, bounded and described as follows:

FIRST PIECE: Beginning at an iron pin set in the westerly right of way line of Church Street as established by the survey of the Public Square by William E. Breese, Registered Surveyor in October 1978, said pin being located North four degrees east a distance of one hundred thirty two and zero one hundredths feet (132.00') from the northeasterly corner of lands of ~~h/f~~ Frank Artley (being Lot #5 of the Frederick Badger lots as surveyed by James Sherman around 1850.) Thence 1) along the southerly boundary of lands formerly known as the Academy Lot (now part of the Public Square) and being the northerly line of the Church Lot, as established by the Public Square survey, North eighty six degrees west a distance of one hundred seven and twenty five one hundredths feet (107.25') to a nail set for a corner to the same in the pavement of the new tennis court. Thence 2) along the westerly boundary of the Church Lot as established by said Public Square survey south four degrees west a distance of ten and zero one hundredths feet (10.00') to a new corner established by this condemnation. Thence 3) thru lands of the Church, being a new line established by this conveyance, South eighty six degrees east a distance of one hundred seven and twenty five one hundredths feet (107.25') to a point in the aforementioned westerly right of way line of Church Street. Thence 4) along said westerly right of way of Church Street north four degrees east a distance of ten and zero one hundredths feet (10.00') to the place of beginning and containing a calculated area of 1,073 sq. ft. more or less as surveyed by William E. Breese, Registered Surveyor, in May 1979.

June 21, 1979
Attest
Robert Dean
Solicitor

All bearings herein are related to those of the old deeds from Frederick Badger and based on field evidence found in the October 1978 survey of the Public Square.

Said property is titled in the name of the Trustees of the Congregational Church and Society of New Milford Township, now believed to be the Trustees of the United Presbyterian Church of New Milford. But, the deed provides, "And in the event of said church ceasing so to occupy, use, and improve the said premises the same to and again become the property of the said grantors; (Frederick F. Badger and Martha Jane Badger, his wife,) their executors, administrators and assigns."

SECOND PIECE: BEGINNING at a nail set in the pavement of the new tennis court. Said nail marking the end of the first course in the description of parcel #1 as described above, and being the northwesterly corner of the Church Lot as established by the survey of the Public Square by William E. Breese, Registered Surveyor, in October 1978. Thence 1) along the southerly boundary of lands formerly known as the Academy Lot (now part of the Public Square) as established by the Public Square survey, South eighty six degrees east a distance of ninety nine and thirty seven one hundredths feet (99.37') to a point where the said boundary is intersected by the easterly line of the Church lot as surveyed by Leonard LaBarre in September 1978; thence 2) along the easterly boundary as per the LaBarre survey north three degrees twenty three minutes forty seconds east a distance of twenty two and eighty two one hundredths feet (22.82') to an iron pipe found marking the northeasterly corner of the Church Lot as per the LaBarre Survey, said point being north three degrees twenty three minutes forty seconds east a distance of one hundred thirty one and nine tenths feet (131.9') from a nail found near the middle of Park Street marking the southeasterly corner of the said LaBarre survey. Thence 3) continuing along the LaBarre survey, being the northerly boundary of the said survey, north eighty six degrees thirty five minutes twenty seconds west a distance of one hundred seven and ten one hundredths

feet (107.10') to a point for a corner to the same, said point being north three degrees twenty three minutes forty seconds east a distance of one hundred thirty one and nine tenths feet (131.9') from a nail found near the middle of Park Street marking the southwesterly corner of the LaBarre survey. Thence 4) along the westerly boundary of the said survey south three degrees twenty three minutes forty seconds west a distance of thirty one and seventy two one hundredths feet (31.72') to a point for a corner in the said westerly boundary line. Said point being where the said westerly boundary line is intersected by a westerly extension of the new division line established in Parcel #1 above. Thence 5) along the said extension south eighty six degrees east a distance of seven and sixty three one hundredths feet (7.63') to a point for a corner in the westerly boundary of the Church Lot as established by the aforementioned Public Square survey. Said point being the southwesterly corner of Parcel #1 above. Thence 6) along the said westerly boundary as per the Public Square survey north four degrees east a distance of ten and zero one hundredths feet (10.00') to the place of beginning and containing a calculated area of 2,462 sq. ft. more or less as surveyed by William E. Breese, Registered Surveyor, in May 1979.

All bearings herein are related to those of the old deeds from Frederick Badger and based on field evidence found in the October 1978 survey of the Public Square.

Said land is claimed by the Trustees of the United Presbyterian Church of New Milford, and is further claimed by New Milford Borough under and by virtue of a deed from the School District of New Milford Borough to New Milford Borough dated April 4, 1933, and recorded in Deed Book 168 page 148.

