

11-4-14E

IN RE: CONDEMNATION OF PROPERTY : IN THE COURT OF COMMON PLEAS  
OF ATE-KAYS, A LIMITED PARTNERSHIP, : CHESTER COUNTY, PENNSYLVANIA  
BY THE BOROUGH OF DOWNINGTOWN, : NO. 7 Jury of View TERM, 1977  
CHESTER COUNTY, PENNSYLVANIA, : IN REM  
FOR PARK AND RECREATION PURPOSES

JUN 30 4 28 PM '77

NOTICE OF FILING OF  
DECLARATION OF TAKING

A Declaration of Taking was filed this date, the 30th  
day of June, 1977, as of the above Court term and number,  
wherein the following property was condemned in fee simple or ab-  
solute title:


ALL THAT CERTAIN parcel of land situate in the Borough  
of Downingtown, County of Chester, Commonwealth of Pennsylvania,  
bounded and described as follows:

BEGINNING at a point in the center line of Pennsylvania  
Avenue (60 feet wide), said point being in line of the easterly  
right-of-way line of the New Holland Branch of the Pennsylvania  
Railroad; thence from said point of beginning: North 14 degrees  
10 minutes West 392.80 feet to a stone and the lands of the East  
Cain Realty Co.; thence along line of lands of the East Cain  
Realty Co., North 69 degrees 39 minutes East 201.18 feet to a  
point; thence leaving line of lands of East Cain Realty Co.,  
South 14 degrees 10 minutes East 901.39 feet to a point in the  
center line of Pennsylvania Avenue (60 feet wide); thence along  
said center line South 43 degrees 43 minutes West 192.73 feet to  
a point; thence South 60 degrees 35 minutes West 18.1 feet to the  
point and place of beginning.

CONTAINING 4.373 acres more or less.

Said parcel of land is owned in fee simple by ATE-KAYS, a Pennsyl-  
vania Limited Partnership, at the time of the filing of the  
Declaration of Taking. Said tract is situate in the Borough of  
Downingtown, Chester County, Pennsylvania.

A copy of said Declaration of Taking is attached hereto  
and made part hereof as Exhibit "A".

  
William E. Hittman, Esquire  
Attorney for the Borough of  
Downingtown

379 121  
270 121

IN RE: CONDEMNATION OF PROPERTY : IN THE COURT OF COMMON PLEAS  
OF ATE-KAYS, A LIMITED PARTNERSHIP, : CHESTER COUNTY, PENNSYLVANIA  
BY THE BOROUGH OF DOWNINGTOWN, : NO. : JUNE, 1977  
CHESTER COUNTY, PENNSYLVANIA. : IN REM  
FOR PARK AND RECREATION PURPOSES

DECLARATION OF TAKING

The Borough of Downingtown, Pennsylvania, does hereby respectfully declare that:

1. The Condemnor is the Borough of Downingtown and its municipal offices are located at 4 West Lancaster Avenue, Downingtown, Chester County, Pennsylvania.
2. The interest in and to the property described in Exhibit "A", attached hereto and made part hereof, is hereby condemned in fee simple or absolute title by the Condemnor for Park and Recreation purposes, pursuant to the Act of February 1, 1966, P.L. \_\_\_\_\_, No. 581. Sec. 2702, 53 P.S. 47702, as authorized by Ordinance No. 77-12, adopted June 22, 1977. A copy of said ordinance is attached hereto and made part hereof as Exhibit "B". The original may be examined at the address of the Condemnor.
3. The purpose of the condemnation is to expand and enlarge recreation places and space within the borough limits.
4. A description of the property condemned sufficient for its identification is set forth in Exhibit "A", attached hereto and made part hereof. Plans showing the property condemned are, on the same day as this Declaration is being filed with the Prothonotary, being lodged for record in the office of the Recorder of Deeds of Chester County.
5. The nature of the title acquired in and to said property is a fee simple or Absolute title.

