

TOWNSHIP OF MIDDLETOWN
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 853

AN ORDINANCE GRANTING MIDDLETOWN TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AUTHORITY TO ACQUIRE REAL ESTATE, INCLUDING EXERCISING THE POWER OF EMINENT DOMAIN, UPON ± .633 ACRES, TOGETHER WITH ALL BUILDINGS THEREON, LOCATED AT 447 LENNI ROAD, BEING DELAWARE COUNTY TAX FOLIO NO. 27-00-01231-00, OWNED BY RICHARD TUZIO AND COLLEEN TUZIO (THE "PROPERTY"), SUCH PROPERTY BEING ACQUIRED FOR THE PURPOSE OF EXTENDING THE CHESTER CREEK RAIL-TRAIL EXTENSION FOR THE BENEFIT AND CONVENIENCE OF TOWNSHIP RESIDENTS AND THE PUBLIC USING THAT TRAIL.

The Council of the Township of Middletown, Delaware County, Pennsylvania, hereby ENACTS and ORDAINS as follows:

Section 1. Pursuant to the Pennsylvania Eminent Domain Code, Pa.C.S. §101 *et seq.*, and Section 212 of the Home Rule Charter, the Township of Middletown hereby exercises its right to acquire, including by eminent domain, real estate consisting of .633 acres of land, more or less, with any buildings thereon, located at 447 Lenni Road, Middletown Township, Delaware County, being Delaware County Tax Folio No. 27-00-01231-00 (the Property), as more fully described on Exhibit "A", attached hereto and made a part hereof in the amount determined by the Township Appraiser for the purpose of extending the Chester Creek Rail-Trail Extension for the benefit and convenience of Township residents and the public using that trail.

Section 2. The Township Manager and Township Solicitor are authorized to take any and all steps necessary for the acquisition of the Property, including, without limitation, entering into any negotiations and/or settlements with the Owners of the Property for the amount of the Township's appraisal of the Property, the filing of a Declaration of Taking, payment of estimated just compensation and payment of just compensation and any other steps necessary to accomplish the acquisition of the Property identified and described in Exhibit "A".

Section 3. This Ordinance shall be effective on the thirty-first day after its enactment.

ENACTED and ORDAINED by the Council of Middletown Township, Delaware County, Pennsylvania, this 24th day of April 2023.

ATTEST:

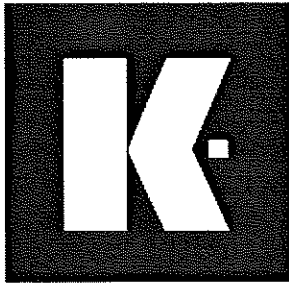


John McMullan
Township Manager

TOWNSHIP OF MIDDLETOWN COUNCIL

By: 

Mark Kirngasser
Council Chairman



Kelly Engineers & Surveyors

Since 1979

T.M.P. #27-00-01231-00

Legal Description

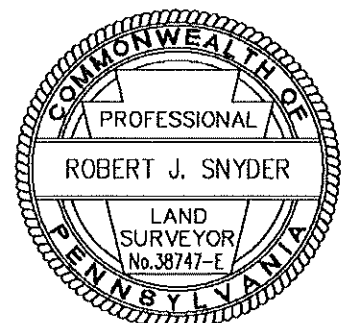
July 6, 2022

ALL THAT CERTAIN tract or piece of land, situate in the Township of Middletown, County of Delaware, State of Pennsylvania, described in accordance with a plan entitled, "Plan of Property", as prepared by Kelly Engineers and Surveyors, dated July 6, 2022, bounded and described as follows:

