THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1312 Session of 2009

INTRODUCED BY PASHINSKI AND KORTZ, APRIL 21, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 24, 2009

AN ACT

- 1 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; AND AUTHORIZING THE CITY OF WARREN, WARREN
- 5 COUNTY, TO SELL AND CONVEY CERTAIN PROJECT 70 LANDS FREE OF
- 6 RESTRICTIONS IMPOSED BY THE PROJECT 70 LAND ACQUISITION AND
- 7 BORROWING ACT.
- 8 The General Assembly of the Commonwealth of Pennsylvania
- 9 hereby enacts as follows:
- 10 Section 1. City of Wilkes-Barre, Luzerne County.
- 11 (a) Authorization. -- The provisions of section 20(b) of the
- 12 act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the
- 13 Project 70 Land Acquisition and Borrowing Act, authorizes the
- 14 General Assembly to release land from Project 70 Use
- 15 Restrictions, including, but not limited to, three parcels
- 16 within a 33+/-acres tract of land now owned by the City of
- 17 Wilkes-Barre and more fully described in Luzerne County Deed
- 18 Book 1707 page 703 et seq. commonly known and designated as the
- 19 Coal Street Park.
- 20 (b) Release from Project 70 Use Restrictions. -- For and in

- 1 consideration of the submission and substitution of other
- 2 adjacent lands of the City of Wilkes-Barre to the Project 70 Use
- 3 Restrictions in place thereof, said land being more particularly
- 4 described in subsection (e) (Replacement Lands) the General
- 5 Assembly hereby releases and forever discharges from the date of
- 6 this action, all those certain tracts of land presently owned by
- 7 the City of Wilkes-Barre, which is more particularly described
- 8 in subsection (d) (Released Lands). The Replacement Lands have a
- 9 fair market value which is equal to or greater than the fair
- 10 market value of the Released Lands, all as determined by an
- 11 independent certified appraisal.
- 12 (c) Submission. -- For and in consideration of the release of
- 13 the Released Lands, the City of Wilkes-Barre hereby submits the
- 14 Replacement Lands to the same restrictions previously imposed
- 15 upon the Released Lands, said Project 70 Use Restrictions to be
- 16 placed of record in the Office of the Recorder of Deeds in and
- 17 for Luzerne County within thirty (30) days following adoption of
- 18 this act.
- 19 (d) Lands to be released from restrictions. -- The lands to be
- 20 released from Project 70 restrictions are situated in the City
- 21 of Wilkes-Barre, Luzerne County, and more particularly described
- 22 as follows:
- 23 Parcel One
- 24 ALL that certain piece or parcel of land situate in the City
- 25 of Wilkes-Barre, County of Luzerne and Commonwealth of
- 26 Pennsylvania bounded and described as follows, to wit:
- 27 BEGINNING at a point in lands of the City of Wilkes-Barre (DB
- 28 1707 Pg 703) from which the southwesterly corner of said lands
- 29 at the intersection of the northerly right-of-way line of
- 30 Sherman Street with the easterly right-of-way line of Coal

- 1 Street bears South 41° 42' 34" West distant four hundred ninety-
- 2 two and ninety-nine hundredths (492.99') feet as shown on a plan
- 3 titled "Coal Street Park Land Development Plan Building Lease
- 4 Plan" dated January 7, 2009 and prepared by Acker Associates,
- 5 Inc.;
- 6 Thence through said lands of the City of Wilkes-Barre
- 7 (Grantor, herein) the following thirty-six (36) courses and
- 8 distances:
- 9 1. North 12° 47' 38" East one hundred twenty-four (124.00")
- 10 feet to a point,
- 11 2. South 77° 19' 18" East eighteen and sixty-two hundredths
- 12 (18.62') feet to a point,
- 3. North 12° 40' 42" East thirty-two and eighty-seven
- 14 hundredths (32.87') feet to a point,
- 4. South 77° 19' 18" East nineteen and eighty-five
- 16 hundredths (19.85') feet to a point,
- 17 5. North 12° 36' 30" East thirty-nine and forty-four
- 18 hundredths (39.44') feet to a point,
- 19 6. South 77° 35' 21" East nineteen and eighty-two hundredths
- 20 (19.82') feet to a point,
- 7. North 13° 04' 23" East nineteen and eighty-five
- 22 hundredths (19.85') feet to a point,
- 8. South 77° 33' 32" East nineteen and seventy-nine
- 24 hundredths (19.79') feet to a point,
- 9. North 13° 26' 14" East nineteen and ninety-six hundredths
- 26 (19.96') feet to a point,
- 27 10. South 77° 32' 32" East forty and six hundredths (40.06')
- 28 feet to a point,
- 29 11. North 12° 40' 42" East twenty and fifty-six hundredths
- 30 (20.56') feet to a point,

