

ORDINANCE NO: 173

**AN ORDINANCE OF NOCKAMIXON TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA AUTHORIZING THE ACQUISITION
OF CERTAIN LANDS OWNED BY ROBERT AND MELISSA REILLY FOR OPEN
SPACE, PARK AND RECREATIONAL PURPOSES**

WHEREAS, Nockamixon Township (“Township”) desires to acquire certain real property for open space, park and recreational purposes under and pursuant to the Second Class Township Code which said real property is located on Old School House Way, Ottsville, Nockamixon Township, Bucks County, Pennsylvania, 18942, Tax Parcel No. 30-011-202-005 (“Property”);

WHEREAS, the Second Class Township Code provides that a township may, declare its intention to acquire private property or land for the purposes as previously set forth through the use of eminent domain; and

WHEREAS, the Township has obtained an appraisal pursuant to Section 1503(e), 53 P.S. § 66503(e) and intends to purchase the property using Open Space funds, pursuant to 32 P.S. § 5007.1; and

WHEREAS, the Property abuts and adjoins Veterans Memorial Park; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Pennsylvania law;

NOW, THEREFORE, be it **ORDAINED AND ENACTED** by the Board of Supervisors as follows:

1. The Township hereby seeks to acquire the Property for open space, park and recreational purposes as previously set forth in this Ordinance, and said Property is presently owned by Robert and Melissa Reilly and is described in the attached **Exhibit “A”** which is incorporated herein by reference.

2. The Township approves and authorizes all appropriate actions to be taken by the Chair of the Board of Supervisors and the Township Solicitor in order to carry out the intent and purposes of this Ordinance, including, but not limited to, the preparation and signing of an Agreement of Sale for the Property, Transfer Tax documentation, and such other proceedings as are necessary to carry out the intent and purpose of this Ordinance.

3. The Township approves the purchase and authorizes the Chair of the Board of Supervisors to execute all necessary documents upon review and approval of the Township Solicitor.

4. The Township Solicitor is herein authorized on behalf of the Board of Supervisors to file any necessary documents with the Recorder of Deeds Office in Bucks County, or other County entity in accordance with or furtherance of this Ordinance.

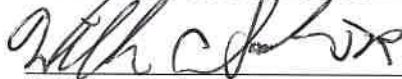
5. All other provisions of the Nockamixon Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Township's Code of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

6. All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and enactment, but Nockamixon Township shall take such anticipatory administrative action in advance as shall be necessary for the implementation of this Ordinance. The prior actions of the officers, representatives, agents or employees of Nockamixon Township in connection with and in furtherance of this Ordinance are hereby authorized, ratified and confirmed.

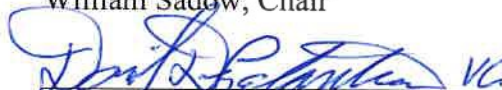
7. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

ORDAINED AND ENACTED this ____ day of _____, 2022

BOARD OF SUPERVISORS OF
NOCKAMIXON TOWNSHIP,
BUCKS COUNTY, PENNSYLVANIA



William Sadow, Chair



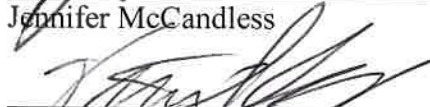
David DiPalantino, Vice Chair



John Harbort



Jennifer McCandless



Vince Fleck

Attest:

, Secretary

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OTTSVILLE, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA AND IS DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN lot or tract of ground, situate in the Township of Nockamixon, County of Bucks and Commonwealth of Pennsylvania, bounded and described according to a Survey thereof made by Robert D. Cooper, Registered Surveyor of Ottsville, Pennsylvania, on 04/15/1971, as follows, to wit:

