

BILL NO. 69-2009

**A N O R D I N A N C E**

**AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF READING TO THE SCHUYLKILL VALLEY SCHOOL DISTRICT CONVEYING UNTO SAID SCHOOL DISTRICT A TEMPORARY CONSTRUCTION EASEMENT IN AND OVER A PORTION OF LAND BEING PART OF TAX PIN NUMBER 540100609178 THAT PORTION OF PREMISES DESIGNATED AS A TEMPORARY CONSTRUCTION EASEMENT ON THE "HIGHWAY OCCUPANCY PERMIT PLANS, ROADWAY IMPROVEMENTS FOR SCHUYLKILL VALLEY SCHOOL DISTRICT," DATED JULY 20, 2009, BEING PROJECT #080890 PREPARED BY DERCK & EDSON ASSOCIATES, SITUATE IN ONTELAUNEE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA.**

**WHEREAS**, the City of Reading is the legal owner of real property being part of Tax Pin Number 540100609178, Ontelaunee Township, Berks County, Pennsylvania; and

**WHEREAS**, the Schuylkill Valley School District has need of access to said property for purposes of construction; and

**WHEREAS**, the City of Reading is willing to grant to the Schuylkill Valley School District temporary construction easement in connection with said parcel for such purpose.

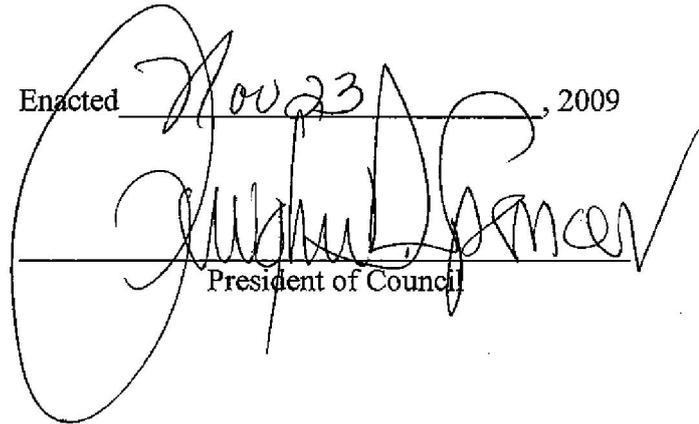
**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Mayor is authorized to execute a Temporary Construction Easement Agreement (attached as Exhibit "A") to convey unto the Schuylkill Valley School District a temporary construction easement upon that portion of premises known and designated as a temporary construction easement on the "Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School

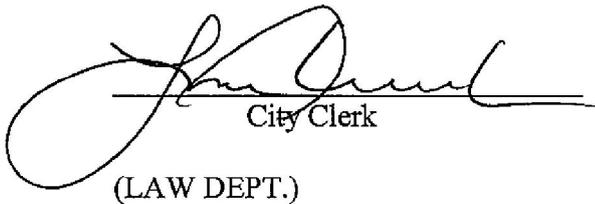
District," dated July 20, 2009, being Project #080890, prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County, Pennsylvania.

**SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted Nov 23, 2009

  
\_\_\_\_\_  
President of Council

Attest:

  
\_\_\_\_\_  
City Clerk  
(LAW DEPT.)

Submitted to Mayor: 

Date: 11-24-09

Received by the Mayor's Office: 

Date: 11/24/09

Approved by Mayor: 

Date: 11/24/09

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: James M. Snyder, Esquire  
Stevens & Lee  
111 North Sixth Street  
PO Box 679  
Reading, Pennsylvania 19603  
610-478-2211

Return to: James M. Snyder, Esquire  
Stevens & Lee  
111 North Sixth Street  
PO Box 679  
Reading, Pennsylvania 19603  
610-478-2211

### **TEMPORARY CONSTRUCTION EASEMENT**

THIS INDENTURE made this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by and between **CITY OF READING**, a third class city of the Commonwealth of Pennsylvania with offices situate at 815 Washington Street, Reading, Pennsylvania 19601 (hereinafter called "Grantor"), and the **SCHUYLKILL VALLEY SCHOOL DISTRICT**, a school district duly organized under the laws of the Commonwealth of Pennsylvania, with offices situate at 929 Lakeshore Drive, Leesport, Pennsylvania, 19533 (hereinafter called "Grantee").

### **WITNESSETH:**

That the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), as well as for diverse other considerations affecting the public welfare which it seeks to advance, has granted, bargained and sold, and by these presents does grant, bargain and sell unto the said Grantee, its successors and assigns, the free and uninterrupted use, liberty and privilege of, and passage in and through all that certain tract or parcel of ground situate in Ontelaunee Township, Berks County, Pennsylvania, along Ontelaunee Drive, (SR 4029), as more particularly shown as a Temporary Construction Easement on the "Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District," dated July 20, 2009, being Project #080890 (15 sheets) prepared by Derck & Edson Associates, and being more particularly bounded and described in Exhibit "A" attached hereto and made a part hereof.

Being a temporary construction easement interest in and over said land, being part of Tax Pin Number 540100609178, Berks County Records, owned by Grantor

by deed recorded in the Office of the Recorder of Deeds in and for Berks County at Deed Book Volume \_\_\_\_\_, Page \_\_\_\_\_.

The easement described herein is a temporary construction easement, access to which is necessary for the installation of certain stormwater drainage devises, including but not limited to stormwater lines, to be located in those certain permanent rights of way granted by Grantor to Ontelaunee Township on even date herewith. This temporary construction easement shall be forever extinguished without further action or writing, upon the initial construction and completion by Grantee, its contractors and agents of such installations.

TO HAVE AND TO HOLD all and singular the privileges aforesaid unto the said Grantee to and for only the proper use and behoof of the said Grantee, its successors and assigns, as and for the convenience of Grantee in the installation of the said storm water drainage devises.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that the said Grantor, its successors and assigns shall maintain the surface of the tract or parcel over which the said temporary construction easement does pass, upon completion of the installation of said stormwater drainage devises. However, Grantee, at its sole cost and expense, shall restore the surface of the said temporary easement to the existing grade, and spread grass seed upon completion of said initial construction and installation.

AND THE SAID GRANTOR, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with the said Grantee, its successors and assigns, that it, the said Grantor, its successors and assigns, shall specially warrant and forever defend the real estate interests conveyed hereby.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be properly executed the day and year first above written.

CITY OF READING

By: \_\_\_\_\_

Attest: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA :  
 :ss.  
COUNTY OF BERKS :

On this \_\_\_ day of \_\_\_\_\_, 2009, before me, a notary public,  
the undersigned officer, personally appeared \_\_\_\_\_, who  
acknowledged him/herself to be \_\_\_\_\_ of the City of Reading and that  
he/she as such, being authorized to do so, executed the foregoing instrument for the  
purposes therein contained by signing the name of the City by him/herself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

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Notary Public

I hereby certify that the precise address of the within Grantee is  
929 Lakeshore Drive, Leesport, Pennsylvania, 19533.

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