- 1 12. South 77° 19' 18" East two hundred forty-two (242.00')
- 2 feet to a point,
- 3 13. South 12° 40' 42" West twenty-six and twenty-five
- 4 hundredths (26.25') feet to a point,
- 5 14. South 77° 19' 18" East thirty-one and sixty-six
- 6 hundredths (31.66') feet to a point,
- 7 15. South 12° 40' 42" West sixty-one and thirty-three
- 8 hundredths (61.33') feet to a point,
- 9 16. North 77° 19' 18" West thirty-one and sixty-eight
- 10 hundredths (31.68') feet to a point,
- 11 17. South 20° 33' 04" West forty-seven and twenty-five
- 12 hundredths (47.25') feet to a point,
- 13 18. North 77° 19' 18" West two hundred nineteen and five
- 14 tenths (219.50') feet to a point,
- 19. South 12° 40' 42" West two and twenty-seven hundredths
- 16 (2.27') feet to a point,
- 17 20. North 77° 19' 18" West twenty-five hundredths (0.25')
- 18 feet to a point,
- 19 21. South 20° 40' 42" West sixteen and sixty-seven
- 20 hundredths (16.67') feet to a point,
- 21 22. South 77° 19' 18" East twenty-five hundredths (0.25')
- 22 feet to a point,
- 23. South 20° 40' 42" West five and twenty-three hundredths
- 24 (5.23') feet to a point,
- 25 24. South 77° 19' 18" East twenty-eight and sixty-seven
- 26 hundredths (28.67') feet to a point,
- 27 25. South 20° 40' 42" West twenty-six hundredths (0.26')
- 28 feet to a point,
- 29 26. South 77° 19' 18" East twenty-nine and seventy-four
- 30 hundredths (29.74') feet to a point,

- 1 27. South 20° 40' 42" West sixty-three and seventy-four
- 2 hundredths (63.74') feet to a point,
- 3 28. South 77° 19' 18" East twenty-six hundredths (0.26')
- 4 feet to a point,
- 5 29. South 12° 40' 42" West thirty-four (34.00') feet to a
- 6 point,
- 7 30. North 77° 19' 18" West thirty-eight and thirty-three
- 8 hundredths (38.33') feet to a point,
- 9 31. South 12° 40' 42" West twelve (12.00') feet to a point,
- 10 32. North 77° 19' 18" West twenty-seven and thirty-three
- 11 hundredths (27.33') feet to a point,
- 12 33. North 12° 40' 42" East twelve (12.00') feet to a point,
- 13 34. North 77° 19' 18" West seven and sixty-seven hundredths
- 14 (7.67') feet to a point,
- 15 35. North 12° 40' 42" East twenty-six hundredths (0.26')
- 16 feet to a point, and
- 17 36. North 77° 26' 22" West one hundred twenty-six and sixty-
- 18 seven hundredths (126.67') feet to the point of BEGINNING.
- 19 CONTAINING 66,524 square feet of land being the same, more or
- 20 less.
- 21 BEING-PART of the same premises conveyed by the Hollenback
- 22 Coal and Land Company to The City of Wilkes-Barre by deed dated
- 23 November 18, 1970 and recorded in Luzerne County Deed Book 1707
- 24 Page 703.
- 25 Said property is located within the Property Identification
- 26 Number of H10SW4-004-025.
- 27 The aforesaid premise being generally referred to as a
- 28 portion of "Coal Street Park" that contains an existing ice rink
- 29 arena whose dimensions are 38,000 square feet with a proposed
- 30 25,000 square feet of new construction.

