

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NUMBER 2020-08

AN ORDINANCE OF THE TOWNSHIP OF SUMMIT, ERIE COUNTY, PENNSYLVANIA, ESTABLISHING AND ADOPTING THE OFFICIAL MAP OF SUMMIT TOWNSHIP.

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code (Act 170, as amended) grants the Township powers to enact an ordinance adopting an Official Map and to provide for its administration, enforcement, and amendment; and

WHEREAS, with Resolution No. 2018-18, enacted on August 14, 2018, the Board of Supervisors of Summit Township adopted the Summit Township Comprehensive Plan entitled "Securing Summit's Success," prepared by Environmental Planning and Design; and

WHEREAS, the Board of Supervisors deems it necessary, for the purpose of promoting the health, safety, and general welfare of the Township to enact such an ordinance;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Summit Township as follows:

- 1) This Ordinance hereby repeals and replaces Ordinance No. 1995-02, as amended, in its entirety.
- 2) The Township hereby adopts as the Official Map of Summit Township the map attached hereto, entitled "Summit Township Transportation Map" dated February 2020.
- 3) Buildings in Mapped Streets or Other Public Grounds.
 - a. For the purpose of preserving the integrity of the official map of the municipality, no permit shall be issued for any building within the lines of any street or public ground shown or laid out on the official map.
 - b. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street 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.

c. 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.

i. Before granting any special encroachment permit authorized in this section, the governing body may submit the application for a special encroachment permit to the Planning Commission and allow the Planning Commission 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.

ii. A refusal by the governing body to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board.

4) Time Limitations on Reservations for Future Taking.

a. The governing body may fix the time for which streets and public grounds on the official map shall be deemed reserved for future taking or acquisition for public use.

b. The reservation for public grounds shall lapse and become void one year after an owner of such property has submitted a written notice to the governing body 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 governing body shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.

5) Release of Damage Claims or Compensation.

a. The governing body may designate any of its agencies to negotiate with the owner of land under the following circumstances:

- i. whereon reservations are made;
- ii. whereon releases of claims for damages or compensation for such reservations are required;
or
- iii. whereon agreements indemnifying the governing body from claims by others may be required. Any releases or agreements, when properly executed by the governing body and the owner and recorded, shall be binding upon any successor in title.

6)

Severability

- A. 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 sentences, clauses, sections, or parts of this Ordinance.

7)

EFFECTIVE DATE

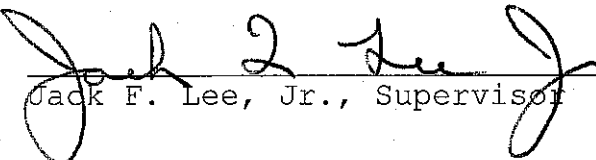
A. Enacted and ordained this 2nd day of November, 2020, by the Board of Supervisors of Summit Township.

SUMMIT TOWNSHIP SUPERVISORS

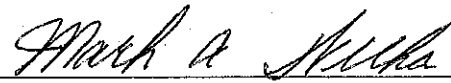


Anthony W. Davis, Chairman

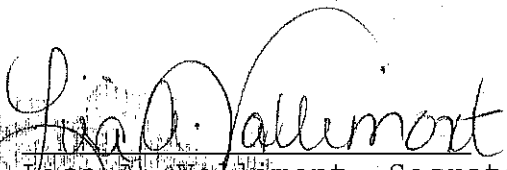
ATTEST:



Jack F. Lee, Jr., Supervisor



Mark A. Welka, Supervisor



Lisa A. Vallimont, Secretary

SECRETARY CERTIFICATE

I hereby certify a true copy of the Summit Township, Erie County, Pennsylvania, Ordinance No. 2020-08 as amended, and adopted by the Board of Supervisors on November 2, 2020, and was advertised in the Erie Times-New on October 22, 2020 and October 26, 2020.

Secretary