

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, JULY 8, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 53

SENATE

WEDNESDAY, July 8, 2009

The Senate met at 1 p.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

PRAYER

The Chaplain, Reverend DAVID BISER, of Crosspoint United Methodist Church, Harrisburg, offered the following prayer:

It is an honorable time of the year, as we spend just 4 days after the Fourth of July recognizing the freedom that our nation has received through the work of many people 233 years ago. And so today, we bow our heads before the very same Lord and God whom they bowed their heads before all those years ago. Let us join together in a word of prayer.

O God of heaven and earth, You are the King and Lord over all things, and we recognize that today as we stop and focus our attention on You. We come to You today encouraged by the things we have been able to achieve in this room and excited about the possibilities for the future. We are here today to shine for You before the people of our Commonwealth. Your purpose and Your plans have made this day come to pass. And so with humble hearts, we offer our lives to You once again and say, thank You.

We ask today that You continue to bless our nation so that we can stay the course of being a nation that blesses others. We lift to You all of our men and women who are serving our nation and our State, who have served in every branch of our country's military and are currently in harm's way. We also bring to Your throne all those who are in need today in some way or form. We know who they are. We see their faces, and we know their names. Be with them, O Lord, we pray.

We offer to You our special prayers for our President, our Governor, and all of us who are Your leaders in this place. Raise us up to the challenge of the position You have called us to as we work diligently on a new budget for the people of this State. Grant us wisdom, knowledge, and discernment in all we do and say today. Grant us Your presence and direction, now and always, so that we might stand strong as a mighty nation set upon a hilltop, shining the light of the world, Your light, a light of hope, of salvation, and of peace.

In recognition and respect for all religions in all places, in the name of the One who gave His life for all, we pray to You, bringing our lives, this room, and all of our decisions to Your

throne, not by our power but by Your strength and grace. And all of the people of God said, with one voice, Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Biser, who by special request is the guest today of Senator Piccola. Thank you, Reverend.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDING OFFICER laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

**SECRETARY OF CONSERVATION
AND NATURAL RESOURCES**

July 8, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2009, for the appointment of The Honorable [sic] John H. Quigley, 527 Colony Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as Secretary of Conservation and Natural Resources, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Michael F. DiBerardinis, Philadelphia, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Alloway, and a legislative leave for Senator Scarnati.

The PRESIDING OFFICER. Senator Pileggi requests a temporary Capitol leave for Senator Alloway, and a legislative leave for Senator Scarnati. Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained leaves of absence for Senator BAKER and Senator WARD, for today's Session, for personal reasons.

Senator O'PAKE asked and obtained a military leave of absence, pursuant to Senate Rule XXI(3), for Senator STACK.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDING OFFICER. The Journal of the Session of June 29, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of June 29, 2009.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-47

Alloway	Ferlo	Musto	Tomlinson
Argall	Folmer	O'Pake	Vance
Boscola	Fontana	Orie	Vogel
Browne	Gordner	Piccola	Washington
Brubaker	Greenleaf	Pileggi	Waugh
Corman	Hughes	Pippy	White, Donald
Costa	Kasunic	Rafferty	White, Mary Jo
Dinniman	Kitchen	Robbins	Williams
Earl	Leach	Scarnati	Wonderling
Eichelberger	Logan	Smucker	Wozniak
Erickson	McIlhinney	Stout	Yaw
Farnese	Mellow	Tartaglione	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDING OFFICER. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT WONDERLING
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Mr. President, it is indeed my pleasure and honor today to introduce a fine young gentleman who hails from the Coopersburg, Lehigh County, portion of my Senate district. Mr. Jeffrey Pinto is serving time with us--boy, that sounded like a prison sentence--he is serving with us for the constituents of the 24th District in our Quakertown office this summer and has spent the day here learning about the legislative process and touring this beautiful Capitol complex. Jeffrey is currently in his junior year at DeSales University as a political science major. He is a budding baseball player and hopes to pitch in the big someday. If not, I am sure we will see him on the floor of the U.S. Senate or the United Nations or some other august body in which he will intend to serve. So, Mr. President, let us please offer our warm welcome to Mr. Jeffrey Pinto. Thank you.

The PRESIDING OFFICER. Would the guest of Senator Wonderling please rise so the Senate may give you its traditional warm welcome.

(Applause.)

