

CALN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

RESOLUTION NO. 2024-24

RESOLUTION OF THE BOARD OF COMMISSIONERS OF CALN TOWNSHIP AUTHORIZING THE ACQUISITION OF A RETAINING WALL EASEMENT ON A 1.0429 ACRE PARCEL OF LAND LOCATED AT 3105 ZINN ROAD, CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, BY PURCHASE OR CONDEMNATION FOR THE PURPOSE OF INSTALLING A NEW RETAINING WALL ON G.O. CARLSON BOULEVARD.

WHEREAS, the Township must replace an existing retaining wall and install a new retaining wall ("New Wall") on the south side of G.O. Carlson Boulevard which is a public road that is owned by the Township; and

WHEREAS, in order to install the New Wall, the Township requires a permanent easement ("Wall Easement") across approximately 2,319 square feet of property located at 3105 Zinn Road, Thorndale, Pennsylvania, identified as Chester County Tax Parcel No. 39-4-91.16C (the "Property") in the location depicted on the exhibit plan titled "Proposed Retaining Wall Easement on U.P.I. 39-4-91.16C", prepared by Gilmore & Associates, Inc. dated September 13, 2024, which plan is attached hereto and marked Exhibit A (the "Plan") and described by metes and bounds in the legal description which is attached hereto and marked Exhibit B; and

WHEREAS, the Township obtained an appraisal from William Wood Co. dated October 15, 2024, which concluded that the fair market value of the Wall Easement is Four Thousand One Hundred Seventy-Five (\$4,175.00) Dollars ("Township's Value"); and

WHEREAS, the Township offered to pay the owner of the Property, 319 Chestnut Street LLC, the Township's Value for the grant of the Wall Easement but the owner rejected such offer and instead desires to order its own appraisal of the Wall Easement; and

WHEREAS, pursuant to Section 1901 of the First Class Township Code, 53 P.S. §56901, the Township has the power to exercise eminent domain in order to acquire the necessary property interests to lay out, open and repair a public road; and

WHEREAS, in order to facilitate the installation of the New Wall which must be done in an expedited manner to avoid further damage and possible collapse of G.O. Carlson Boulevard, the Township requires an easement in, on, over, to, and through the Property in the location of the Wall Easement shown on the Plan;

NOW, THEREFORE, BE IT RESOLVED by the Board, and it is hereby resolved by authority of the same, that the acquisition of the Wall Easement by purchase or condemnation according to law is authorized for, and in connection with, the public project of installing the New Wall on G.O. Carlson Boulevard; and

BE IT FURTHER RESOLVED by the Board, and it is hereby resolved by authority of the same, that the Township Manager and the Township Solicitor are authorized and directed to take any and all steps which they, in their discretion, deem necessary and proper and in the best interests of the Township to effectuate this Resolution including, without limitation, the filing of a Declaration of Taking under and pursuant to the Pennsylvania Eminent Domain Code, 26 Pa.C.S.A. § 101 *et seq.*

RESOLVED BY the Board of Commissioners of Caln Township the ____ day of
October 2024.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Don Vymazal, Secretary

