

**BOROUGH OF HIGHSPIRE  
DAUPHIN COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 648**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF HIGHSPIRE, AUTHORIZING THE SELECTION, CONDEMNATION AND APPROPRIATION OF A PERMANENT EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ACROSS A PORTION OF CERTAIN LAND SITUATE IN THE BOROUGH OF HIGHSPIRE, DAUPHIN COUNTY, PENNSYLVANIA, FOR MUNICIPAL PURPOSES, TO INCLUDE THE CONSTRUCTION, USE AND MAINTENANCE OF CERTAIN IMPROVEMENTS TO A STORMWATER CULVERT UNDER POPLAR STREET, AND AUTHORIZING THE FILING OF A DECLARATION OF TAKING AND ALL NECESSARY ACTION FOR THE ACQUISITION THEREOF.**

**WHEREAS**, Highspire Borough (“Borough”) operates and maintains stormwater management facilities throughout the Borough, including a stormwater culvert under Poplar Street (“Poplar Street Culvert”); and

**WHEREAS**, the Borough intends to make certain repairs to the Poplar Street Culvert (the “Project”) which is an integral facility in the Borough’s stormwater management system; and

**WHEREAS**, it is necessary that the Borough acquire and secure a permanent easement and a temporary construction easement upon and across a portion certain lands in the Borough for the purposes of stormwater drainage and constructing, using and maintaining certain improvements to the Poplar Street Culvert; and

**WHEREAS**, the Borough has determined the need to acquire a permanent easement and a temporary construction easement upon and across a portion of certain land owned by Jeffrey R. Rehrer, with a municipal address of 304 Market Street, Highspire, PA 17034, being the same land Velma H. Casher conveyed to Jeffrey R. Rehrer, by Deed dated November 24, 1997, recorded on November 26, 1997, in the Office of the Recorder of Deeds for Dauphin County at Deed Book 2983, Page 182, (“Rehrer Property”) together with existing leasehold interests, if any, which will accommodate the construction of the improvements described above; and

**WHEREAS**, the Borough has attempted to negotiate, but has been unsuccessful in negotiating, the acquisition of the permanent easement and the temporary construction easement across the Rehrer Property from said owner; and

**WHEREAS**, the in accordance with Chapter 15 of the Borough Code, 8 Pa.C.S. §§1501 *et seq.*, the Borough is authorized to enter upon, appropriate, and secure access to private lands for municipal purposes pursuant to eminent domain proceedings.

**NOW, THEREFORE**, on motion duly made, seconded and passed on a roll call vote by the Council of the Borough of Highspire, be and it is hereby **ORDAINED**:

**Section 1:** This Borough hereby selects, condemns and appropriates a permanent easement and a temporary construction easement upon and across a portion the land, as shown in the plan entitled “Easement Exhibit A (Rehrer) for Poplar Street Culvert” dated February 6, 2023, Drawing No. 039742023, prepared by Rettew Associates, Inc., attached hereto as Exhibit A and incorporated herein, situate in Highspire Borough, Dauphin County, Pennsylvania. Legal descriptions of the permanent easement and temporary construction easement are set forth in Exhibit B, attached hereto and incorporated herein.

The nature and the extent of the title to be acquired under this Section 1 is a permanent easement for the construction, use, and maintenance of a stormwater culvert and related improvements, and a temporary construction easement upon and across a portion of the land, as shown in Exhibit A and as described in Exhibit B for the purposes set forth above, including existing leasehold interests, if any.

**Section 2:** The Council of the Borough of Highspire and its proper officers are hereby authorized to file such Declaration of Taking and such other papers, documents or proceedings, and to perform other actions necessary and requisite to carry out the purposes of this Ordinance, and said officers and the Borough’s employees and agents are authorized and empowered to enter upon the land to be taken, condemned and appropriated in order to make studies, surveys, tests, soundings and appraisals, and to develop, construct, operate and maintain the municipal facilities thereof.

**Section 3:** The institution of such proceedings, including the entry of such bond as may be required and any other damages which may be awarded to the owners of the land shall be paid from such

funds which may become available and from time to time appropriated by the Borough through its Council for such purposes.

**DULY ENACTED** this 16th day of May, 2023, by the Council of the Borough of Highspire in lawful session duly assembled.

**BOROUGH OF HIGHSPIRE**

ATTEST:

By: \_\_\_\_\_  
Michael J. Anderson, President

\_\_\_\_\_  
Mark L. Stonbraker, Secretary  
(SEAL)

**APPROVED** this 16th day of May, 2023, by the Mayor of the Borough of Highspire, Dauphin County, Pennsylvania.

By: \_\_\_\_\_  
Von E. Hess, Mayor

**EXHIBIT A**

**EASEMENT EXHIBIT A (REHRER) FOR POPLAR STREET CULVERT**

**EXHIBIT B**

**LEGAL DESCRIPTION OF PERMANENT EASEMENT  
AND TEMPORARY CONSTRUCTION EASEMENT**

**PERMANENT DRAINAGE EASEMENT**

BEGINNING at a point on the southern right-of-way line of Poplar Street at the northeast corner of lands now or formerly Arthur G. Etnoyer.

Thence along said right-of-way line S 76° 15' E a distance of 100.00 feet to a point at the northwest corner of lands now or formerly Ferrel M. Dell.

Thence along said lands S 13° 45' W a distance of 30.00 feet to a point.

Thence extending through lands now or formerly Jeffrey R. Rehner the following four courses:

1. S 59° 03' 32" W a distance of 20.98 feet to a point'
2. N 75° 17' 49" W a distance of 5.00 feet to a point.
3. N 35° 38' 33" W a distance of 22.55 feet to a point.
4. N 76° 15' W a distance of 62.97 feet to a point on the eastern line of said lands of Etnoyer.

Thence along said lands N 13° 45' E a distance of 30.00 feet to a point on the southern right-of-way line of Poplar Street, said point being the point of BEGINNING.

BEING a variable width permanent drainage easement containing 3,309 square feet.

**TEMPORARY CONSTRUCTION EASEMENT**

BEGINNING at a point on the dividing line between lands now or formerly Arthur G. Etnoyer and lands now or formerly Jeffrey R. Rehner; said point being S 13° 45' W a distance along said dividing line of 30.00 feet from its intersection with the southern right-of-way line of Poplar Street.

Thence extending through said Jeffrey R. Rehner lands the following five courses:

1. S 76° 15' E a distance of 62.97 feet to a point.
2. S 35° 38' 33" E a distance of 22.55 feet to a point.
3. S 75° 17' 49" E a distance of 5.00 feet to a point.
4. S 79° 08' 13" W a distance of 75.66 feet to a point.
5. N 44° 08' 57" W a distance of 19.24 feet to a point on said dividing line between lands now or formerly Arthur G. Etnoyer and lands now or formerly Jeffrey R. Rehner.

Thence along said line N 13° 45' E a distance of 36.05 feet to the point of BEGINNING.

BEING a variable temporary construction easement containing 2,570 square feet.