**GUEST OF SENATOR JEFFREY E. PICCOLA
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I would like to take this opportunity to reintroduce to the Senate our Chaplain today, Reverend David Biser. Dave is a familiar face here in the Senate. He has been Chaplain of the Senate on a number of occasions. I take this opportunity to reintroduce him because, first of all, he is a terrific pastor. His church is situated only about 5 miles due east of here. He has transformed the Crosspoint United Methodist Church into a wonderful sanctuary and place of worship and activity here in the Harrisburg region. But the real reason that I want to reintroduce him today is somebody told me that he is celebrating his birthday today. So I would like to reintroduce Pastor Dave and ask everybody to wish him a happy birthday.

Thank you, Mr. President.

(Applause.)

The PRESIDING OFFICER. Thank you, Senator Piccola.

The Senate gives its traditional warm welcome to you, Pastor, and is always happy to see you, because you come in toward the end of the budget to close it for us.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room immediately. I expect the caucus to last approximately 1 hour.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I make the same request, that the Democrats report to our caucus room at the rear of the Chamber, please.

The PRESIDING OFFICER. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

The PRESIDENT. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Scarnati and Senator Alloway have returned, and their respective leaves are cancelled.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator McIlhinney.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator McIlhinney. Without objection, the leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 92 (Pr. No. 1705) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for license costs and fees.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-46

Alloway	Folmer	O'Pake	Vance
Argall	Fontana	Orie	Vogel
Boscola	Gordner	Piccola	Washington
Browne	Greenleaf	Pileggi	Waugh
Brubaker	Hughes	Pippy	White, Donald
Corman	Kasunic	Rafferty	White, Mary Jo
Costa	Kitchen	Robbins	Williams
Dinniman	Leach	Scarnati	Wonderling
Earll	Logan	Smucker	Wozniak
Erickson	McIlhinney	Stout	Yaw
Farnese	Mellow	Tartaglione	
Ferlo	Musto	Tomlinson	

NAY-1

Eichelberger

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL AMENDED

HB 109 (Pr. No. 913) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing Lower Merion Township, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, in return for the imposition of Project 70 restrictions on other land to be acquired by the township.

On the question,
Will the Senate agree to the bill on third consideration?

Senator M.J. WHITE offered the following amendment No. A2366:

Amend Bill, page 1, line 5, by inserting after "township":
; and authorizing the City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act

Amend Bill, page 1, line 8, by striking out "Authorization" and inserting:

Lower Merion Township, Montgomery County
Amend Bill, page 1, line 9, by inserting before "Pursuant":
(a) Authorization.--

Amend Bill, page 1, line 14, by striking out "section 3" and inserting:

subsection (c)

Amend Bill, page 1, line 18, by striking out "section 4" and inserting:

subsection (d)

Amend Bill, page 2, line 1, by striking out all of said line and inserting:

(b) Freedom of restrictions.--

Amend Bill, page 2, line 2, by striking out "lands" and inserting:
land

Amend Bill, page 2, line 2, by striking out "section 3" and inserting:

subsection (c)

Amend Bill, page 2, line 4, by striking out "lands" and inserting:
land

Amend Bill, page 2, line 6, by striking out all of said line and inserting:

(c) Land to be released from restrictions.--

Amend Bill, page 2, line 8, by striking out "are" and inserting:
is

Amend Bill, page 3, line 10, by striking out all of said line and inserting:

(d) Use of sale proceeds.--

Amend Bill, page 3, line 14, by striking out "act" and inserting:
section

Amend Bill, page 3, line 16, by striking out "section 3" and inserting:

subsection (c)

Amend Bill, page 3, line 19, by striking out "act" and inserting:
section

Amend Bill, page 3, line 22, by striking out all of said line and inserting:

(e) Remedies.--

Amend Bill, page 3, line 23, by striking out "section 4" and inserting:

subsection (d)

Amend Bill, page 3, line 28, by striking out all of said line and

inserting:

(f) Project 70 deed clause.--

Amend Bill, page 4, line 5, by striking out all of said line and inserting:

(g) Costs and fees.--

Amend Bill, page 4, by inserting between lines 7 and 8:
Section 2. City of Warren, Warren County.

(a) Authorization.--Pursuant to the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the release of Project 70 restrictions and sale of the lands owned by the City of Warren which are more particularly described in subsection (c) for a consideration of \$81,500 which represents the fair market value of the property as determined by an appraisal.

(b) Freedom of restrictions.--The lands described in subsection (c) shall be free of restrictions on use and alienation imposed by the Project 70 Land Acquisition and Borrowing Act upon conveyance of the lands to Warren General Hospital.

