

**BOROUGH OF SUSQUEHANNA DEPOT
SUSQUEHANNA COUNTY
PUBLIC NOTICE**

AN ORDINANCE OF THE BOROUGH OF SUSQUEHANNA DEPOT, SUSQUEHANNA COUNTY, PENNSYLVANIA, AUTHORIZING THE CONDEMNATION AND TAKING BY EMINENT DOMAIN OF A FEE SIMPLE INTEREST OVER TAX MAP PARCEL NUMBERS 054.10-3,002.00 AND 054.10-3,003.00, TWO UNNUMBERED PARCELS ON DEPOT STREET, SUSQUEHANNA, N/F OF ALAN C. BLOOMER FOR PUBLIC PURPOSES PURSUANT TO 8 PA.C.S. § 1501; AUTHORIZING THE BOROUGH SOLICITOR TO PROCEED WITH THE ACQUISITION OF A FEE SIMPLE INTEREST THEREIN THROUGH EMINENT DOMAIN; AUTHORIZING THE PAYMENT OF JUST COMPENSATION; AND AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH TO UNDERTAKE SUCH ACTS AS NECESSARY TO ACQUIRE THE PROPERTY INTERESTS CONDEMNED UNDER THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE, REPEALING PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES, AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, the Borough Code, 8 Pa.C.S. § 101, *et seq.*, and the Eminent Domain Code, 26 Pa.C.S. § 101, *et seq.*, authorize the Borough Council of the Borough of Susquehanna Depot to condemn private property for public purposes; and

WHEREAS, the Borough Council of the Borough of Susquehanna Depot has identified certain properties within the Borough of Susquehanna Depot uniquely situated within the Borough to serve the needs of the Borough and its residents, businesses, and the general public of the Borough; and

WHEREAS, more specifically, the Borough Council of the Borough of Susquehanna Depot has deemed it in the best interest of the Borough to exercise eminent domain and acquire a fee simple interest in the entirety of tax parcel numbers 054.10-3,002.00 and 054.10-3,003.00, being two unnumbered parcels on Depot Street, Susquehanna, PA 18847 (referred to hereinbelow as the "Property"); and

WHEREAS, in order to exercise the power of eminent domain, the Borough Code requires the Borough to pass an ordinance to declare its intention to take private property; and

WHEREAS, the Borough Council of the Borough of Susquehanna Depot, through this ordinance, declares its intention to acquire a fee simple interest in the Property, and to authorize the Borough Solicitor and other proper Borough officials to take all actions necessary to effectuate the acquisition of the Property through eminent domain.

NOW THEREFORE, it is hereby **RESOLVED** by the Borough Council of the Borough of Susquehanna Depot as follows:

SECTION 1. EXERCISE OF THE POWER OF EMINENT DOMAIN.

- A. The Borough Council of the Borough of Susquehanna Depot hereby exercises the powers of eminent domain pursuant to the Borough Code and Eminent Domain Code and declares its intention to acquire a fee simple interest in the entirety of the Property. Specifically, the real property as identified:

Parcel Numbers 054.10-3,002.00 and 054.10-3,003.00
Properties now or formerly of Alan C. Bloomer

- B. The Borough Council of the Borough of Susquehanna Depot hereby authorizes the Borough Solicitor and other Borough Officials to take all actions necessary to effectuate acquisition of the Property through eminent domain, including, but not limited to, advertising this ordinance, drafting and filing a declaration of taking in accordance with the procedures set forth in the Eminent Domain Code, as well as such other documentation as is required under the Borough Code and Eminent Domain Code.
- C. The Borough Council of the Borough of Susquehanna Depot hereby authorizes the proper officials of the Borough of Susquehanna Depot to tender estimated compensation as required by law, and further to make such other expenditures as shall be required by law to effectuate the filing of the declaration of taking, including such fees as shall be required in connection with such filing.
- D. The property interest condemned herein shall be for public purpose only, including, but not necessarily limited to, public open space, parks, recreation, and public parking in accordance with Section 1501 of the Borough Code.