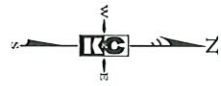
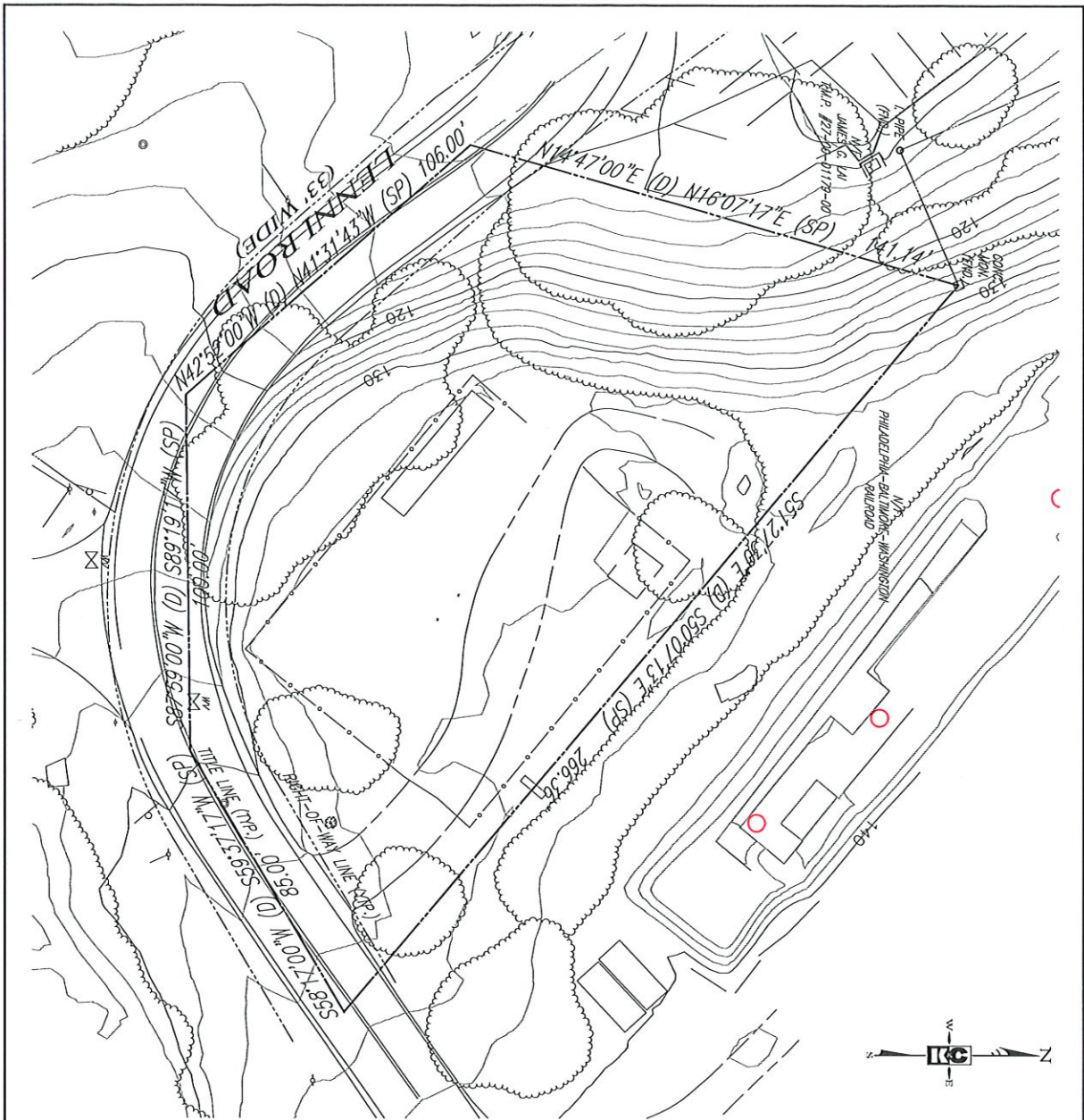
BEGINNING at a point, said point being in the center of the bridge which carries Lenni Road (33' Wide) over Chester Creek, said point in the center of the bridge being the point of meeting of the line dividing the Township of Aston on the southwest from the township of Middletown on the northeast within the center line of said Lenni Road being measured North 59° 06' 00" East, partly along the centerline of said Lenni Road, a distance of 100.00 feet to a corner within the lines of said Lenni Road and South 45° 57' 00" East, a distance of 71.77 feet, said point being at the common lot line between T.M.P. #27-00-01231-00 and T.M.P. #27-00-01179-00, thence continuing the following five (5) courses and distances:

1. Along said common lot line, North 16° 07' 17" East, a distance of 141.14 feet to a point,
2. South 50° 07' 13" East, a distance of 266.36 feet to a point, said point being on the title line in Lenni Road (33' Wide),
3. South 59° 37' 17" West, a distance of 85.00 feet, along aforesaid title line to a point,
4. South 89° 19' 17" West, continuing along aforesaid title line, a distance of 100.00 feet to a point,
5. North 41° 31' 43" West, continuing along aforesaid title line, a distance of 106.00 feet to a point, said point being the first mentioned point and place of beginning.

CONTAINING 27,573 square feet or 0.633 acres, more or less.



Robert J. Snyder



- SURVEY NOTES:**
1. APR 22-03-00945-00
ADDRESS: LENNI ROAD
MEDIA, PA 19063
 2. OWNER OF RECORD
RICHARD & COLLEEN TUZIO
756 TIMBER TRAIL LANE
SPRINGFIELD, PA 19064
 3. SURVEY PERFORMED JUNE 2022.
DEED BOOK 1695 PAGE 1448
 4. BOUNDARY SHOWN AS PER DEED.
 5. SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD, A TITLE REPORT WAS NOT PROVIDED AT THE TIME OF SURVEY.
- NOTE:**
- (D) - INDICATES DEED BEARING
 - (SP) - INDICATES STATE PLANE BEARING

STEEL OF 1 1	PLAN OF PROPERTY RICHARD & COLLEEN TUZIO T.M.P. #27-00-01231-00 LENNI ROAD MIDDLETOWN TOWNSHIP DELAWARE COUNTY, PENNSYLVANIA	date: 07-06-2022 scale: 1" = 30' drawn by: L.W.F. checked by: R.J.S. dwg. name: Exhib-Cond.dwg project no.: MT100-U	 KELLY ENGINEERS CONSULTING ENGINEERS & SURVEYORS 30 LaCrue Avenue, Suite 201 Glen Mills, Pennsylvania 19342 610.358.9363 fax 610.358.9376	
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