

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 109 Session of 2009

INTRODUCED BY MANDERINO, BRIGGS, GERBER, BEYER, CALTAGIRONE, DALEY, KORTZ, KULA, MAHONEY, MURT, PHILLIPS, PAYNE, THOMAS, BENNINGHOFF AND D. COSTA, JANUARY 28, 2009

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 8, 2009

AN ACT

1 Authorizing Lower Merion Township, Montgomery County, to sell
2 and convey certain Project 70 lands free of restrictions
3 imposed by the Project 70 Land Acquisition and Borrowing Act,
4 in return for the imposition of Project 70 restrictions on
5 other land to be acquired by the township; AUTHORIZING THE
6 CITY OF WARREN, WARREN COUNTY, TO SELL AND CONVEY CERTAIN
7 PROJECT 70 LANDS FREE OF RESTRICTIONS IMPOSED BY THE PROJECT
8 70 LAND ACQUISITION AND BORROWING ACT; AUTHORIZING THE CITY
9 OF WILKES-BARRE, LUZERNE COUNTY, TO CONVEY A FEE INTEREST IN
10 CERTAIN PROJECT 70 LANDS FREE OF RESTRICTIONS IMPOSED UNDER
11 THE PROJECT 70 LAND ACQUISITION AND BORROWING ACT; AND
12 AUTHORIZING THE BOROUGH OF OLD FORGE, LACKAWANNA COUNTY, TO
13 TRANSFER, SELL AND CONVEY CERTAIN PROJECT 70 LANDS FREE OF
14 RESTRICTIONS IMPOSED BY THE PROJECT 70 LAND ACQUISITION AND
15 BORROWING ACT.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. ~~Authorization~~ LOWER MERION TOWNSHIP, MONTGOMERY
19 COUNTY.

20 (A) AUTHORIZATION.--Pursuant to the requirements of section
21 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8),
22 known as the Project 70 Land Acquisition and Borrowing Act, the
23 General Assembly authorizes the release of Project 70



1 restrictions on a portion of lands owned by Lower Merion
2 Township, Montgomery County, which are more particularly
3 described in ~~section 3~~ SUBSECTION (C), for a consideration of
4 \$180,000, which represents the fair market value of the property
5 as determined by an appraisal, in return for imposition of
6 Project 70 restrictions on other land to be conveyed and deeded
7 to the township, as described in ~~section 4~~ SUBSECTION (D).

8 ~~Section 2. Freedom of restrictions.~~

9 (B) FREEDOM OF RESTRICTIONS.--The ~~lands~~ LAND described in
10 ~~section 3~~ SUBSECTION (C) shall be free of restrictions on use
11 and alienation imposed by the Project 70 Land Acquisition and
12 Borrowing Act upon conveyance of the ~~lands~~ LAND by Lower Merion
13 Township.

14 ~~Section 3. Land to be released from restrictions.~~

15 (C) LAND TO BE RELEASED FROM RESTRICTIONS.--The section of
16 the land to be released from Project 70 restrictions ~~are~~ IS
17 situated in the Township of Lower Merion, Montgomery County, and
18 more particularly described as follows:

19 All that certain lot or piece of ground with the buildings
20 and improvements thereon erected, situate in Lower Merion
21 Township, Montgomery County, Pennsylvania and described
22 according to the final subdivision plan for Portions of 112 Mary
23 Waters Ford Road, prepared for Lower Merion Township, by Pennoni
24 Associates, Inc., dated November 27, 2006, last revised March
25 19, 2008, as follows to wit:

26 Beginning at the point on the easterly side of Smith Drive
27 (50 feet wide) which point is located the following four courses
28 and distances from the intersection of the centerline of Mary
29 Waters Ford Road with the easterly side of the above mentioned
30 Smith Drive (50 feet wide) as follows: (1) extending along the

1 easterly side of Smith Drive (50 feet wide) S 25°01'00" E, the
2 distance of 100.98 feet to a point of curvature; thence (2)
3 along the arc of a circle curving to the right having a radius
4 of 710.58 feet the arc distance of 99.84 feet to a point of
5 reverse curvature; thence (3) along the arc of a circle of
6 reverse curvature curving the left with a radius of 710.58 feet
7 the arc distance of 99.84 feet to a point on the easterly side
8 of Smith Drive; thence (4) S 25°01'00" E, the distance of 88.33
9 feet to the place of beginning; thence extending from said point
10 of beginning N 68°21'37" E the distance of 160.88 feet to a
11 point; thence S 21°38'23" E the distance of 90.68 feet to a
12 point; thence S 64°59'00" W the distance of 155.26 feet to the
13 easterly side of the aforesaid Smith Drive; thence extending
14 along the easterly side of said Smith Drive N 25°01'00" W the
15 distance of 100.00 feet to the first mentioned point and place
16 of beginning and containing these metes and bounds 15,057 square
17 feet of land, more or less. Be the contents thereof what they
18 may.

