

ORDINANCE NO. 466

ORDINANCE OF THE BOROUGH OF FOREST CITY, SUSQUEHANNA COUNTY, PENNSYLVANIA, PURSUANT TO 53 P.S. 47201, AND 26 P.S. SECTIONS 1-401 ET SEQ, ESTABLISHING CONDEMNATION OF PRIVATE LANDS FOR THE IMPROVEMENT OF STORM WATER SEWERS WITHIN THE BOROUGH, PROVIDED THROUGH THE CONSTRUCTION AND MAINTAINCE OF STORM WATER SEWERS AND THE ACCUMULATION AND DISCHARGE OF WATER THEREFROM.

**WHEREAS**, the Borough of Forest City is desires of improving its Storm Water collection pipes by repairing and replacing old, broken preexisting pipes with new, larger pipes of more substantial size and material; and

**WHEREAS**, the Storm Water runoff pipes historically traveled through the Borough's property, under the rail road beds and discharged onto adjacent private lands before eventually reaching the Lackawanna River; and

**WHEREAS**, the current owners of the privately held lands, Forest City Partnership has to this date refused the Borough's request for an easement to place a rip rap on their land to decrease anticipated increased water flow by dissipating the water flow prior to its being discharged onto the land; and

**WHEREAS**, the legislature of the Commonwealth of Pennsylvania has empowered boroughs with the authority to enter upon private lands and condemn such property as necessary to fulfill these purposes for the general safety, welfare and best interest of the public; and

**WHEREAS**, the Council of the Borough of Forest City believes that it is in the best interests of the Borough and its residents to condemn the necessary portion of the lands owned by Forest City Partnership, known locally as Yucca Flats, and as depicted by a drawing of the necessary land attached hereto, incorporated herein and marked as exhibit "A".

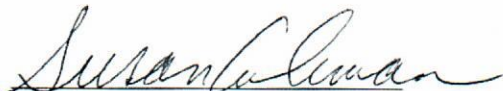
**THEREFORE, BE IT ORDAINED AN ENACTED AS FOLLOWS:**


1. Pursuant to 53 P.S. Sections 47201 through 47204, and 26 P.S. Sections 1-401, et seq., the Borough of Forest City condemns a portion of the lands of Forest City Partnership as shown on the attached drawing marked as Exhibit "A".

## 2. EFFECTIVE DATE

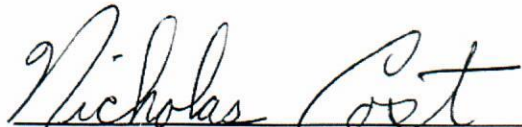
This Ordinance shall be effective upon the date of its approval by the Council of the Borough of Forest City and the Mayor.

**ORDAINED AND ENACTED** this 5<sup>th</sup> day of November, 2007.

  
Forest City Borough Secretary

  
Forest City Borough Council President

The foregoing Ordinance is approved on the 5<sup>th</sup> day of November, 2007.

  
Forest City Borough Mayor

## **EXHIBIT A**

TRAIL

S/

OLD  
PIPES

Dist. 2  
Dist. 1 1480 56  
Dist. 1 1480 56  
Dist. 1 1480 56  
Dist. 1 1480 56

Dist. 3

Dist. 3

TRAIL

APPROX.  
PROPERTY  
LINE

Dist. 1

Dist. 1 1480 56

R-7  
RIP RAP

60

1906

Dist. 1 1480 56  
Dist. 1 1480 56  
Dist. 1 1480 56  
Dist. 1 1480 56