

Township of East Lampeter
Lancaster County, Pennsylvania

ORDINANCE NO. 311

**AN ORDINANCE OF THE TOWNSHIP OF EAST
LAMPETER, LANCASTERCOUNTY,
PENNSYLVANIA, ESTABLISHING AND
ADOPTING AN EAST LAMPETER TOWNSHIP
OFFICIAL MAP.**

WHEREAS, pursuant to Article IV of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 (PA MPC) as reenacted and amended, the Township is authorized to establish and adopt an "OFFICIAL MAP" for all or a portion of the Township, which map may show appropriate element of the Township Comprehensive Plan and Recreation Plan including but not limited to existing and proposed public streets, watercourses, and public grounds, including widening, narrowings, extensions, diminutions, openings or closing of same, existing and proposed public parks, playgrounds and open space reservations, pedestrian ways and floodways and flood plains, stormwater management areas and drainage easements, support facilities, easements and other properties held by public bodies undertaking the elements described in Section 301 of the PA MPC, including historic and cultural resources, other unique natural areas; and

WHEREAS, pursuant to Article IV of the PA MPC, the Township desires the ability to reserve private land for potential future acquisition, taking, or use for public us as described above, and contained within the PA MPC;

NOW, THEREFORE, be it ordained and enacted as follows:

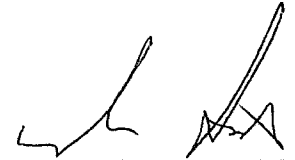
1. The Township hereby adopts as the "OFFICIAL MAP" for East Lampeter Township all that certain Map thereto designated as "Official Map for East Lampeter Township, Lancaster County, Pennsylvania", prepared by David Miller Associates, last revised February 28, 2015.
2. The aforesaid Official Map depicts and describes existing and proposed public
 - a. Existing and proposed public streets, watercourse and public grounds, including widening, narrowings, extensions, diminutions, openings or closing of the same.
 - b. Existing and proposed public parks, playgrounds and open space reservations.
 - c. Pedestrian ways and easements.
 - d. Railroad and transit rights-of-way and easements.

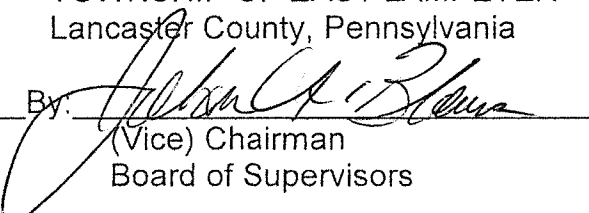
- e. Flood control basins, floodways and flood plains, storm water management areas and drainage easements.
 - f. Support facilities, easements and other properties held by public bodies undertaking elements described in Section 301 of the PA MPC.
3. The Township may initiate surveys, maps, studies of property locations for the purposes of taking possible action.
4. Whenever lands and/or rights-of-way and/or easements are to be acquired pursuant to the Official Map, boundary descriptions by metes and bounds descriptions shall be made by a licensed surveyor.
5. As per Section 402(c) of the PA MPC, the Township directs that upon adoption of this Ordinance, a copy of the Official Map, shall be submitted to the Recorder of Deeds of Lancaster County to be recorded within sixty (60) days of the effective date hereof.
6. After adoption of the Official Map, or part thereof, all streets, watercourses, and public grounds and the elements listed in Section 401 of the PA MPC, on final, recorded plats which have been approved as provided by this Act shall be deemed amendments to the Official Map. Notwithstanding any of the other terms of this Article, no public hearing needs to be held or public notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved as provided by this Ordinance.
7. The adoption of any street, street lines or other public lands pursuant to Article IV of the PA MPC as part of the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land, nor shall it obligate East Lampeter Township to improve or maintain any such street or land. The adoption of proposed watercourses or public grounds as part of the official map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by East Lampeter Township.
8. For the purposes of preserving the integrity of the Official Map of East Lampeter Township, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvement constructed within the lines of any street, watercourse or public

ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner.

9. However, when the property of which the reserved location forms a part, cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the governing body for the grant of a Special Encroachment Permit to build. Before granting a Special Encroachment Permit authorized in this section, the governing body may submit the application for Special Encroachment Permit to the local planning agency and allow the planning agency 30 days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard.
10. The Board of Supervisors may fix the time for which streets, watercourses and public grounds on the Official Map shall be deemed reserved for future taking or acquisition for public use. However, the reservation for public grounds shall lapse and become void one (1) year after an owner of such property has submitted a written notice to the Board of Supervisors announcing his intentions to build, subdivide or otherwise develop the land covered by the reservation, or has made formal application for an official permit to build a structure for private use, unless the Board of Supervisors shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.
11. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of this Ordinance shall be and shall remain in full force and effect.
12. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of East Lampeter Township as provided by law.

DULY ORDAINED AND ENACTED this 20th day of April, 2015, by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania in lawful session duly assembled.

Attest: 
(Assistant) Secretary

TOWNSHIP OF EAST LAMPETER
Lancaster County, Pennsylvania
By: 
(Vice) Chairman
Board of Supervisors