6. A plan showing the condemned property may be inspected at the address of the Condemnor.

7. Just compensation for the condemnation of said premises is secured by the power of taxation of the Borough of Downingtown, whereupon the funds raised, or lawful to be so raised, are deemed pledged and made security for the payment of the damages as shall be determined by law.

BOROUGH OF DOWNINGTOWN

By: Donald J. Greenleaf  
Donald J. Greenleaf  
Secretary

COMMONWEALTH OF PENNSYLVANIA:

§§.

COUNTY OF CHESTER:

DONALD J. GREENLEAF, being duly sworn according to law, deposes and says that he is Secretary of the Borough of Downingtown, and makes this affidavit in its behalf, being familiar with the facts and having authority so to do; and that all of the statements in the foregoing Declaration of Taking are true and correct to the best of his knowledge, information and belief.

Donald J. Greenleaf  
Donald J. Greenleaf

Sworn to and subscribed  
before me this 30<sup>th</sup> day  
of June, 1977.

SEAL

Thomas S. Benigala  
Notary Public

Notary Public, Not. Public, Chester County  
My Commission Expires Dec. 19, 1977

ALL THAT CERTAIN parcel of land situate in the Borough of Downingtown, County of Chester, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of Pennsylvania Avenue (60 feet wide) said point being in line of the easterly right of way line of the New Holland branch of the Pennsylvania Railroad; thence from said point of beginning: North 14 degrees 10 minutes West 292.80 feet to a stone and the lands of the East Cain Realty Co., thence along line of lands of the East Cain Realty Co., North 69 degrees 39 minutes East 201.18 feet to a point. Thence leaving line of lands of East Cain Realty Co. South 14 degrees 10 minutes East 301.99 feet to a point in the center line of Pennsylvania Avenue (60 feet wide), thence along said center line South 43 degrees 41 minutes West 192.72 feet to a point, thence South 60 degrees 35 minutes West 38.1 feet to the point and place of beginning.

CONTAINING 1.373 acres more or less.

NEW HOLLAND BRANCH OF P.

S 5-17 E

33.4 E  
20.5

1699.0

992.0

N 14-3 W

N 16-13 W

S 60-35 W

PENNSYLVANIA

701.19

S 17-10 E

SURVEY BY  
E. R. EIVING  
DECEMBER 20, 1947

379 125

102.9  
33.4



ORDINANCE #77-12

AN ORDINANCE TO AUTHORIZE THE SELECTION AND APPROPRIATION OF CERTAIN TRACT OF LAND SITUATE IN THE BOROUGH OF DOWNTOWN FOR PARK AND RECREATION PURPOSES CERTIFYING THE NEED THEREFOR, AUTHORIZING THE FILING OF A DECLARATION OF TAKING AND DESCRIBING NATURE OF THE TITLE TAKEN.

WHEREAS, the Borough of Downingtown has the statutory power to acquire land for the creation of public park and recreational uses by eminent domain proceedings; and

WHEREAS, the Borough desires to add said portion of land in the Borough devoted to the foregoing purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF DOWNTOWN, CHESTER COUNTY, PENNSYLVANIA:

Section 1. By virtue and in pursuance of the authority vested in it by Acts of the Assembly, the Borough Council hereby authorizes the selection and appropriation of the following described property for recreation purposes:

ALL THAT CERTAIN parcel of land situate in the Borough of Downingtown, County of Chester, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of East Pennsylvania Avenue (60 Feet wide), said point being in line of the easterly right-of-way line of the New Holland Branch of the Pennsylvania Railroad; thence from said point of beginning; North 14 degrees 10 minutes West, 592.80 feet to a stone and lands of the East Cain Realty Co.; thence along line of lands of the East Cain Realty Co., North 69 degrees 29 minutes East, 201.18 feet to a point; thence leaving line of lands of East Cain Realty Co., South 14 degrees 10 minutes East, 901.99 feet to a point in the center line of East Pennsylvania Avenue (60 feet wide) thence along said center line South 43 degrees 41 minutes West, 192.73 feet to a point; thence South 60 degrees 35 minutes West, 18.1 feet to the point and place of beginning.

