

AMITY TOWNSHIP
RESOLUTION NO. 17-11

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA APPROVING THE STIPULATION OF TERMS OF SETTLEMENT OF ALL CLAIMS INCLUDING THE EMINENT DOMAIN ACTION FOR THE CONDEMNATION OF A PORTION OF LAND SITUATE AT 68 PINE LANE, TOWNSHIP OF AMITY, BERKS COUNTY, BELONGING TO H. LADDIE MONTAGUE, JR. AND LINDA P. MONTAGUE FOR THE PURPOSE OF ACQUIRING PERPETUAL SANITARY SEWER EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENT

WHEREAS, the Township of Amity ("Township") filed a Filing of Declaration of Taking in the Court of Common Pleas of Berks County Pennsylvania to No. 14-19164 for purposes of acquiring a sanitary sewer right of way and a temporary right of way for construction purposes for a portion of the property known as 68 Pine Lane in the Township of Amity; and

WHEREAS, the Board of Supervisors of the Township of Amity ("Board") desires to accept the terms of the Stipulation of Terms of Settlement of All Claims Including the Eminent Domain Action ("Stipulation") between the Township and H. Laddie Montague and Linda P. Montague ("Montagues") which is attached hereto as Exhibit "A" and made a part hereof; and


WHEREAS, the Board authorizes the appropriate officers to execute the Stipulation as the full and final settlement of this matter and provide the agreed upon consideration to the Montagues upon receipt of the Stipulation fully executed by Montagues.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, that:

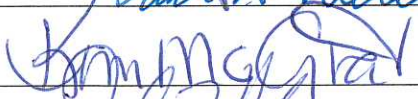
1. The terms of the Stipulation of Terms of Settlement of All Claims Including the Eminent Domain Action ("Stipulation"); between the Township and H. Laddie Montague and Linda P. Montague ("Montagues") are hereby accepted;
2. The consideration stipulated shall be provided to the Montagues.

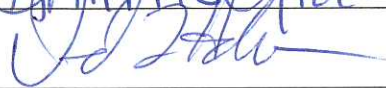
3. The Township's solicitor is authorized to execute the Stipulation on behalf of the Township.
4. The Township officers and its solicitor are hereby authorized to take any and all necessary and appropriate actions to conclude this matter in the Berks County Court of Common Pleas consistent with the terms of this Resolutions and the Stipulation.

TOWNSHIP OF AMITY









I certify that this is a true and correct copy of a Resolution adopted by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania on May 17, 2017.

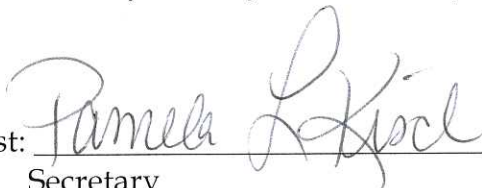
Attest: 
Secretary

EXHIBIT "A"

KOZLOFF STOUDT
Professional Corporation
By: Brian F. Boland
Attorney I.D. # 43763
2640 Westview Drive
Wyomissing, PA 19610
(610) 670-2552

Solicitors for Condemnor

CONDEMNATION OF A	:	IN THE COURT OF COMMON PLEAS OF
PORTION OF LAND SITUATE AT	:	BERKS COUNTY, PENNSYLVANIA
68 PINE LANE, TOWNSHIP OF	:	
AMITY, BERKS COUNTY,	:	
NOW BELONGING TO	:	
H. LADDIE MONTAGUE, JR.	:	
AND LINDA P. MONTAGUE	:	EMINENT DOMAIN PROCEEDING
FOR THE PURPOSE OF	:	IN REM
ACQUIRING PERPETUAL	:	
SANITARY SEWER EASEMENTS	:	NO.
AND TEMPORARY	:	
CONSTRUCTION EASEMENTS	:	Assigned to:

**STIPULATION OF TERMS OF SETTLEMENT OF ALL CLAIMS INCLUDING THE
EMINENT DOMAIN ACTION**

AND NOW, this _____ day of _____, 2017, H. Laddie Montague, Linda P. Montague ("Condemnees") and Steven D. Buck, STEVENS & LEE, counsel for the Condemnees, and Brian F. Boland, KOZLOFF STOUDT, Professional Corporation, Solicitors and counsel for the Condemnor, Township of Amity, Berks County, Pennsylvania, ("Condemnor") hereby stipulate as follows:

Condemnor and Condemnees, in full and final settlement of any and all claims for damages, including, but not limited to, any as may be claimed pursuant to the Eminent Domain Code of Pennsylvania, 26 Pa. C.S. §302 et seq., or such as Condemnees may otherwise have had, presently have or in the future may have, including, but not limited to, any rights to file preliminary objections or other challenges to the above-captioned action, hereby stipulate and agree as follows:

1. Condemnor shall pay to Condemnees the total amount of Sixty-Five Thousand and 00/100 Dollars (\$65,000.00) as full and complete consideration and in settlement of any and all damages as a result of the taking of the Premises, including, but not limited to, any direct damages, indirect damages owed for the purpose of acquiring the land for and access to a perpetual sanitary sewer easement and temporary construction easement, or other interests taken. Condemnor agrees to pay the Condemnees' reasonable attorney fees up to \$1,000.00.

2. Condemnor shall pay to Condemnees a total of Two Thousand and 00/100 Dollars (\$2,000.00) to be used by Condemnees to landscape the area disturbed by the construction;

3. Condemnor shall provide flush manholes throughout the Condemnees property at Condemnor's cost;

4. Condemnor shall construct the sanitary sewer line in accordance with the drawings and metes and bounds descriptions provided in Exhibit "C" and "D" to Condemnor's Declaration of Taking filed in this matter.

5. Condemnor shall provide three (3) capped wye connections to the sanitary sewer main for future connections at locations selected by Condemnees and one (1) capped wye connection to the sanitary sewer main for a future connection to the main house on Condemnee's property. Condemnees shall be responsible for connecting the current property to the sewer line in the future. Condemnor shall have no financial responsibility to connect the existing house or future houses to the sanitary sewer main. Future connections to the sanitary sewer line shall be required to pay for any and all tapping fees per EDU then in effect.

6. Condemnees, each and both of them, do hereby forever waive, release and abandon any and all claims for damages as each or both may have pursuant to the Pennsylvania Eminent Domain Code and hereby acknowledge that the above captioned action may be settled, discontinued and ended with prejudice.

7. All other costs shall be borne by the party incurring the same.

Steven D. Buck, Esq., Stevens & Lee
Counsel for Condemnees, H. Laddie Montague
and Linda P. Montague

H. Laddie Montague, Condemnee

Linda P. Montague, Condemnee

Brian F. Boland, Esq., Kozloff Stoudt, P.C.
Attorney for Condemnor, Township of Amity