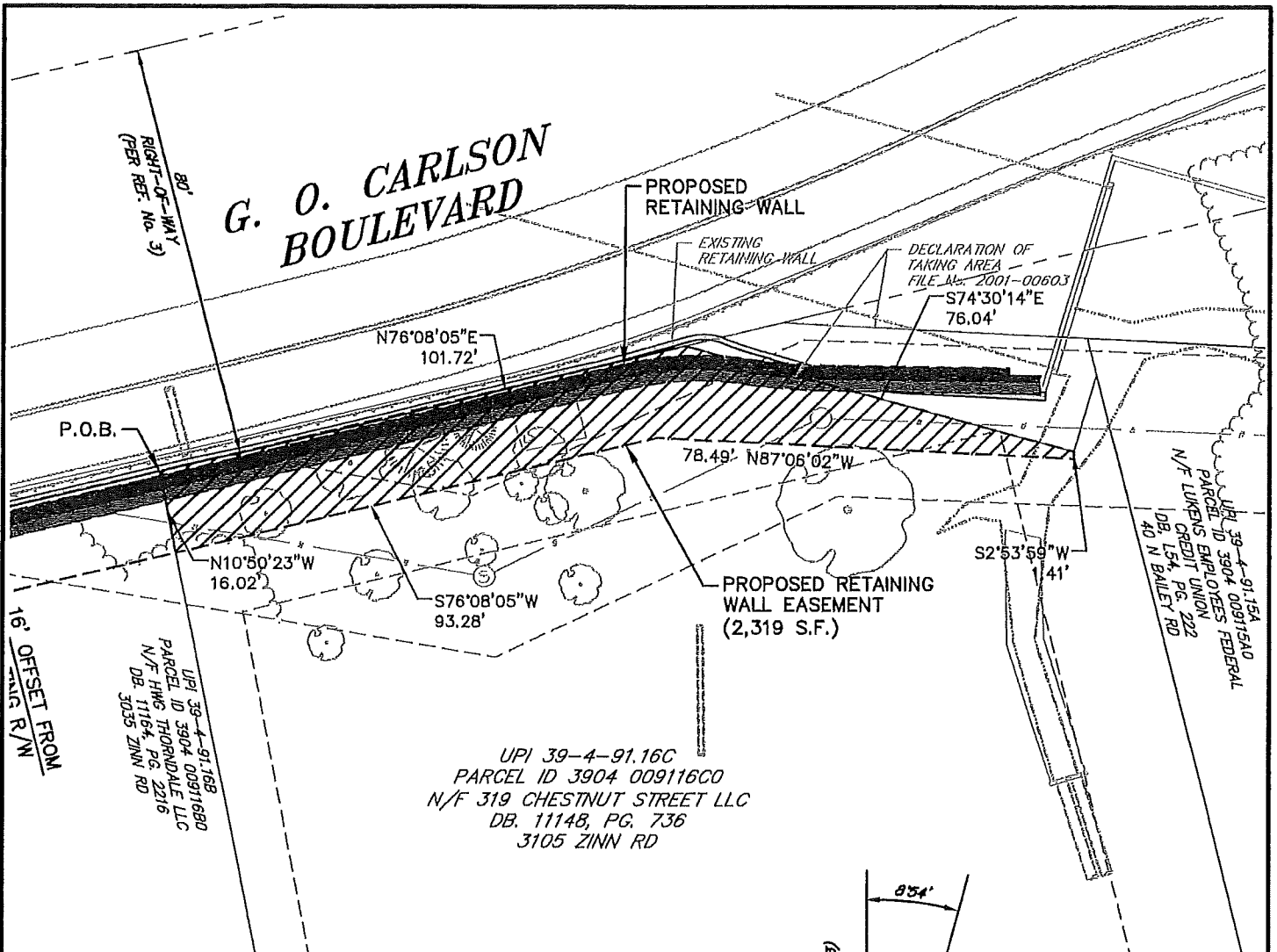
Paul Mullin, President

Joshua B. Young, Vice President


Mark Evans, Member

Jane Kennedy, Member

Lorraine M. Tindaro, Member

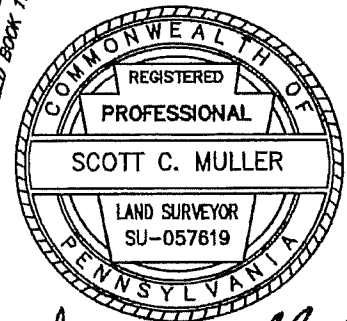
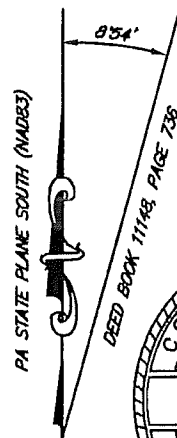


NOTES:

1. THIS EXHIBIT IS BASED ON CURRENT DEEDS OF RECORD, TAX MAPS OBTAINED FROM CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA AND PHYSICAL EVIDENCE FOUND UPON FIELD RECONNAISSANCE.
 2. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. OTHER RIGHTS TO PROPERTY MAY EXIST.
 3. THE BEARINGS SHOWN ARE BASED ON THE PENNSYLVANIA STATE PLANE COORDINATE SYSTEM - SOUTH.
 4. THIS EXHIBIT IS TO ACCOMPANY LEGAL DESCRIPTION ONLY.
-  = PROPOSED RETAINING WALL EASEMENT

REFERENCES:

1. TAX MAP FOR CALN TOWNSHIP, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA.
2. PLAN ENTITLED "REDI-ROCK RETAINING WALL SYSTEM, G.O. CARLSON BOULEVARD RETAINING WALL", PREPARED BY GILMORE & ASSOCIATES OF TRAPPE, PENNSYLVANIA.
3. PLAN ENTITLED "FINAL PLAN, THORNDALE PROFESSIONAL PLAZA", DATED MARCH 23, 1979, LAST REVISED AUGUST 28, 1979, PREPARED BY BERGER & HAYES, INC.
4. DEED BOOKS AS NOTED.



Scott C. Muller

GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES
184 WEST MAIN STREET, SUITE 300, TRAPPE, PA 19426 • (610) 489-4949

PROPOSED RETAINING WALL EASEMENT ON U.P.I. 39-4-91.16C

CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

DRAWN BY: DDR	JOB NO.: 230308302	DATE: 9/13/24	SCALE: 1"=30'
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Exhibit "B"



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

**Metes and Bounds Description
Proposed Retaining Wall Easement on U.P.I 39-4-91.16C
Lands N/L 319 Chestnut Street LLC
Caln Township, Chester County, Pennsylvania**

Beginning at a point on the southerly legal right-of-way line of G.O. Carlson Boulevard (80 feet wide), said point being located on the dividing line between lands N/L 319 Chestnut Street LLC, Parcel ID 39-4-91.16C, and lands N/L HWG Thorndale LLC, Parcel ID 39-4-91.16B, and from said Point of Beginning the following courses based on The Pennsylvania State Plane Coordinate System South, thence;

1. Along said southerly legal right-of-way line of G.O. Carlson Boulevard, North 76° 08' 05" East, for a distance of 101.72 feet to a point, thence;

2. South 74° 30' 14" East, for a distance of 76.04 feet to a point, thence;

Through lands N/L 319 Chestnut Street LLC, Parcel ID 39-4-91.16C the following three (3) courses and distances:

3. South 74° 30' 14" East, for a distance of 76.04 feet to a point, thence;

4. South 02° 53' 59" West, for a distance of 1.41 feet to a point, thence;

5. North 87° 06' 02" West, for a distance of 78.49 feet to a point, thence;

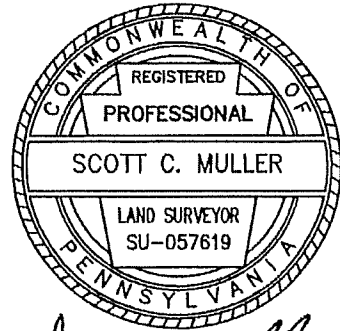
6. South 76° 08' 05" West, for a distance of 93.28 feet to a point on the dividing line between lands N/L 319 Chestnut Street LLC, Parcel ID 39-4-91.16C, and lands N/L HWG Thorndale LLC, Parcel ID 39-4-91.16B, thence;

7. Along said dividing line, North 10° 50' 23" West, for a distance of 16.02 feet to the Point and Place of Beginning.

Containing 2,319 square feet, more or less.

Attached hereto as Exhibit 'A' is a plan entitled "Proposed Retaining Wall Easement on U.P.I. 39-4-91.16C, Caln Township, Chester County, Pennsylvania", prepared by Gilmore & Associates, Inc., Trappe, Pennsylvania, dated September 13, 2024, and by this reference made a part hereof.

Dated: September 13, 2024
File No.: 230308302
Prepared by: Scott C. Muller, Professional Land Surveyor
Pennsylvania License No.: SU057619
SCM/srt



A handwritten signature in black ink, appearing to read 'Scott C. Muller', written over the bottom right portion of the seal.