Any claim of the Trustees of United Presbyterian Church to the second parcel would be subject to the aforesaid Reverter clause mentioned in the First Piece herein.

The title condemned is the fee simple absolute title.

The President or Vice President and Secretary of the Borough of New Milford and their authorized representatives are hereby authorized to enter upon, take possession of and occupy such land and designate and mark the boundary lines thereof.

Said President or Vice-President and Secretary are authorized to file the required Declaration of Taking and execute any other papers required, and said President or Vice President and Secretary are authorized in their discretion to petition the Court of Common Pleas for the appointment of a Board of View, all under the Borough Code and Eminent Domain Code.

This Ordinance is enacted under Authority of the Borough Code Act of February 1, 1966, (1965 P.L. 1656 No. 581) as amended Section 1501 and the "Eminent Domain Code" 1964 Special Sess. June 22, P.L. 84, 26 Purdons Statues 1-101 through 1-808.

Enacted and Ordained this _____ day of _____, 1979

BOROUGH OF NEW MILFORD

BY: _____
President

ATTEST: _____
Secretary

APPROVED this _____ day of July, 1979

MAYOR

BROAD STREET

CHURCH

STREET

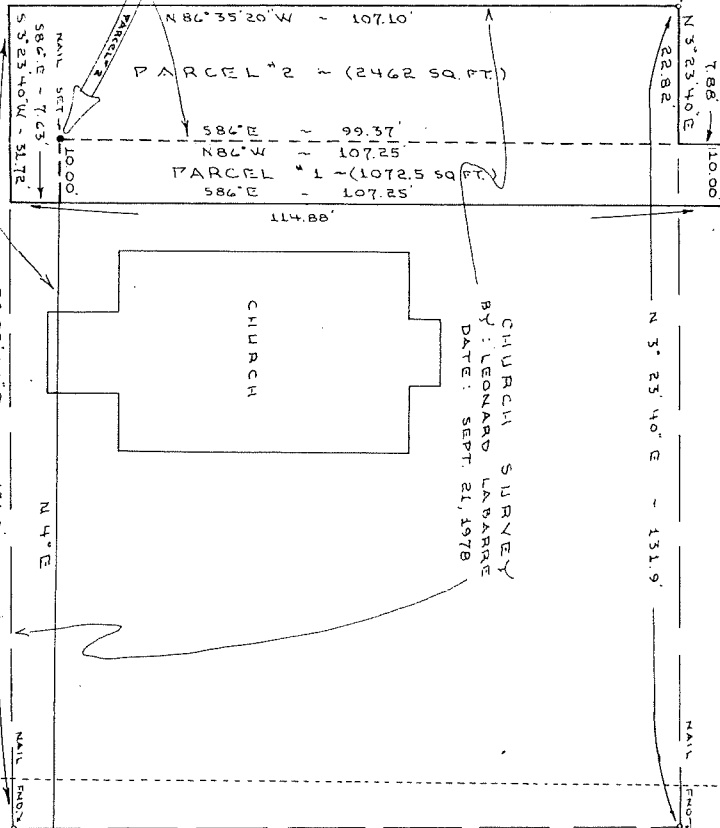
NOTES:

PARCEL #1 - TO BE ACQUIRED THRU CONDEMNATION OF A PORTION OF THE CHURCH PROPERTY, BEING A STRIP 10' WIDE BY 107.25' LONG ON THE NORTH SIDE OF THE CHURCH LOT AS DETERMINED BY SURVEY OF PUBLIC SQUARE BY THIS OFFICE IN OCT. 1978.

PARCEL #2 - ANY RIGHTS THAT THE CHURCH MAY HAVE TO THIS PARCEL, BASED ON THE CHURCH SURVEY BY LEONARD LABAREE, IN SEPT. 1978, TO BE ACQUIRED THRU THE SAME CONDEMNATION.

NOTE: BOUNDARIES OF CHURCH PROPERTY AS PER SURVEY OF PUBLIC SQUARE MADE BY THIS OFFICE IN 1978 (SEE MAP NY 91-E FOR SURVEY DETAILS)

NORTH PER ORIGINAL DEED



N/E FRANK ARTLEY
LOT #5 OF FREDERICK BADGER LANDS
AS SURVEYED BY JAMES SHERMAN

This map is not official or valid unless the embossed seal and original signature of the licensee is hereunto affixed.

WILLIAM E. BREESE

Registered Surveyor No. 24243-E

RD 2 BOX 40 NEW MILFORD, PA 18834

SURVEY FOR
NEW MILFORD BOROUGH
(PUBLIC SQUARE)

BOROUGH OF NEW MILFORD
SUSQUEHANNA CO., PA.

SCALE: 1" = 20'

DATE: MAY 2, 1979

INR NO. 4-89

MAP NO. 100-10