

ORDINANCE NO. 02-2018

AN ORDINANCE OF THE COUNTY OF BERKS, PENNSYLVANIA, DELEGATING TO THE SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION THE COUNTY'S AUTHORITY TO ACQUIRE RIGHT-OF-WAYS NECESSARY FOR THE GIBRALTAR ROAD A/K/A ALTHOUSE MILL BRIDGE (45A) REPLACEMENT PROJECT.

WHEREAS, the Commissioners of the County of Berks and the Commonwealth of Pennsylvania, Department of Transportation, have coordinated through appropriate officials a County bridge replacement project for the Gibraltar Road a/k/a Althouse Mill Bridge (45A) (the "Project") in Exeter Township; and

WHEREAS, by Resolution 227-17, adopted August 17, 2017, the Commissioners of Berks County authorized Ryan Hunter, Director of Facilities and Operations, to execute for and on behalf of the County an agreement for the Commonwealth's performance of the Project; and

WHEREAS, the General Reimbursement Agreement for Federal Aid Project No. R1705008 for the Project (the "Project Agreement") was fully effective on February 5, 2018; and

WHEREAS, the Secretary of Transportation, acting for and on behalf of the Governor, as well as himself, wishes to proceed in a prompt manner with the acquisition of all necessary right-of-ways for the Project.

NOW THEREFORE, pursuant to Sections 2305 and 2307 of the General Local Government Code, 53 Pa. C.S. §§ 2305, 2307, and Paragraph 23 of the Project Agreement, **BE IT ENACTED AND ORDAINED** by the Commissioners of the County of Berks, as follows:

SECTION 1. Delegation of Authority.

The Commissioners of Berks County hereby delegate to the Secretary of Transportation the County's authority to acquire the right-of-ways necessary for the Project described in the Project Agreement which is incorporated herein by reference as if fully set forth.

SECTION 2. Duration.

This delegation shall continue until all terms and conditions of the project Agreement shall be fully satisfied or, at the election of the parties as set forth therein, the same shall be otherwise terminated.

SECTION 3. Purpose and Scope of Delegation.

The Secretary of Transportation shall have the authority to acquire the right-of-ways necessary for the Project described and enumerated in the Project Agreement.

SECTION 4. Financing.

One hundred percent (100%) of right-of-way acquisition costs, along with all other costs under the Project Agreement are being funded with 80% federal funding, 15% state funding and 5% local funding.

SECTION 5. Organizational Structure.

All pre-construction phases of the Project shall be managed, directed and performed by the Commonwealth of Pennsylvania, Department of Transportation.

SECTION 6. Property.

The Secretary of Transportation shall acquire property pursuant to all applicable policies and procedures necessary for the Project as authorized by Section 2003(e) of the Administrative Code, 71 P.S. §513(e), for all transportation purposes, which shall include, and not be limited to, acquisitions for local roads and streets.

SECTION 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the County of Berks that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. Repealer. Any ordinance, parts of ordinances, resolutions or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance’s provisions.

SECTION 9. Effective Date. This Ordinance shall become effective at the earliest date provided by law.

ENACTED AND ORDAINED as an Ordinance by the Board of Commissioners of the County of Berks, in lawful session duly assembled, this 15 day of March, 2018.

COUNTY OF BERKS

By: 
Christian Y. Leinbach, Chairman

By: 
Kevin S. Barnhardt, Commissioner

By: 
Mark C. Scott, Esq., Commissioner

Attest:


Maryjo Gibson, Chief Clerk