

**FILE OF THE CITY CLERK**

**ADMINISTRATIVE ORDINANCE NO. 8 - 2009**

**ADMINISTRATION BILL NO. 8 - 2009**

**INTRODUCED – MAY 12, 2009**

**ADOPTED BY COUNCIL – MAY 26, 2009**

**AN ORDINANCE OF THE CITY OF LANCASTER AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY OF LANCASTER TO EXERCISE THE CITY'S POWERS OF EMINENT DOMAIN AS SET FORTH IN SECTION 2801 OF THE THIRD CLASS CITY CODE (53 P.S. §37801) AND SECTION 303 OF THE OPTIONAL THIRD CLASS CITY CHARTER LAW (53 P.S. §41303) APPROPRIATE AND TAKE THAT CERTAIN PROPERTY KNOWN AS 38 EAST MARION STREET IN LANCASTER CITY, LANCASTER COUNTY, PENNSYLVANIA; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.**

**WHEREAS**, the City of Lancaster conducts many of its operations out of the municipal building located at the property known as 120 North Duke Street, Lancaster, Pennsylvania 17608; and

**WHEREAS**, the City's administrative needs have outgrown its existing space at the current municipal building; and

**WHEREAS**, the City has determined that to accommodate its needs for additional space, it will need to construct an addition or annex to its existing municipal building; and

**WHEREAS**, the City has identified the property known as 38 East Marion Street as the property which provides the most efficient location for the construction of such an addition and/or annex to the City's existing municipal building; and

**WHEREAS**, the property known as 38 East Marion Street, Lancaster City, Lancaster County, Pennsylvania is currently owned by Marion Properties, LLC, a Pennsylvania limited liability company;

**WHEREAS**, Section 2801 of the Third Class City Code (53 P.S. §37801) grants to the City of Lancaster the power to enter upon, appropriate, take, use, occupy, injure or destroy private lands, property, toll bridges or material for, amongst other things, public buildings and public works; and

**WHEREAS**, Section 303 of the Optional Third Class City Charter Law (53 P.S. §41303) authorizes the City of Lancaster to exercise the power of condemnation.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED** by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

**SECTION 1.** The Mayor of the City of Lancaster be and hereby is directed and authorized to take any and all action necessary under the Pennsylvania Eminent Domain Code of 1964, and all other applicable laws of the Commonwealth of Pennsylvania as amended from time to time, and all other applicable laws of the Commonwealth of Pennsylvania to appropriate, take, use and occupy the property known as 38 East Marion Street, Lancaster County, Pennsylvania, for use as an addition or annex to the current municipal building or for other public uses currently owned by Marion Properties, LLC as more particularly described on Exhibit "A" to this Ordinance; such action to include but not be limited to recording a copy of this Ordinance within thirty (30) days after its enactment in the Office of the Recorder of Deeds in and for the County of Lancaster to be indexed in the name of Marion Properties, LLC, and the names of any other parties having legal interests in the property which are being taken by the City, forwarding a copy of this Ordinance by registered mail to Marion Properties, LLC and any other such parties at their last known addresses, preparing and filing a Declaration of Taking with the Court of Common Pleas of Lancaster County, Pennsylvania, preparing and recording a Notice of Condemnation in the Recorder of Deeds Office of Lancaster County, Pennsylvania, providing appropriate notice of the filings as required by the law of the Commonwealth of Pennsylvania to all appropriate parties, taking any action deemed necessary by the Mayor to obtain possession of the aforesaid property, taking and making any and all arrangements as lawfully required for the payment of just compensation to all appropriate parties for the property, and taking any and all other actions necessary to complete the taking of the property by eminent domain, including litigation of any matters raised in the proceedings and the payment of any costs associated with the taking and/or the proceedings.

**SECTION 2.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 3.** This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 26th day of May, 2009, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

\_\_\_\_\_  
Janet E. Spleen, City Clerk

By: \_\_\_\_\_  
J. Richard Gray, Mayor