

RESOLUTION 03-13-08-01

A RESOLUTION OF THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY AUTHORIZING THE CONSTRUCTION OF THE COWAN/MICHAEL ROAD PHASE II SEWER PROJECT AND AUTHORIZING AND DIRECTING THAT THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY BOARD TAKE ALL NECESSARY STEPS AND ACTIONS TO ACQUIRE THE NECESSARY RIGHT-OF -WAYS AND FINANCING AND TO PETITION FOR A BOARD OF VIEWERS TO DETERMINE AND ESTABLISH A BENEFIT ASSESSMENT AGAINST ALL PROPERTIES SERVED BY THE COWAN/ MCMICHAEL ROAD PHASE II PROJECT

WHEREAS, it is required for the general welfare of the residents of the Township of Collier, and it being the duty and obligation of the Municipal Authority to provide sanitary sewage with the Township of Collier; and,

WHEREAS, the Collier Township Municipal Authority in order to provide for the development of the Township and to prevent a health hazard has been required to provide sanitary sewage service to the Cowan/McMichael Road area; and,

WHEREAS, the Collier Township Municipal Authority has determine that it is necessary to construct a line extension to be known as the Cowan/McMichael Road Phase II which is designed to provide sewer service to residential units and several commercial units in and along all or portions of McMichael Road, Cowan Road, Joyce Drive, Judy Drive, Jill Drive, Burrell Drive, Miller Drive and along portions of Baldwin Road all of which make up and constitute the Cowan McMichael watershed area of the Collier Township Municipal Authority sewer service area.

WHEREAS, certain plans and specifications are on file in the office of the Authority for the construction of a main interceptor line along certain portions of Cowan Road and McMichael Road areas and then connecting into ALCOHOL CAN; and,

WHEREAS, NIRA Consulting Engineers has previously been authorized to design the Cowan/Michael Road Phase II sewer project and the consulting engineer has determined the required design layout for the project and has prepared right-of-way or easement drawing and description

which have been submitted to the owners of the property in, over and along said right-of-ways are required.,

WHEREAS, the consulting engineers has determined that no fee simple taking of property is required for this project and that only temporary construction right-of-ways and easements along with permanent right-of-ways and easements for the installation and maintenance of the sewer lines are needed.

WHEREAS, the vast majority of property owners have agreed to the right-of-way or easement location and have entered into recorded agreements allowing for the construction of this needed sewer line in a right-of -way or easement which has been recorded in the Office of the Recorder of Deeds of Allegheny County.

WHEREAS, some property owners have either failed to respond to the request for required right-of-ways and easement or have refused to grant the right-of-ways or easements required to build the project and it is necessary that the remaining right-of-ways and easements be acquired., and;

WHEREAS, it is the determination of the Authority that it is necessary to acquire right-of-ways for the construction, installation, and maintenance of the interceptor lines and to confirm and approve the design of the Cowan/ McMichael Phase II line extension and to authorize the Chairman and other offices of the Collier Township Municipal Authority to begin the process of financing the project and to take all other necessary steps to complete the construction of this line extension.

WHEREAS, the Collier Township Municipal Authority has determined that the project is to be financed, in part, by benefit assessments on all property served by this project with the amount of the benefit to be determined by the Allegheny County Board of Viewers. Accordingly, upon the completion of the project and a final determination of the costs the Collier Township Municipal Authority directs that a Petition for the Appointment of a Board of View be prepared and filed so as to determine damages, if any, to those properties where a right-of way or easement has been taken

and to assess benefits against those properties served by this construction.

NOW, THEREFORE, be it resolved:

1. That it is directed that a Notice of Taking, along with all other required documents, which are required to obtain the necessary permanent right-of-ways and temporary construction right-of-ways in over and through the remaining private properties within the Township of Collier, be prepared, executed, filed, and served and processed as authorized by law and that such taking of the various right-of-ways are needed for the installation of the interceptor lines are hereby authorized.

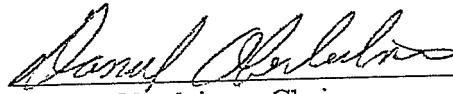
2. It is directed that all of the proper officers and employees of the Collier Township Municipal Authority do all things necessary to accomplish the said taking permanent right-of-ways and temporary construction right-of-ways in, over and through private properties within the Township of Collier, including but not limited to the execution of all documents as required by the Eminent Domain Code of the Commonwealth of Pennsylvania, payment of all fees and costs, to and include the preparation and posting of an open end bond by the Authority to secure any damages which may be occasioned by the taking.

3. It is specifically resolved that the Collier Township Municipal Authority acquire permanent right-of-ways and temporary construction right-of-ways in, over and through private properties within the Township of Collier right-of-ways through the following property as identified in engineering drawings prepared by NIRA Consulting Engineers, said properties being generally identified and listed in the Declaration of Taking which is to be filed to secure the remaining necessary and required right-of ways.

4. A Petition for the Appointment of a Board of View is be prepared and filed so as to determine damages, if any, to those properties where a right-of way or easement has been taken and to assess benefits against those properties and all other properties served by this construction.

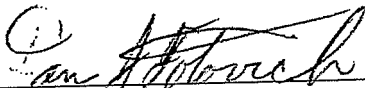
Adopted at a regular meeting of the Collier Township Municipal Authority held the 13h day of March, 2008.

COLLIER TOWNSHIP MUNICIPAL AUTHORITY



Daniel Oberleitner, Chairman

ATTEST:



Dan Fotovich, Secretary

(SEAL)