(c) Lands to be released from restrictions.--The lands to be released from Project 70 restrictions are situated in the City of Warren, Warren County, and more particularly described as follows:

Parcel No. 1

All that certain piece or parcel of land, generally referred to as the "Musante Field," being that lot identified on the Warren County Assessment Map as WN-578-1184, and consisting of a rectangular-shaped level and open piece of land whose dimensions approximate 100 feet by 200 feet for a total of 20,000 square feet or 0.46 acre.

Parcel No. 2

All that certain piece or parcel of land being that lot identified on the Warren County Assessment Map as WN-578-119 and consisting of a triangular-shaped piece of land whose dimensions approximate 190 feet by 130 feet by 232 feet for a total of 12,350 square feet or 0.28 acre.

(d) Use of sale proceeds.--The consideration of \$81,500 from the sale of the land shall be deposited in a special account established by the City of Warren for acquisition or development of park land, to include a ballfield, parking lot and access road. Use of funds from the special account must be approved by the Department of Conservation and Natural Resources. Any funds remaining in the special account after five years of the date of deposit by the City of Warren shall be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund.

Amend Bill, page 4, line 8, by striking out "8" and inserting:

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator MUSTO offered the following amendment No. A2504:

Amend Bill, page 1, line 5, by inserting after "township"; and authorizing the City of Wilkes-Barre, Luzerne County, to convey a fee interest in certain Project 70 lands free of restrictions imposed under the Project 70 Land Acquisition and Borrowing Act

Amend Bill, page 4, by inserting between lines 7 and 8:
Section 8. City of Wilkes-Barre, Luzerne County.

(a) Authorization.--The provisions of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, authorizes the General Assembly to release land from Project 70 Use Restrictions, including, but not limited to, three parcels within a 33+/- acres tract of land now owned by the City of Wilkes-Barre and more fully described in Luzerne County Deed Book 1707 page 703 et seq. commonly known and designated as the Coal Street Park.

(b) Release from Project 70 Use Restrictions.--For and in consider-

ation of the submission and substitution of other adjacent lands of the City of Wilkes-Barre to the Project 70 Use Restrictions in place thereof, said land being more particularly described in subsection (e) (Replacement Lands) the General Assembly hereby releases and forever discharges from the date of this action, all those certain tracts of land presently owned by the City of Wilkes-Barre, which is more particularly described in subsection (d) (Released Lands). The Replacement Lands have a fair market value which is equal to or greater than the fair market value of the Released Lands, all as determined by an independent certified appraisal.

(c) Submission.--For and in consideration of the release of the Released Lands, the City of Wilkes-Barre hereby submits the Replacement Lands to the same restrictions previously imposed upon the Released Lands, said Project 70 Use Restrictions to be placed of record in the Office of the Recorder of Deeds in and for Luzerne County within thirty (30) days following adoption of this act.

(d) Lands to be released from restrictions.--The lands to be released from Project 70 restrictions are situated in the City of Wilkes-Barre, Luzerne County, and more particularly described as follows:

Parcel One

ALL that certain piece or parcel of land situate in the City of Wilkes-Barre, County of Luzerne and Commonwealth of Pennsylvania bounded and described as follows, to wit:

BEGINNING at a point in lands of the City of Wilkes-Barre (DB 1707 Pg 703) from which the southwesterly corner of said lands at the intersection of the northerly right-of-way line of Sherman Street with the easterly right-of-way line of Coal Street bears South 41° 42' 34" West distant four hundred ninety-two and ninety-nine hundredths (492.99) feet as shown on a plan titled "Coal Street Park Land Development Plan - Building Lease Plan" dated January 7, 2009 and prepared by Acker Associates, Inc.;

Thence through said lands of the City of Wilkes-Barre (Grantor, herein) the following thirty-six (36) courses and distances:

1. North 12° 47' 38" East one hundred twenty-four (124.00') feet to a point,
2. South 77° 19' 18" East eighteen and sixty-two hundredths (18.62') feet to a point,
3. North 12° 40' 42" East thirty-two and eighty-seven hundredths (32.87') feet to a point,
4. South 77° 19' 18" East nineteen and eighty-five hundredths (19.85') feet to a point,
5. North 12° 36' 30" East thirty-nine and forty-four hundredths (39.44') feet to a point,
6. South 77° 35' 21" East nineteen and eighty-two hundredths (19.82') feet to a point,
7. North 13° 04' 23" East nineteen and eighty-five hundredths (19.85') feet to a point,
8. South 77° 33' 32" East nineteen and seventy-nine hundredths (19.79') feet to a point,
9. North 13° 26' 14" East nineteen and ninety-six hundredths (19.96') feet to a point,
10. South 77° 32' 32" East forty and six hundredths (40.06') feet to a point,
11. North 12° 40' 42" East twenty and fifty-six hundredths (20.56') feet to a point,
12. South 77° 19' 18" East two hundred forty-two (242.00') feet to a point,
13. South 12° 40' 42" West twenty-six and twenty-five hundredths (26.25') feet to a point,
14. South 77° 19' 18" East thirty-one and sixty-six hundredths (31.66') feet to a point,
15. South 12° 40' 42" West sixty-one and thirty-three hundredths (61.33') feet to a point,
16. North 77° 19' 18" West thirty-one and sixty-eight hundredths (31.68') feet to a point,
17. South 20° 33' 04" West forty-seven and twenty-five hundredths (47.25') feet to a point,
18. North 77° 19' 18" West two hundred nineteen and five tenths (219.50') feet to a point,
19. South 12° 40' 42" West two and twenty-seven hundredths (2.27') feet to a point,
20. North 77° 19' 18" West twenty-five hundredths (0.25') feet to a point,
21. South 20° 40' 42" West sixteen and sixty-seven hundredths

(16.67') feet to a point,

22. South 77° 19' 18" East twenty-five hundredths (0.25') feet to a point,

23. South 20° 40' 42" West five and twenty-three hundredths (5.23') feet to a point,

24. South 77° 19' 18" East twenty-eight and sixty-seven hundredths (28.67') feet to a point,

25. South 20° 40' 42" West twenty-six hundredths (0.26') feet to a point,

26. South 77° 19' 18" East twenty-nine and seventy-four hundredths (29.74') feet to a point,

27. South 20° 40' 42" West sixty-three and seventy-four hundredths (63.74') feet to a point,

28. South 77° 19' 18" East twenty-six hundredths (0.26') feet to a point,

29. South 12° 40' 42" West thirty-four (34.00') feet to a point,

30. North 77° 19' 18" West thirty-eight and thirty-three hundredths (38.33') feet to a point,

31. South 12° 40' 42" West twelve (12.00') feet to a point,

32. North 77° 19' 18" West twenty-seven and thirty-three hundredths (27.33') feet to a point,

33. North 12° 40' 42" East twelve (12.00') feet to a point,

34. North 77° 19' 18" West seven and sixty-seven hundredths (7.67') feet to a point,

35. North 12° 40' 42" East twenty-six hundredths (0.26') feet to a point, and

36. North 77° 26' 22" West one hundred twenty-six and sixty-seven hundredths (126.67') feet to the point of BEGINNING.

CONTAINING 66,524 square feet of land being the same, more or less.

BEING-PART of the same premises conveyed by the Hollenback Coal and Land Company to The City of Wilkes-Barre by deed dated November 18, 1970 and recorded in Luzerne County Deed Book 1707 Page 703.

Said property is located within the Property Identification Number of H10SW4-004-025.

The aforesaid premise being generally referred to as a portion of "Coal Street Park" that contains an existing ice rink arena whose dimensions are 38,000 square feet with a proposed 25,000 square feet of new construction.

Parcel Two

Beginning at a point in the northeasterly side of Coal Street, said point being North 32° 35' 00" East a distance of 25.28' from a stone monument at an angle point of Coal Street near Grant Street and S 46° 00' 00" East a distance of 542.00 feet along the northeasterly side of Coal Street being 50 wide to a point along the northerly right-of-way line of North Sherman Street and N 41° 42' 34" East a distance 397.34' and S 77° 12' 22" East a distance of 45.61' to the place of beginning.

Thence through lands of the City of Wilkes-Barre through the same, North 12° 47' 38" East a distance of 72.00' to a point,

Thence through the same, South 77° 12' 22" East a distance of 135.00' to a point,

Thence through the same, South 12° 47' 38" West a distance of 72.00' to a point,

Thence through the same, North 77° 12' 22" West a distance of 135.00 to a point, the place of beginning.

CONTAINING 9,720 square feet of land being the same, more or less.

BEING a Parking Lease Area inside lands of The City of Wilkes-Barre.

BEING PART of the same premises conveyed by the Hollenback Coal and Land Company to The City of Wilkes-Barre by deed dated November 18, 1970 and recorded in Luzerne County Deed Book 1707 Page 703.

Said property is located within the Property Identification Number of H10SW4-004-025.