CONTAINING 4.373 acres, more or less.

Section 2. The Borough Solicitor is authorized and directed to prepare and file with the appropriate Court a Declaration of Taking which shall be executed by the Secretary of the Borough Council for the selection and appropriation of the hereinabove described property and to take any action that may be necessary or desirable to carry out the intent and purpose of this ordinance.

Section 3. The Borough shall acquire a fee simple title for public park and other recreational purposes and hereby certifies the need to acquire said premises.

Section 4. The amount of damages when ascertained and assessed shall be charged against any appropriation which has been made or may be made to the Department of Recreation for recreational purposes.

Section 5. If any section, clause or phrase of this ordinance is for any reason

ORDINANCE #77-12

AN ORDINANCE TO AUTHORIZE THE EXERCISE AND APPROPRIATION OF CERTAIN TRACT OF LAND SITUATE IN THE BOROUGH OF DOWNINGTOWN FOR PARK AND RECREATION PURPOSES. CERTIFYING THE NEED THEREFOR, AUTHORIZING THE FILING OF A DECLARATION OF TAKING AND DESCRIBING NATURE OF THE TITLE TAKEN.

WHEREAS, the Borough of Downingtown has the statutory power to acquire land for the creation of public park and recreational uses by eminent domain proceedings; and

WHEREAS, the Borough desires to add said portion of land to the Borough devoted to the foregoing purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF DOWNINGTOWN, CHESTER COUNTY, PENNSYLVANIA:

Section 1. By virtue and in pursuance of the authority vested in it by Acts of the Assembly, the Borough Council hereby authorizes the selection and appropriation of the following described property for recreation purposes:

ALL THAT CERTAIN parcel of land situate in the Borough of Downingtown, County of Chester, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of East Pennsylvania Avenue (60 feet wide), said point being in line of the easterly right-of-way line of the New Holland Branch of the Pennsylvania Railroad; thence from said point of beginning: North 14 degrees 10 minutes West, 192.80 feet to a stone and lands of the East Glyn Realty Co.; thence along line of lands of the East Glyn Realty Co., North 59 degrees 29 minutes East, 201.18 feet to a point; thence leaving line of lands of East Glyn Realty Co., South 14 degrees 10 minutes East, 501.99 feet to a point in the center line of East Pennsylvania Avenue (60 feet wide) thence along said center line South, 43 degrees 43 minutes West, 192.73 feet to a point; thence South 60 degrees 35 minutes West, 78.1 feet to the point and place of beginning.

CONTAINING 4.373 acres, more or less.

Section 2. The Borough Solicitor is authorized and directed to prepare and file with the appropriate Court a Declaration of Taking which shall be executed by the Secretary of the Borough Council for the selection and appropriation of the heretofore described property and to take any action that may be necessary or desirable to carry out the intent and purpose of this ordinance.

Section 3. The Borough shall acquire a fee simple title for public park and other recreational purposes and hereby certifies the need to acquire said premises.

Section 4. The amount of damages when ascertained and assessed shall be charged against any appropriation which has been made or may be made to the Department of Recreation for recreational purposes.

Section 5. If any section, clause or phrase of this ordinance is for any reason

379 126

EXH. "B"

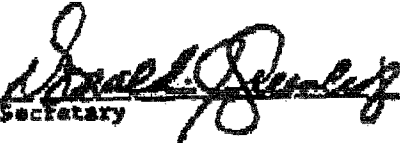
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held illegal, invalid, or unconstitutional, such invalidity cannot affect the validity of the ordinance and any portions in conflict are hereby repealed.

Enacted and ordained this 22nd day of June, 1977.

  
\_\_\_\_\_  
President of Council

Attest:   
Secretary

Approved this 22nd day of June, 1977.

  
\_\_\_\_\_  
Mayor

379 127