

A RESOLUTION OF ROCKWOOD BOROUGH COUNCIL

BE IT KNOWN that it is resolved by Rockwood Borough as follows:

WHEREAS, Rockwood Borough is the owner of certain property to the rear of 704 Main Street, by virtue of a deed from Chester A. Miller to Rockwood Borough dated July 11, 1964 and recorded at Deed Book Volume 601, Page 459; and

WHEREAS, this property has sometimes been referred to as the property "to the rear of the Stoner building," and that said property has been used in conjunction with that project known as the Rockwood Borough Flood Protection Project; and

WHEREAS, Rockwood Borough has been informed by various agencies, including the Pennsylvania Department of Environmental Protection and U.S. Army Corp of Engineers that there may be an encroachment upon the property necessary for the Rockwood Borough Flood Protection Project by propane tanks owned by Ronald E. Sleasman and Nancy J. Sleasman in connection with their use of that property known as the Stoner building, and that said propane tanks must be removed; and

WHEREAS, Rockwood Borough has determined that it is appropriate to develop an agreement with Ronald E. Sleasman and Nancy J.

Sleasman by which the said propane tanks can be moved from property of the borough, at no cost to the borough, and to allow for the resolution of any issues concerning an encroachment by the propane tanks upon the Rockwood Borough Flood Protection Project; and

WHEREAS, Rockwood Borough is the owner of certain property used as the Borough offices, at 669 Somerset Avenue, acquired from Jack E. Benford and Rosalie M. Benford, by deed dated August 19, 2010 and recorded at Somerset County Record Book Volume 2201, Page 194; and

WHEREAS, adjacent to this property at 669 Somerset Avenue there is property owned by Ronald E. Sleasman and Nancy J. Sleasman by virtue of a deed to them from John Stoner, Sr. and Margaret G. Stoner, dated January 13, 1997 and recorded at Somerset County Record Book Volume 1346, Page 27; and

WHEREAS, situate upon this property at Somerset Avenue owned by Ronald E. Sleasman and Nancy J. Sleasman there is a certain concrete retaining wall and head wall for a culvert, which has been the source of previous involvement between the borough and the Pennsylvania Department of Environmental Protection; and

WHEREAS, Rockwood Borough Council has determined that it is

practical and expedient for Rockwood Borough to acquire the property upon which is situate the cited concrete retaining wall and head wall for a culvert; and

WHEREAS, it appears appropriate in order to avoid any litigation between Rockwood Borough and the Department of Environmental Protection or the U.S. Army Corp of Engineers, as well as between Rockwood Borough and Ronald E. Sleasman and Nancy J. Sleasman, and further between Rockwood Borough and the Pennsylvania Department of Environmental Protection, it would be in the best interest of Rockwood Borough and its citizens for the borough to convey to Ronald E. Sleasman and Nancy J. Sleasman sufficient property "to the rear of the Stoner building on Main Street," so the propane tank, which is alleged to be an encroachment upon the Rockwood Borough Flood Control Project can be moved to property that would be owned by the Sleasmans in exchange for a conveyance by the Sleasmans to Rockwood Borough of the property upon which is situate the concrete retaining wall and head wall at or near the Somerset Avenue property owned by the Borough; and

WHEREAS, Rockwood Borough Council finds that the conveyance of a portion of the property on Main Street from Rockwood Borough to

Ronald E. Sleasman and Nancy J. Sleasman in exchange for a conveyance of a portion of the property on Somerset Avenue from Ronald E. Sleasman and Nancy J. Sleasman to Rockwood Borough, is, indeed, in the best interest of Rockwood Borough and all of its citizens.

Based upon all of the above, Rockwood Borough Council has determined to enact this Resolution.

THEREFORE, be it Resolved and it is hereby Resolved as follows:

1. All of the prefatory paragraphs above are incorporated herein without the necessity of repeating them in their entirety.
2. Rockwood Borough does specifically find that it is in the best interest of all citizens of Rockwood Borough to avoid litigation between Rockwood Borough and the various agencies, to include the Pennsylvania Department of Environmental Protection, the U.S. Army Corp of Engineers, the Pennsylvania Department of Conservation and Natural Resources and/or between the Borough and Ronald E. Sleasman and Nancy J. Sleasman.
3. Rockwood Borough does determine and find that it is in the best interest of the citizens of Rockwood Borough to authorize the conveyance of 0.60 of an acre, more or less, to Ronald E. Sleasman and Nancy J.

Sleasman in exchange for the conveyance by Ronald E. Sleasman and Nancy J. Sleasman to Rockwood Borough of the parcel of 0.182 of an acre, more or less.

4. Based upon all of the above, the appropriate officials of Rockwood Borough, to specifically include Donald Warrick, President of Council, and Jill Shultz, Secretary of Council, are authorized to take all actions necessary to complete the above-cited conveyances, to specifically include the execution, attestation, and delivery of a deed to Ronald E. Sleasman and Nancy J. Sleasman for a parcel of 0.60, of an acre, more or less, being a portion of the larger parcel as had been conveyed by C. A. Miller, et al., to the Borough of Rockwood, by deed dated July 11, 1964 and recorded at Somerset County Deed Book Volume 601, Page 459, and to accept delivery from Ronald E. Sleasman and Nancy J. Sleasman of a deed for the parcel containing 0.182 of an acre, being a part of the larger parcel as had been conveyed to them by deed of John W. Stoner, Sr. and Margaret G. Stoner, by deed dated July 13, 1997 and recorded at Somerset County Record Book Volume 1346, Page 27.

5. It is further specifically resolved by Rockwood Borough Council to authorize its solicitor, its engineering consultant, and all appropriate

borough officers to take any further actions necessary to accomplish these conveyances, and to ratify any actions which have already been taken in preparation for the said conveyances.

This Resolution is adopted by action of Rockwood Borough Council at a regularly conducted public meeting on the 18th day of September 2012.

