

ORDINANCE NO. 14836

FILE OF CITY COUNCIL

BILL NO. 68 - 2010

November 3, 2010

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLENTOWN, PENNSYLVANIA, FOR THE PURPOSE OF AUTHORIZING THE ADMINISTRATION OF THE CITY OF ALLENTOWN TO OPEN AND ACQUIRE PROPERTY FOR THE AMERICAN PARKWAY AND AUTHORIZING THE MAYOR TO EXECUTE THE AMERICAN PARKWAY RIGHT-OF-WAY PLANS PREPARED BY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION.

WHEREAS, The City of Allentown, a Home Rule City of the Third Class, will acquire rights-of-way in fee simple from fifteen (15) private property owners through the use of the power of eminent domain, if necessary, for the public purpose of constructing the American Parkway Project (the "Highway Project") with state and federal funds; and

WHEREAS, the Highway Project has its terminus on two (2) state highways, namely, Front Street (State Route 1015) and Dauphin Street (State Route 1007); and

WHEREAS, where the City Home Rule Charter does not address a specific subject matter, the provisions of the Third Class City Code apply; and

WHEREAS, the Home Rule Charter does not address the subject matter of streets and highways and, as such, the provisions of the Third Class City Code govern; and

WHEREAS, Section 2939 of the Third Class City Code, 53 P.S. Section 37939, gives the City powers and duties over state highways; and

WHEREAS, Section 2801 of the Third Class City Code, 53 P.S. Section 37801, grants Cities of the Third Class the power of eminent domain; and

WHEREAS, the Commonwealth of Pennsylvania, Department of Transportation prepared American Parkway Right-of- Way Plans delegating the power of eminent domain to the City to use as necessary for this Highway Project; and

WHEREAS, Section 2916 of the Third Class City Code, 53 P.S. Sections 37916, requires the adoption of an Ordinance for the City to open any street.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLENTOWN AS FOLLOWS:

Section 1. Acceptance of Authority.

City Council hereby authorizes the Administration of the City of Allentown to open the American Parkway and acquire property for that purpose and approves of such acquisition on behalf of the Commonwealth of Pennsylvania, Department of Transportation for the American Parkway Project by the power of eminent domain, if necessary, and the Mayor is hereby authorized to execute the American Parkway Right-of-Way Plans to be recorded in the Office of the Recorder of Deeds for Lehigh County.

Section 2. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

Section 3. Severability.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

Section 4. Effective Date.

This Ordinance shall be effective in ten (10) days from the date of passage.

	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy		
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schweyer	X	
Michael D'Amore, President	X	
TOTAL	6	0

I hereby certify that the foregoing Ordinance was passed by City Council on November 3, 2010 and signed by the Mayor on November 19, 2010.



CITY CLERK