- 1 Parcel Two
- 2 Beginning at a point in the northeasterly side of Coal
- 3 Street, said point being North 32° 35' 00" East a distance of
- 4 25.28' from a stone monument at an angle point of Coal Street
- 5 near Grant Street and S 46° 00' 00" East a distance of 542.00
- 6 feet along the northeasterly side of Coal Street being 50 wide
- 7 to a point along the northerly right-of-way line of North
- 8 Sherman Street and N 41° 42' 34" East a distance 397.34' and S
- 9 77° 12' 22" East a distance of 45.61' to the place of beginning.
- 10 Thence through lands of the City of Wilkes-Barre through the
- 11 same, North 12° 47' 38" East a distance of 72.00' to a point,
- 12 Thence through the same, South 77° 12' 22" East a distance of
- 13 135.00' to a point,
- 14 Thence through the same, South 12° 47' 38" West a distance of
- 15 72.00' to a point,
- 16 Thence through the same, North 77° 12' 22" West a distance of
- 17 135.00 to a point, the place of beginning.
- 18 CONTAINING 9,720 square feet of land being the same, more or
- 19 less.
- 20 BEING a Parking Lease Area inside lands of The City of
- 21 Wilkes-Barre.
- BEING PART of the same premises conveyed by the Hollenback
- 23 Coal and Land Company to The City of Wilkes-Barre by deed dated
- 24 November 18, 1970 and recorded in Luzerne County Deed Book 1707
- 25 Page 703.
- Said property is located within the Property Identification
- 27 Number of H10SW4-004-025.
- 28 The aforesaid premise being generally referred to as a
- 29 portion of Coal Street Park that is for a proposed 9,720 square
- 30 feet of new parking space to service tenants of Parcel One.

- 1 Parcel Three
- 2 All that certain pieces or parcels of land situated in the
- 3 City of Wilkes-Barre, County of Luzerne and State of
- 4 Pennsylvania, more particularly bounded and described as
- 5 follows:
- 6 Beginning at a point in the northeasterly side of Coal
- 7 Street, said point being North 32° 35' 00" East a distance of
- 8 25.28' from a stone monument at an angle point of Coal Street
- 9 near Grant Street, said point also being in the southwesterly
- 10 line of lands of the City of Wilkes-Barre as described in
- 11 Luzerne County Deed Book 1707 at Page 703:
- 12 Thence along lands now or formerly of The City of Wilkes-
- 13 Barre, North 62° 59' 00" West a distance of 31.72' to a point;
- 14 Thence along the same, North 29° 19' 00" West a distance of
- 15 550.42' to a point at the southeasterly corner of lands now or
- 16 formerly of Con Ed Realty Company, said point also being the
- 17 southwesterly corner of lands of the City of Wilkes-Barre as
- 18 described in Luzerne County Deed Book 1707 at Page 703:
- 19 Thence along other lands now or formerly of Con Ed Realty
- 20 Company, North 60° 46' 00" East a distance of 9.42' to a point;
- 21 Thence through lands now or formerly of the City of Wilkes-
- 22 Barre as described in Luzerne County Deed Book 1707 at Page 703,
- 23 South 29° 20' 56" East a distance of 375.13' to a point;
- 24 Thence through the same, a distance of 87.20' measured along
- 25 the arc of a curve to the left having a radius of 300.58', a
- 26 chord bearing of South 37° 39' 38" East a distance of 86.90' to
- 27 a point;
- Thence through the same, South 45° 58' 20" East a distance of
- 29 631.16' to a point;
- 30 Thence through the same, South 63° 59' 31" East a distance of

