

RESOLUTION NO. 2006-14

**CUMBERLAND COUNTY,
CUMBERLAND COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, ADOPTING A PLAN ENTITLED *LAND PARTNERSHIPS, A COUNTYWIDE STRATEGY FOR OPEN SPACE PRESERVATION AND SMART GROWTH, FINAL DRAFT, MARCH 2006*, AND PROHIBITING THE USE OF THE POWER OF EMINENT DOMAIN IN THE IMPLEMENTATION OR COMPLETION OF ANY *LAND PARTNERSHIPS* PROJECT WHICH IS APPROVED AND FUNDED PRIOR TO THE END OF CALENDAR YEAR 2007.

WHEREAS, the Board of Commissioners of Cumberland County (herein, "Board"), through a grant from the Pennsylvania Department of Conservation and Natural Resources has heretofore directed its Planning Commission, with the assistance of a team of professional consultants and a steering committee composed of County residents, to formulate a plan for open space preservation and smart growth planning for Cumberland County (herein, "County") and its 33 municipalities; and

WHEREAS, the Planning Commission has sought public input in this planning effort by conducting public meetings, public surveys, public comment periods and otherwise encouraging general public comment over the course of the last 5 years; and

WHEREAS, the Planning Commission has completed its work and has recommended adoption by the Board of the plan entitled *Land Partnerships, a Countywide Strategy for Open Space Preservation and Smart Growth, Final Draft, March 2006* (herein, "Plan"); and

WHEREAS, the Board has allocated County funds in the amount of \$4,600,000.00 for the implementation of Phase 1 of the Plan, which funds are presently available, and may allocate additional funds for Plan projects prior to the end of calendar year 2007 (herein, all funds allocated prior to the end of calendar year 2007 collectively designated "Revenues"); 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, certain citizens have questioned whether eminent domain will or may be used in the implementation of the Plan; and

WHEREAS, the Board recognizes and respects the sovereign and independent governmental powers, including the eminent domain power, of the governing bodies of the 33 County municipalities; and

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

WHEREAS, the Board recognizes that the exercise or non-exercise of the power of eminent domain is a governmental function for which it may not commit future Boards of Commissioners; and

WHEREAS, prior to the end of calendar year 2007, the Board, directly or through its Planning Commission, expects to approve projects under Phase 1 or subsequent phases of the Plan which will commit all of the Revenues; and

WHEREAS, the Board does have the authority to prohibit the use of the power of eminent domain in the implementation or completion of any Plan project which is approved prior to the end of calendar year 2007 and which is funded by the Revenues.

NOW, THEREFORE, on motion duly made, seconded and adopted by the Board, it is hereby:

RESOLVED:

Section 1: The above recitals are incorporated herein.

Section 2: The Plan is hereby adopted. Official copies shall be placed on file in the Office of the Commissioners and in the Office of the Planning Commission and there maintained for public inspection.

Section 3: The Board prohibits the use of the power of eminent domain in the implementation or completion of any Plan project which is approved prior to the end of calendar year 2007 and which is funded by the Revenues.

DULY ADOPTED this 17th day of April, 2006, by the Board of Commissioners of Cumberland County in lawful session duly attended.

ATTEST:

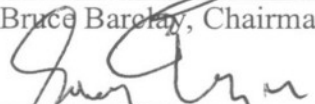


John C. Byrne, Chief Clerk

Cumberland County

By 

Bruce Barclay, Chairman

By 

Gary Eichelberger, Vice-Chairman

By 

Richard L. Rovegno, Secretary

RESOLUTION NO. 2006-15

A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS
GRANT PROJECT (BRC-TAG- 7- 45)

WHEREAS, the Cumberland County Planning Commission has prepared an Open Space Preservation Plan for Cumberland County and,

WHEREAS, the purpose of the Plan is to preserve prime farmland, conserve natural resources, promote parks and recreation development, and create livable communities and,

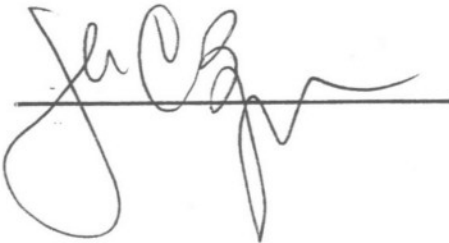
WHEREAS, the Plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TAG-7-45.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Cumberland County that:

- a. The project was completed in accordance with the grant contract.
- b. All project expenditures have been made and were in accordance with the grant contract.
- c. The Plan is acceptable to Cumberland County.
- d. The Plan will be used to guide future acquisition, development and/or conservation initiatives.

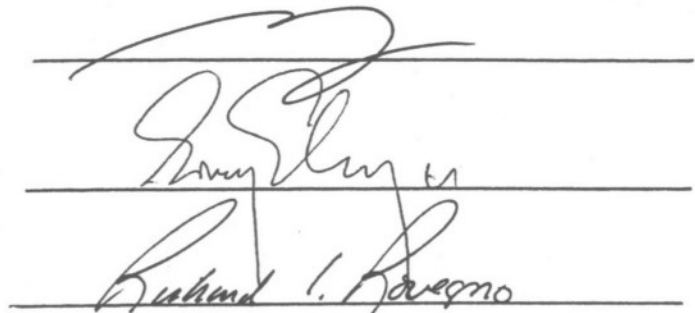
ADOPTED THIS 17th DAY OF APRIL, 2006

ATTEST:



A handwritten signature in black ink, appearing to be 'John C. ...', written over a horizontal line.

BOARD OF COMMISSIONERS



Three handwritten signatures in black ink, each written over a horizontal line. The signatures are stylized and difficult to read, but the bottom one appears to be 'Richard I. ...'.