

BROOKLYN TOWNSHIP
SUSQUEHANNA COUNTY, PENNA.

ORDINANCE NO. 1964-1

AN ORDINANCE OF THE TOWNSHIP OF BROOKLYN
SUSQUEHANNA COUNTY, PENNSYLVANIA CONDEMNING
FOR FLOOD CONTROL AND WATER STORAGE USE LANDS
OF ALBERT W. ROWE, JR. AND LILLIAN P. ROWE,
AS TENANTS IN COMMON, AND EMILY HITCHCOCK

WHEREAS, water flooding has caused repeated damage to persons and property in Brooklyn Township and has caused expenditure of Township and County funds, which damage and expenditures continue to increase as subdivision and development within the Township and adjacent areas continue, so that a water shed protection and flood project plan is an imperative need, and,

WHEREAS, such a water shed plan has been proposed and prepared by the Susquehanna County Board of Commissioners, the Susquehanna County Soil Conservation District, and the Township of Brooklyn Supervisors, with the assistance of the United States Department of Agriculture, providing for relief in the Martin's Creek water shed area, and

WHEREAS, to effect such plan it is necessary to acquire certain lands in the Township, including the land hereinafter described, and the Township has been unable to effect a purchase of the same and must, therefore, acquire the same by the right of eminent domain,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Brooklyn Township, Susquehanna County, Pennsylvania and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1: That the Township of Brooklyn, Susquehanna County, Pennsylvania, does hereby condemn an easement in certain lands owned by Albert W. Rowe, Jr. and Lillian P. Rowe, as tenants in common, as their interest may appear, situate, in said Township, described in Schedule A-1, for or in connection with the construction, operation, maintenance, and inspection of a flood water retarding structure, designed as Site No. Pa. 468 in the plans for Martin's Creek water shed, to be located on the land described in Schedule A-1; for the flowage of any waters, in, over, upon, or through such structure and for the permanent storage and temporary detention, either or both, of any waters that are impounded, stored, or detained by such structure.

1. And further a right of ingress, egress and regress

SECTION 2: That the Township of Brooklyn, Susquehanna County, Pennsylvania, does hereby condemn an easement in certain lands owned by Albert W. Rowe, Jr. and Lillian P. Rowe, as tenants in common, as indicated in Schedule A-2 and attached hereto, for the flowage in connection with the construction, operation, and maintenance and inspection of a ditch for the flowage of any waters on, over and upon the above described land which is caused by the results from the construction of the flood water retarding structure designated as Site Pa. 468 in the water shed plan for Martin's Creek water shed, Susquehanna County, Pennsylvania, together with the right of ingress, egress and regress at any time by the Township, its representatives over and upon said land for the above purposes.

SECTION 3: The Township of Brooklyn, Susquehanna County, Pennsylvania, does hereby condemn the easement in certain lands owned by Emily Hitchcock as her interest may appear in the said Township and described in Schedule A-3 attached hereto for the flowage in connection with the construction, operation and maintenance and inspection of a ditch for the flowage of any waters on, over and upon the above described land which is caused by the results from the construction of the flood water retarding structure designated as Site Pa. 468 in the water shed plan for Martin's Creek water shed, Susquehanna County, Pennsylvania, together with the right of ingress, egress, and regress at any time by the Township, its representatives, over and upon said land for the above purposes.

SECTION 4: Material for construction of the said dam or for ditches may be taken from any part of the area included in the easement taken.

SECTION 5: The easements heretofore referred to are subject to the following provisions:

1. Brooklyn Township shall be responsible for operating, maintaining and keeping in good repair the works of improvement herein described.

2. The Landowner reserves the right to use said land or any part thereof at any time and for any purpose provided such use does not interfere with the full enjoyment by Brooklyn Township of the easement herein condemned.

The Landowner reserves the right to use and control the use of any ponded water that may result on his land for any purpose he wishes so long as it does not interfere with the operation and maintenance of the work improvement and does not violate any existing State laws on ponded water use. This pertains to fishing rights, game rights, Water Use Rights, recreation and

5. In the event construction on the above described works of improvement is not commenced with eighty four months from the date hereof, the rights and privileges herein granted shall at once revert to and become the property of the Landowner, his heirs and assigns.

6. Special Provisions:

(a.) Brooklyn Township does not guarantee that a leak free permanent pool will result from construction.

(b.) The Landowner agrees not use, graze, or permit cutting of grass on or within the area of the dam (or other improvements) enclosed by wire fence except upon written permission of and upon terms specified by the authorized representative of the Brooklyn Township Supervisors.

(c.) The Landowner agrees not to place any screen or other obstructions around the outlets installed in the dam.