SECTION 2. SEVERABILITY CLAUSE.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Borough Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 3. REPEALER

Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective at the earliest date permissible under Pennsylvania law.

RESOLVED and **ADOPTED** by the Borough Council of the Borough of Susquehanna Depot
this _____ day of _____, 2024.

BOROUGH OF SUSQUEHANNA DEPOT:

By:
Council President

ATTEST:

By:
Borough Secretary

Examined and Approved by me this _____ day
of _____, 2024
By:
Mayor, Borough of Susquehanna Depot

**BOROUGH OF SUSQUEHANNA DEPOT
SUSQUEHANNA COUNTY
PUBLIC NOTICE**

The Borough Council of the Borough of Susquehanna Depot, Susquehanna County, Pennsylvania will hold a public meeting on July 10, 2024, at 6:00 p.m. at the Susquehanna Depot Borough Municipal Building, 83 Erie Blvd., Suite A, Susquehanna, PA 18847, at which the Borough Council will consider the enactment of a proposed ordinance authorizing the condemnation and eminent domain of two parcels of real property in the Borough owned by Alan C. Bloomer. The title and summary of the proposed ordinance is as follows:

AN ORDINANCE OF THE BOROUGH OF SUSQUEHANNA DEPOT, SUSQUEHANNA COUNTY, PENNSYLVANIA, AUTHORIZING THE CONDEMNATION AND TAKING BY EMINENT DOMAIN OF A FEE SIMPLE INTEREST OVER TAX MAP PARCEL NUMBERS 054.10-3,002.00 AND 054.10-3,003.00, TWO UNNUMBERED PARCELS ON DEPOT STREET, SUSQUEHANNA, N/F ALAN C. BLOOMER FOR PUBLIC PURPOSES PURSUANT TO 8 PA.C.S. § 1501; AUTHORIZING THE BOROUGH SOLICITOR TO PROCEED WITH THE ACQUISITION OF A FEE SIMPLE INTEREST THEREIN THROUGH EMINENT DOMAIN; AUTHORIZING THE PAYMENT OF JUST COMPENSATION; AND AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH TO UNDERTAKE SUCH ACTS AS NECESSARY TO ACQUIRE THE PROPERTY INTERESTS CONDEMNED UNDER THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE, REPEALING PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES, AND CONTAINING AN EFFECTIVE DATE.

Section 1 authorizes the exercise of eminent domain over two parcels of real property on Depot Street, Susquehanna, PA. Section 2 is a severability clause. Section 3 repeals all ordinances or parts thereof inconsistent with or in conflict with the Ordinance Amendment, and Section 4 provides for the enactment of the Ordinance.

The full text of the proposed ordinance is on file for inspection and review without charge (or a copy may be obtained for a charge not greater than the cost thereof) at the Susquehanna Depot Borough Municipal Building, 83 Erie Blvd., Suite A, Susquehanna, PA 18847. Copies of the proposed Ordinance is also available at the Susquehanna County Law Library, 31 Lake Avenue P.O. Box 218, Montrose, PA 18801, and at the newspaper publishing this notice.

If any person with a disability wishes to request that special accommodations be made to allow his or her participation, he or she is asked to contact the Borough of Susquehanna Depot at 570-853-3235 at least one business day in advance to make arrangements.

**BOROUGH COUNCIL OF THE
BOROUGH OF SUSQUEHANNA DEPOT**

ECKERT
SEAMANS
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June 21, 2024

Via First Class Mail

Attn: Court Administration
Susquehanna County Law Library
31 Lake Avenue
P.O. Box 218
Montrose, PA 18801

Re: Ordinance of the Borough of Susquehanna Depot

To whom it may concern:

Enclosed please find a copy of the Ordinance that is being considered by the Susquehanna Depot.
Thank you for your attention to this matter.

Please advise of any questions or concerns.

Sincerely,

/s/ Brett C. Flower
Brett C. Flower

BCF/red
Enclosures