

**FAIRVIEW TOWNSHIP  
RESOLUTION 2026-30**

**A RESOLUTION APPROVING THE FILING OF A  
DECLARATION OF TAKING FOR THE PARCEL LISTED  
IN EXHIBIT A HERETO TO EFFECTUATE A TEMPORARY  
CONSTRUCTION EASEMENT AND RIGHT-OF-WAY FOR  
IMPROVEMENTS TO THE INTERSECTION OF  
WYNDAMERE ROAD AND INDUSTRIAL DRIVE.**

**WHEREAS**, pursuant to Chapter 3, Section 302 of the Eminent Domain Code, 26 Pa.C.S. § 302, Article XXIII, Section 67312 of the Second Class Township Code, 53 P.S. § 67312, and Article XXXIV, Section 68401 of the Second Class Township Code, 53 P.S. § 68401, Fairview Township ("Township") has the right to declare its intention to acquire, enter upon, take, use, and appropriate any private property or land for improvements "along or adjacent to any township road . . . for the better protection and safety to the traveling public." *See* 53 P.S. § 67312(a).

**WHEREAS**, the Township has found it necessary to improve the intersection of Wyndamere Road and Industrial Drive ("Project") which is adjacent to the property listed in **Exhibit A** hereto which is incorporated by reference herein ("the Property"). The Project is a public necessity "for the better protection and safety to the traveling public." 53 P.S. § 67312(a).

**WHEREAS**, the Project will impact the Property as depicted in the Project plan ("Plan") prepared by TPD, Inc. dated February 16, 2026 Which is attached hereto as **Exhibit B**.

**WHEREAS**, by virtue of that certain Transportation Improvements Agreement, dated May 18, 2018, a developer is obligated to complete the Project on behalf of the Township; and

**WHEREAS**, acting on behalf of the Township, the developer has been unable to come to an agreement with the owner of the Property, despite numerous attempts, necessitating the present declaration of taking ("Declaration of Taking").

**WHEREAS**, the Project requires a temporary construction easement and a right-of-way across the Property, and the Township now desires to exercise its right to condemn the Property for the purposes of improving the intersection of Wyndamere Road and Industrial Drive and to acquire the temporary construction easement and a right-of-way on, over, and across the Property.

**WHEREAS**, the Township has the power of taxation and will not be required to file a bond with the Declarations of Taking and "[t]he funds raised or authorized by law to be raised by the power of taxation of the condemnor shall be deemed pledged and are made security for the payment of the damages determined by law." 26 Pa.C.S. § 303(b)(1)–(2).

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Fairview Township, as follows:

Section 1. Approval. The Township hereby approves and exercises its right to file a Declaration of Taking against the Property for the purpose of securing a temporary construction easement and right-of-way on, over, and across the Property for the construction and continued maintenance of the Project in accordance with its eminent domain authorities pursuant to Chapter 3, Section 302 of the Eminent Domain Code, 26 Pa.C.S. § 302, Article XXIII, Section 67312 of the Second Class Township Code, 53 P.S. § 67312, and Article XXXIV, Section 68401 of the Second Class Township Code, 53 P.S. § 68401. Provided, however, that the aforementioned developer is directed to continue efforts to negotiate with the affected property owner to reach an amicable resolution of the just compensation to be paid for the property interests acquired through the exercise of Eminent Domain powers.

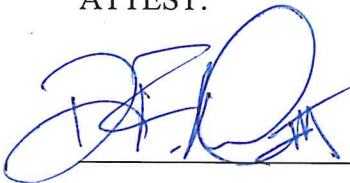
Section 2. Filing and notice. Following the Effective Date of this Resolution, the condemnation shall be effected by the filing of the Declaration of Taking with the Court of Common Pleas of York County in accordance with 26 Pa.C.S. §101 et. seq. Proper notice of the condemnation will be served within thirty (30) days of the filing date to the property owner in accordance with 26 Pa.C.S. § 305.

Section 3. Repealer. Any resolutions of Fairview Township inconsistent herewith are repealed, in whole or in part, as to the extent of said conflict.

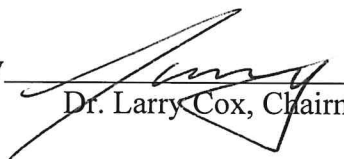
Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED this 28<sup>th</sup> day of September 2026.

ATTEST:



**FAIRVIEW TOWNSHIP  
BOARD OF SUPERVISORS**

By   
Dr. Larry Cox, Chairman

**Exhibit A**  
**Parcel to be Condemned**

| <b>Full Name</b>           | <b>Tax ID</b>               | <b>Address</b>                           |
|----------------------------|-----------------------------|------------------------------------------|
| Lewisberry Land One<br>LLC | 27-000-QG-0147.D0-<br>00000 | 658 Wyndamere Road, Lewisberry, PA 17339 |

**EXHIBIT B**  
**Plan**