- 1 37.12' to a point along the northwesterly right-of-way line of
- 2 North Sherman Street;
- 3 Thence along the northwesterly right-of-way line of North
- 4 Sherman Street, South 61° 03' 00" West a distance of 51.08' to a
- 5 point along the northeasterly right-of-way line of Coal Street;
- 6 Thence along the northeasterly right-of-way line of Coal
- 7 Street, North 46° 00' 00" West a distance of 542.00 to a point,
- 8 the place of beginning.
- 9 Containing an area of 29,608.24 Square Feet or 0.68 acres of
- 10 land, more or less.
- 11 Being a portion of Lands of the City of Wilkes-Barre as
- 12 described in Luzerne County Deed Book 1707 at Page 703.
- 13 Said property is located within the Property Identification
- 14 Number of H10SW4-004-025.
- 15 Also being all of a 0.68 acre parcel shown as lands to be
- 16 conveyed to the City of Wilkes-Barre for Coal Street Right-of-
- 17 Way as shown on Plan No. V-0801 dated 02-16-09 as prepared by
- 18 Pennoni Associates, Inc. 100 North Wilkes-Barre Boulevard Suite
- 19 409, Wilkes-Barre, Pa. 18702.
- The City of Wilkes-Barre with the cooperation of Pennsylvania
- 21 Department of Transportation has proposed the construction of a
- 22 new roadway within the above described premises.
- 23 The City of Wilkes-Barre will replace the parcel through a
- 24 land exchange.
- 25 (e) Replacement lands.--
- 26 Parcel One-
- 27 All that certain pieces or parcels of land situated in the
- 28 City of Wilkes-Barre, County of Luzerne and State of
- 29 Pennsylvania, more particularly bounded and described as
- 30 follows:

- 1 Commencing at a point in the northeasterly side of Coal
- 2 Street, said point being North 32° 35' 00" East a distance of
- 3 25.28' from a stone monument at an angle point of Coal Street
- 4 near Grant Street and S 46° 00' 00" East a distance of 542.00
- 5 feet along the northeasterly side of Coal Street being 50' wide,
- 6 and North 61° 03' 00" East a distance of 51.08' to a point along
- 7 the northerly right-of-way line of North Sherman Street, thence
- 8 through lands of the City of Wilkes-Barre as described in
- 9 Luzerne County Deed Book 1707 at Page 703, North 63° 59' 31"
- 10 West a distance of 37.12' to a point, thence through the same,
- 11 North 45° 58' 20" West a distance of 631.16' to a point thence
- 12 through the same, a distance of 87.20' measured along the arc of
- 13 a curve to the right having a radius of 300.58', a chord bearing
- 14 of North 37° 39' 38" West and a chord distance of 86.90' to a
- 15 point, thence through the same, North 29° 20' 56" West a
- 16 distance of 375.13' to a point in line of lands now or formerly
- 17 of Con Ed Realty Company and along lands now or formerly of Con
- 18 Ed Realty Company, Michael Pasonick, Jr. & Arlene Pasonick, ANM
- 19 Properties, LLC, ANM Properties, Inc. and The City of Wilkes-
- 20 Barre, North 60° 46' 00" East a distance of 1166.69' to a point
- 21 at the northwesterly corner of other lands of the City of
- 22 Wilkes-Barre as described in Luzerne County Deed Book 1883 at
- 23 Page 883 and the place of beginning;
- 24 Thence along other lands now or formerly of the City of
- 25 Wilkes-Barre, North 60° 46' 00" East a distance of 156.91' to a
- 26 point;
- 27 Thence along other lands now or formerly of the City of
- 28 Wilkes-Barre, South 46° 18' 00" East a distance of 222.92' to a
- 29 point;
- 30 Thence along the same, South 42° 17' 30" West a distance of

- 1 60.80' to a point;
- 2 Thence along the same, South 47° 43' 30" East a distance of
- 3 405.67' to a point along the westerly right-of-way line of
- 4 Stevens Street;
- 5 Thence along the westerly right-of-way line of Stevens
- 6 street, South 23° 43' 43" East a distance of 258.71 to a point
- 7 in line of Lands now or formerly of the City of Wilkes-Barre as
- 8 described in Luzerne County deed Book 1707 at Page 703;
- 9 Thence along the dividing line of Lands now or formerly of
- 10 the City of Wilkes-Barre as described in Luzerne County Deed
- 11 Book 1707 at Page 703, and other Lands now or formerly of the
- 12 City of Wilkes-Barre as described in Luzerne County Deed Book
- 13 1883 at Page 883 North 46° 18' 00" West a distance of 914.90 to
- 14 a point, the place of beginning;
- 15 Containing an area of 87,157.35 Square Feet or 2.00 acres of
- 16 land, more or less.
- 17 Being a portion of Lands of the City of Wilkes-Barre as
- 18 described in Luzerne County Deed Book 1883 at Page 883.
- 19 Said property is located within the Property Identification
- 20 Number of H10-000-14D.
- 21 Also being all of a 2.00 acre parcel shown as the
- 22 northeasterly replacement area to be consolidated with lands of
- 23 the City of Wilkes-Barre as shown on Plan No. V-0801 dated
- 24 02-16-09 as prepared by Pennoni Associates, Inc. 100 North
- 25 Wilkes-Barre Boulevard, Suite 409, Wilkes-Barre, Pa. 18702.
- 26 Parcel Two
- 27 All that certain pieces or parcels of land situated in the
- 28 City of Wilkes-Barre, County of Luzerne and State of
- 29 Pennsylvania, more particularly bounded and described as
- 30 follows:

