

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 04-12

ORDINANCE NO. 04-13

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA APPROVING INTERGOVERNMENTAL COOPERATION AGREEMENTS WITH THE BOROUGH OF PENN, WESTMORELAND COUNTY, PENNSYLVANIA AND THE TOWNSHIP OF HEMPFIELD, WESTMORELAND COUNTY, PENNSYLVANIA, FOR THE DELEGATION OF POWERS AND RESPONSIBILITIES ASSOCIATED WITH THE CONDEMNATION AND/OR EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF CERTAIN PROPERTY INTERESTS IN FURTHERANCE OF THE CITY OF JEANNETTE/PENN BOROUGH FLOOD PROTECTION PROJECT.

WHEREAS, the City of Jeannette is a Municipal Corporation duly vested with powers of condemnation and eminent domain; and

WHEREAS, the City is currently involved in a Flood Protection Project involving the creation, construction and maintenance of flood protection facilities in the West Jeannette, Penn Borough and Hempfield Township area; and

WHEREAS, the construction of such facilities may require the condemnation and/or acquisition by eminent domain of certain lands and other interests in real estate situate with the Borough of Penn and the Township of Hempfield; and

WHEREAS, the City is unable to exercise its powers of condemnation and/or eminent domain outside its geopolitical boundaries unless an Intergovernmental

BILL NO. 04-12

ORDINANCE NO. 04-13

Cooperation Agreement is entered between the City and the aforesaid municipal entities that would enable it to do so; and

WHEREAS, the Borough and the Township desire to delegate, transfer and convey its powers of eminent domain and/or condemnation to the City to enable it to acquire those property interest necessary to carry out its flood protection project within their geopolitical boundaries.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE, HEREBY ORDAINS AND ENACT AS FOLLOWS:

1. That the City of Jeannette, be and is hereby authorized to enter into an Intergovernmental Cooperation Agreement accepting the conveyance of the rights and powers of eminent domain and condemnation from the Borough of Penn, Westmoreland County, Pennsylvania and the Township of Hempfield, Westmoreland County, Pennsylvania, necessary for the acquisition of those lands and property interests within the geopolitical boundaries of each municipality in furtherance of the City's flood protection project.

2. That the Intergovernmental Cooperation Agreements attached hereto, setting forth the rights, duties and responsibilities of the parties thereto in the delegation and conveyance of the aforesaid rights of condemnation and/or eminent domain be and is hereby approved.

BILL NO. 04-12

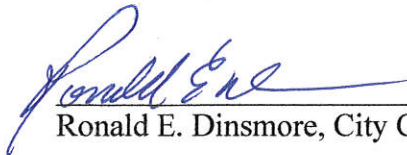
ORDINANCE NO. 04-13

3. That the Mayor of the City of Jeannette is hereby authorized to execute and enter into such Intergovernmental Cooperation Agreement on behalf of the City.

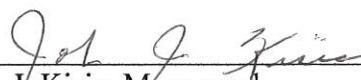
THIS ORDINANCE IS DULY ORDAIN AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 10th DAY OF NOVEMBER 2004 AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:

THE CITY OF JEANNETTE:



Ronald E. Dinsmore, City Clerk

By: 

John J. Kistic, Mayor and
President of Council