

MONROE TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

RESOLUTION 2019-07

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
MONROE TOWNSHIP, CUMBERLAND COUNTY,
PENNSYLVANIA, PROHIBITING THE USE OF THE
POWER OF EMINENT DOMAIN IN THE INSTALLATION
OR CONSTRUCTION OF ANY PORTION OF RAIL
TRAILS THROUGH MONROE TOWNSHIP.**

WHEREAS, Cumberland County, through grants received from the Pennsylvania Department of Conservation and Natural Resources, formulated a plan for open space preservation and smart growth planning for Cumberland County and its 33 municipalities; and

WHEREAS, pursuant to the plan adopted by Cumberland County titled *Land Partnerships, a Countywide Strategy for Open Space Preservation and Smart Growth, Final Draft, March 2006*, as updated and amended (the "Plan"), Cumberland County has allocated funds for implementation of the Plan;

WHEREAS, Cumberland County and other entities have indicated an intent and taken steps, including performing studies, in furtherance of installing and completing portions of a multi-use public recreation trail, such trails referred to as "rail trails", pursuant to the Plan; and

WHEREAS, the Plan states that it does not encourage the use of eminent domain as a method of open space preservation, but rather encourages the acquisition of land and easements through the voluntary cooperation of municipalities and landowners; and

WHEREAS, residents of Monroe Township have questioned whether or not eminent domain will, or may be used in the implementation of the Plan and installation and construction of rail trails; and

WHEREAS, pursuant to the Second Class Township Code and case law Monroe Township has the power to acquire private property via eminent domain if it is used for recreation purposes; and

WHEREAS, the Board of Supervisors of Monroe Township recognizes and respects the rule of law that it may not bind future Boards in the exercise or non-exercise of governmental functions, as opposed to functions that are proprietary in nature; and

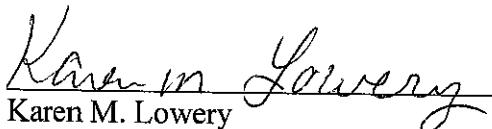
WHEREAS, the Board of Supervisors desire to prohibit the use of the power of eminent domain within Monroe Township for the installation and construction of any rail trails.

NOW, THEREFORE, BE IT RESOLVED, by the Monroe Township Board of Supervisors, Cumberland County, Pennsylvania, as follows:

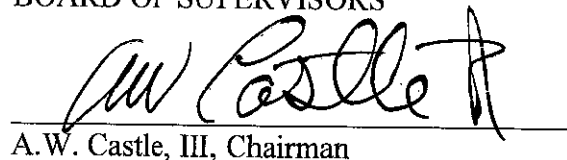
1. The above recitals are incorporated herein.
2. The Board prohibits the use of the power of eminent domain in the installation or construction of any rail trails within Monroe Township.

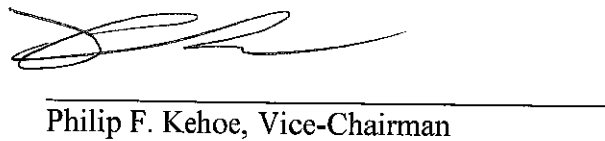
RESOLVED, this 14 day of February, 2019.

ATTEST:


Karen M. Lowery

MONROE TOWNSHIP
BOARD OF SUPERVISORS


A.W. Castle, III, Chairman


Philip F. Kehoe, Vice-Chairman


Carl W. Kuhl, Supervisor