- 1 Commencing at a point in the northeasterly side of Coal
- 2 Street, said point being North 32° 35' 00" East a distance of
- 3 25.28' from a stone monument at an angle point of Coal Street
- 4 near Grant Street and S 46° 00' 00" East a distance of 542.00
- 5 feet along the northeasterly side of Coal Street being 50' wide,
- 6 and North 61° 03' 00" East a distance of 51.08' to a point along
- 7 the northerly right-of-way line of North Sherman Street, thence
- 8 through lands of the City of Wilkes-Barre as described in
- 9 Luzerne County Deed Book 1707 at Page 703, North 63° 59' 31"
- 10 West a distance of 37.12' to a point, thence through the same,
- 11 North 45° 58' 20" West a distance of 631.16' to a point thence
- 12 through the same, a distance of 87.20' measured along the arc of
- 13 a curve to the right having a radius of 300.58', a chord bearing
- 14 of North 37° 39' 38" West and a chord distance of 86.90' to a
- 15 point, thence through the same, North 29° 20' 56" West a
- 16 distance of 375.13' to a point in line of lands now or formerly
- 17 of Con Ed Realty Company and along lands now or formerly of Con
- 18 Ed Realty Company, Michael Pasonick, Jr. & Arlene Pasonick, ANM
- 19 Properties, LLC, ANM Properties, Inc. and The City of Wilkes-
- 20 Barre, North 60° 46' 00" East a distance of 1166.69' to a point
- 21 at the northwesterly corner of other lands of the City of
- 22 Wilkes-Barre as described in Luzerne County Deed Book 1883 at
- 23 Page 883, thence along other lands of City of Wilkes-Barre (2.00
- 24 Acre Replacement Area) and the southwesterly right-of-way line
- 25 of Stevens Street, South 46° 18' 00" East a distance of
- 26 1,040.08' more or less to a point, the place of beginning;
- 27 Thence along the southwesterly right-of-way line of Stevens
- 28 Street, South 55° 05' 43" East a distance of 500.53' more or
- 29 less to a point along the northerly right-of way line of North
- 30 Sherman Street;

- 1 Thence along the northerly right-of-way line of North Sherman
- 2 Street, South 43° 42' 00" West a distance of 76.53' more or less
- 3 to a point;
- 4 Thence along the dividing line of the City of Wilkes-Barre as
- 5 described in Luzerne County Deed Book 1883 at Page 883, and of
- 6 the City of Wilkes-Barre as described in Luzerne County Deed
- 7 Book 1707 at Page 703, North 46° 18' 00" West a distance of
- 8 494.64' to a point, the place of beginning.
- 9 Containing an area of 18,928 Square Feet or 0.43 acres of
- 10 land, more or less.
- 11 Being a portion of Lands of the City of Wilkes-Barre as
- 12 described in Luzerne County Deed Book 1883 at Page 883.
- Said property is located within the Property Identification
- 14 Number of H10-000-14D.
- 15 Also being all of a 0.43 acre parcel shown as the
- 16 southeasterly replacement area to be consolidated with lands of
- 17 the City of Wilkes-Barre as shown on Plan No. V-0801 dated
- 18 02-16-09 as prepared by Pennoni Associates, Inc. 100 North
- 19 Wilkes-Barre Boulevard, Suite 409, Wilkes-Barre, Pa. 18702.
- 20 (f) Costs and fees.--Costs and fees incidental to this
- 21 conveyance shall be borne by the grantee.
- 22 SECTION 2. CITY OF WARREN, WARREN COUNTY.
- 23 (A) AUTHORIZATION.--PURSUANT TO THE REQUIREMENTS OF SECTION
- 24 20(B) OF THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.131, NO.8),
- 25 KNOWN AS THE PROJECT 70 LAND ACQUISITION AND BORROWING ACT, THE
- 26 GENERAL ASSEMBLY HEREBY AUTHORIZES THE RELEASE OF PROJECT 70
- 27 RESTRICTIONS AND SALE OF THE LANDS OWNED BY THE CITY OF WARREN
- 28 WHICH ARE MORE PARTICULARLY DESCRIBED IN SUBSECTION (C) FOR A
- 29 CONSIDERATION OF \$81,500 WHICH REPRESENTS THE FAIR MARKET VALUE
- 30 OF THE PROPERTY AS DETERMINED BY AN APPRAISAL.