BEGINNING at an I. Pipe found, a corner of remaining land now or late of Donald R. Eisenhart, Jr., et ux, and said corner also being a corner in line of land now or late of Earl Michener, et ux ; (1) thence along part of said land now or late of Earl Michener, et ux, North 51 degrees 24 minutes 30 seconds West 150.00 feet to an I. Pipe, a corner; (2) thence still along same and passing over an I. Pipe 24.73 feet from the end of this line and also crossing over existing 16.50 feet wide Right of Way North 38 degrees 35 minutes 30 seconds East 354.11 feet to a point, a corner of land now or late of Earl Michener, et ux, on the Northerly side of said Right of Way and said corner also being a corner in line of land now or late of William A. Gorman; (3) thence along part of said land now or late of William A. Gorman and along part of land now or late of Shady Lawn Farms, Inc. and along the Northerly side of said Right of Way South 51 degrees 43 minutes 14 seconds East 150.00 feet to a point a corner and said corner also being a corner of remaining land now or late of Donald R. Eisenhart, Jr., et ux; (4) thence along said remaining land now or late of Donald R. Eisenhart, Jr., et ux and recrossing over aforementioned existing 16.50 feet wide Right of Way and passing over an I. Pipe found 23.40 feet from the beginning of this line south 38 degrees 35 minutes 30 seconds West 354.92 feet to the point and place of BEGINNING.

TOGETHER with a free right of ingress, egress and regress over and along a certain Right of Way 16.5 feet in width, extending in a general Northeasterly direction from the Upper Black Eddy Road (LR 09037) for a distance of approximately 975.15 feet to another 16.5 feet wide Right of Way and thence extending along said latter Right of Way in a general Northwesterly direction a distance of approximately 675.9 feet to the premises herein conveyed; said Right of Way to endure for the use and benefit of the premises of the second part, their heirs and assigns.

BEING known as Old School House Way (Vacant Lot), Ottsville, Pennsylvania 18942

COUNTY TAX PARCEL NO. 30-011-202-005

BEING the same premises that Richard Steven Howell and Kathleen M. Howell, husband and wife, by deed dated October 29, 1990 and recorded November 29, 1990 in the Office of the Recorder of Deeds of Bucks County, PA, in Deed Book 244 page 1211, granted and conveyed unto Donald R. Lucas and Barbara M. Lucas, husband and wife, as tenants by the entireties, in fee.

ALSO BEING PART OF the same premises that Donald R. Lucas and Barbara M. Lucas, husband and wife, by deed dated November 28, 2005 and recorded December 6, 2005 in the Office of the Recorder of Deeds of Bucks County, PA, in Land Record Book 4741 page 583, granted and conveyed unto Donald R. Lucas and Barbara M. Lucas, husband and wife, in fee.

And the said Barbara M. Lucas departed this life on ___/___/___ whereby title became vested in Donald R. Lucas, by right of survivorship.

The said Donald R. Lucas a/k/a Donald Ross Lucas Sr. departed this life on May 21, 2016 whereas Letters of Testamentary were duly granted on June 14, 2016, unto Robert Reilly, by the Register of Wills of Bucks County, PA at Docket No. 2016-01498 .

ALSO BEING PART OF the same premises that Robert Reilly, Executor of the Estate of Donald R. Lucas, deceased, by deed dated September 18, 2017 and recorded September 25, 2017 in the Office of the Recorder of Deeds of Bucks County, PA, in Instrument No. 2017057848, granted and conveyed unto Robert Reilly, in fee.

ALSO BEING PART OF the same premises that Robert Reilly, by deed dated March 4, 2019 and recorded March 5, 2019 in the Office of the Recorder of Deeds of Bucks County, PA, in Instrument No. 2019010484, granted and conveyed unto Robert Reilly and Melissa Reilly, husband and wife, as tenants by the entirety, in fee.

ALSO BEING the same premises that Robert Reilly and Melissa Reilly, by deed dated June 14, 2021 and recorded June 15, 2021 in the Office of the Recorder of Deeds of Bucks County, PA, in Instrument No. 2021055978, granted and conveyed unto Robert Reilly and Melissa Reilly, as tenants by the entireties, in fee.