The aforesaid premise being generally referred to as a portion of Coal Street Park that is for a proposed 9,720 square feet of new parking space to service tenants of Parcel One.

Parcel Three

All that certain pieces or parcels of land situated in the City of Wilkes-Barre, County of Luzerne and State of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point in the northeasterly side of Coal Street, said

point being North 32° 35' 00" East a distance of 25.28' from a stone monument at an angle point of Coal Street near Grant Street, said point also being in the southwesterly line of lands of the City of Wilkes-Barre as described in Luzerne County Deed Book 1707 at Page 703:

Thence along lands now or formerly of The City of Wilkes-Barre, North 62° 59' 00" West a distance of 31.72' to a point;

Thence along the same, North 29° 19' 00" West a distance of 550.42' to a point at the southeasterly corner of lands now or formerly of Con Ed Realty Company, said point also being the southwesterly corner of lands of the City of Wilkes-Barre as described in Luzerne County Deed Book 1707 at Page 703:

Thence along other lands now or formerly of Con Ed Realty Company, North 60° 46' 00" East a distance of 9.42' to a point;

Thence through lands now or formerly of the City of Wilkes-Barre as described in Luzerne County Deed Book 1707 at Page 703, South 29° 20' 56" East a distance of 375.13' to a point;

Thence through the same, a distance of 87.20' measured along the arc of a curve to the left having a radius of 300.58', a chord bearing of South 37° 39' 38" East a distance of 86.90' to a point;

Thence through the same, South 45° 58' 20" East a distance of 631.16' to a point;

Thence through the same, South 63° 59' 31" East a distance of 37.12' to a point along the northwesterly right-of-way line of North Sherman Street;

Thence along the northwesterly right-of-way line of North Sherman Street, South 61° 03' 00" West a distance of 51.08' to a point along the northeasterly right-of-way line of Coal Street;

Thence along the northeasterly right-of-way line of Coal Street, North 46° 00' 00" West a distance of 542.00 to a point, the place of beginning.

Containing an area of 29,608.24 Square Feet or 0.68 acres of land, more or less.

Being a portion of Lands of the City of Wilkes-Barre as described in Luzerne County Deed Book 1707 at Page 703.

Said property is located within the Property Identification Number of H10SW4-004-025.

Also being all of a 0.68 acre parcel shown as lands to be conveyed to the City of Wilkes-Barre for Coal Street Right-of-Way as shown on Plan No. V-0801 dated 02-16-09 as prepared by Pennoni Associates, Inc. 100 North Wilkes-Barre Boulevard Suite 409, Wilkes-Barre, Pa. 18702.

The City of Wilkes-Barre with the cooperation of Pennsylvania Department of Transportation has proposed the construction of a new roadway within the above described premises.

The City of Wilkes-Barre will replace the parcel through a land exchange.

(e) Replacement lands.--

Parcel One--

All that certain pieces or parcels of land situated in the City of Wilkes-Barre, County of Luzerne and State of Pennsylvania, more particularly bounded and described as follows:

Commencing at a point in the northeasterly side of Coal Street, said point being North 32° 35' 00" East a distance of 25.28' from a stone monument at an angle point of Coal Street near Grant Street and S 46° 00' 00" East a distance of 542.00 feet along the northeasterly side of Coal Street being 50' wide, and North 61° 03' 00" East a distance of 51.08' to a point along the northerly right-of-way line of North Sherman Street, thence through lands of the City of Wilkes-Barre as described in Luzerne County Deed Book 1707 at Page 703, North 63° 59' 31" West a distance of 37.12' to a point, thence through the same, North 45° 58' 20" West a distance of 631.16' to a point thence through the same, a distance of 87.20' measured along the arc of a curve to the right having a radius of 300.58', a chord bearing of North 37° 39' 38" West and a chord distance of 86.90' to a point, thence through the same, North 29° 20' 56" West a distance of 375.13' to a point in line of lands now or formerly of Con Ed Realty Company and along lands now or formerly of Con Ed Realty Company, Michael Pasonick, Jr. & Arlene Pasonick, ANM Properties, LLC, ANM Properties, Inc. and The City of Wilkes-Barre, North 60° 46' 00" East a distance of 1166.69' to a point at the northwesterly corner of other lands of the City of Wilkes-Barre as described in Luzerne County Deed Book 1883 at Page 883 and the place of beginning;

Thence along other lands now or formerly of the City of Wilkes-Barre, North 60° 46' 00" East a distance of 156.91' to a point;