- 1 (B) FREEDOM OF RESTRICTIONS.--THE LANDS DESCRIBED IN
- 2 SUBSECTION (C) SHALL BE FREE OF RESTRICTIONS ON USE AND
- 3 ALIENATION IMPOSED BY THE PROJECT 70 LAND ACQUISITION AND
- 4 BORROWING ACT UPON CONVEYANCE OF THE LANDS TO WARREN GENERAL
- 5 HOSPITAL.
- 6 (C) LANDS TO BE RELEASED FROM RESTRICTIONS. -- THE LANDS TO BE
- 7 RELEASED FROM PROJECT 70 RESTRICTIONS ARE SITUATED IN THE CITY
- 8 OF WARREN, WARREN COUNTY, AND MORE PARTICULARLY DESCRIBED AS
- 9 FOLLOWS:
- 10 PARCEL NO. 1
- 11 ALL THAT CERTAIN PIECE OR PARCEL OF LAND, GENERALLY REFERRED
- 12 TO AS THE "MUSANTE FIELD," BEING THAT LOT IDENTIFIED ON THE
- 13 WARREN COUNTY ASSESSMENT MAP AS WN-578-1184, AND CONSISTING OF A
- 14 RECTANGULAR-SHAPED LEVEL AND OPEN PIECE OF LAND WHOSE DIMENSIONS
- 15 APPROXIMATE 100 FEET BY 200 FEET FOR A TOTAL OF 20,000 SQUARE
- 16 FEET OR 0.46 ACRE.
- 17 PARCEL NO. 2
- 18 ALL THAT CERTAIN PIECE OR PARCEL OF LAND BEING THAT LOT
- 19 IDENTIFIED ON THE WARREN COUNTY ASSESSMENT MAP AS WN-578-119 AND
- 20 CONSISTING OF A TRIANGULAR-SHAPED PIECE OF LAND WHOSE DIMENSIONS
- 21 APPROXIMATE 190 FEET BY 130 FEET BY 232 FEET FOR A TOTAL OF
- 22 12,350 SQUARE FEET OR 0.28 ACRE.
- 23 (D) USE OF PROCEEDS.--THE CONSIDERATION OF \$81,500 FROM THE
- 24 SALE OF THE LAND SHALL BE DEPOSITED IN A SPECIAL ACCOUNT
- 25 ESTABLISHED BY THE CITY OF WARREN FOR ACQUISITION OR DEVELOPMENT
- 26 OF PARK LAND, TO INCLUDE A BALLFIELD, PARKING LOT AND ACCESS
- 27 ROAD. USE OF FUNDS FROM THE SPECIAL ACCOUNT MUST BE APPROVED BY
- 28 THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES. ANY FUNDS
- 29 REMAINING IN THE SPECIAL ACCOUNT AFTER FIVE YEARS FROM THE DATE
- 30 OF DEPOSIT BY THE CITY OF WARREN SHALL BE PAID TO THE

- 1 COMMONWEALTH FOR DEPOSIT INTO THE PROJECT 70 LAND ACQUISITION
- 2 SINKING FUND.
- 3 Section $\frac{2}{3}$ 3. Effective date.
- 4 This act shall take effect immediately.