

ORDINANCE NO. 2024-08

AN ORDINANCE AUTHORIZING THE BOARD OF COMMISSIONERS OF RADNOR TOWNSHIP TO SELECT AND APPROPRIATE BY EMINENT DOMAIN CERTAIN REAL ESTATE IN RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, FOR MUNICIPAL PARKING, STORMWATER MANAGEMENT AND OTHER MUNICIPAL PURPOSES; ALSO AUTHORIZING: THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF LAND; THE FURNISHING OF SECURITY FOR THE PAYMENT OF DAMAGES IN ACCORDANCE WITH LAW; AND THE ABILITY OF CERTAIN OFFICERS OF RADNOR TOWNSHIP TO ACT FOR IT IN ALL PROCEDURES AND ACTIONS REQUIRED BY THE EMINENT DOMAIN CODE.

WHEREAS, the Township, as lessee, has been a party to a lease agreement with Wayne Presbyterian Church (WPC) dated November 22, 1955, for a parking lot which has been used since 1955 for municipal parking purposes (“Lease”); and

WHEREAS, the Lease imposes on the Township all maintenance and repair obligations for the parking lot, subject to a revenue share of parking fees with the WPC; and

WHEREAS, the Lease provides for a 90-day termination notice and on August 28, 2024, the WPC provided written notice to the Township that they intended to terminate the Lease unless the Township agreed to lease terms acceptable to the WPC; and

WHEREAS, the parties have been unable to agree upon a new lease for continued use of the parking lot for municipal purposes; and

WHEREAS, the Radnor Board of Commissioners desires to continue to provide land for municipal parking, stormwater management and other public purpose; and

WHEREAS, Section 301 D. of the Radnor Township Home Rule Charter authorizes the acquisition of land by eminent domain for public purposes.

NOW, THEREFORE, IT IS HEREBY ORDAINED:

1. That the Township selects, appropriates and condemns a portion of Delaware County Parcel No. 36010030910 consisting of approximately 27, 950 square feet, as outlined in green on Exhibit “A” attached hereto and made a part hereof. (the “Property”)
2. That the nature of the title acquired by this condemnation shall be fee simple subject to Condemnee’s reservation of parking rights.

3. That the Township Solicitor and the proper officers of the Township are hereby authorized to prepare a survey plan of the property and attempt to acquire said property by amicable agreement, however, if said property cannot be amicably acquired, the Township Solicitor and Township officers are hereby authorized to file a Declaration of Taking and such other action to carry out the purpose of this Ordinance.
4. That the institution of such proceedings, and any other damages, which may be agreed upon or awarded to any party in interest, including the owner or owners of said property, shall be paid out of the General Fund of the Township.

ADOPTED this day of 2024.

RADNOR TOWNSHIP
BOARD OF COMMISSIONERS

Maggy Myers, President

ATTEST:

William M. White
Township Manager/Secretary