19 ~~Section 4. Use of sale proceeds.~~ ←

20 (D) USE OF SALE PROCEEDS.--The consideration of \$180,000 ←
21 from the sale of the land shall be deposited in a special
22 account established by Lower Merion Township for acquisition of
23 park land. Within two years of the effective date of this ~~act~~ ←
24 SECTION, the township shall acquire park land of equal market ←
25 value and equivalent usefulness to replace the land described in
26 ~~section 3~~ SUBSECTION (C). Use of funds from the special account ←
27 must be approved by the Department of Conservation and Natural
28 Resources. Any funds remaining in the special account after two
29 years of the effective date of this ~~act~~ SECTION shall be paid to ←
30 the Commonwealth for deposit into the Project 70 Land

1 Acquisition Sinking Fund.

2 ~~Section 5. Remedies.~~ ←

3 (E) REMEDIES.--If Lower Merion Township fails to comply with ←
4 ~~section 4~~ SUBSECTION (D), the Department of Conservation and ←
5 Natural Resources may invoke the remedies provided for in
6 section 20 of the act of June 22, 1964 (Sp.Sess., P.L.131,
7 No.8), known as the Project 70 Land Acquisition and Borrowing
8 Act.

9 ~~Section 6. Project 70 deed clause.~~ ←

10 (F) PROJECT 70 DEED CLAUSE.--The following restrictions ←
11 shall be included in the deed for the replacement land:

12 "This indenture is given to provide land for recreation,
13 conservation and historical purposes, as said purposes are
14 defined in the act of June 22, 1964 (Sp.Sess., P.L.131, No.8),
15 known as the Project 70 Land Acquisition and Borrowing Act."

16 ~~Section 7. Costs and fees.~~ ←

17 (G) COSTS AND FEES.--Costs and fees incidental to this ←
18 conveyance shall be borne by the grantee.

19 SECTION 2. CITY OF WARREN, WARREN COUNTY. ←

20 (A) AUTHORIZATION.--PURSUANT TO THE REQUIREMENTS OF SECTION
21 20(B) OF THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.131, NO.8),
22 KNOWN AS THE PROJECT 70 LAND ACQUISITION AND BORROWING ACT, THE
23 GENERAL ASSEMBLY HEREBY AUTHORIZES THE RELEASE OF PROJECT 70
24 RESTRICTIONS AND SALE OF THE LANDS OWNED BY THE CITY OF WARREN
25 WHICH ARE MORE PARTICULARLY DESCRIBED IN SUBSECTION (C) FOR A
26 CONSIDERATION OF \$81,500 WHICH REPRESENTS THE FAIR MARKET VALUE
27 OF THE PROPERTY AS DETERMINED BY AN APPRAISAL.

28 (B) FREEDOM OF RESTRICTIONS.--THE LANDS DESCRIBED IN
29 SUBSECTION (C) SHALL BE FREE OF RESTRICTIONS ON USE AND
30 ALIENATION IMPOSED BY THE PROJECT 70 LAND ACQUISITION AND

1 BORROWING ACT UPON CONVEYANCE OF THE LANDS TO WARREN GENERAL
2 HOSPITAL.

3 (C) LANDS TO BE RELEASED FROM RESTRICTIONS.--THE LANDS TO BE
4 RELEASED FROM PROJECT 70 RESTRICTIONS ARE SITUATED IN THE CITY
5 OF WARREN, WARREN COUNTY, AND MORE PARTICULARLY DESCRIBED AS
6 FOLLOWS:

7 PARCEL NO. 1

8 ALL THAT CERTAIN PIECE OR PARCEL OF LAND, GENERALLY REFERRED
9 TO AS THE "MUSANTE FIELD," BEING THAT LOT IDENTIFIED ON THE
10 WARREN COUNTY ASSESSMENT MAP AS WN-578-1184, AND CONSISTING OF A
11 RECTANGULAR-SHAPED LEVEL AND OPEN PIECE OF LAND WHOSE DIMENSIONS
12 APPROXIMATE 100 FEET BY 200 FEET FOR A TOTAL OF 20,000 SQUARE
13 FEET OR 0.46 ACRE.

14 PARCEL NO. 2

15 ALL THAT CERTAIN PIECE OR PARCEL OF LAND BEING THAT LOT
16 IDENTIFIED ON THE WARREN COUNTY ASSESSMENT MAP AS WN-578-119 AND
17 CONSISTING OF A TRIANGULAR-SHAPED PIECE OF LAND WHOSE DIMENSIONS
18 APPROXIMATE 190 FEET BY 130 FEET BY 232 FEET FOR A TOTAL OF
19 12,350 SQUARE FEET OR 0.28 ACRE.

20 (D) USE OF SALE PROCEEDS.--THE CONSIDERATION OF \$81,500 FROM
21 THE SALE OF THE LAND SHALL BE DEPOSITED IN A SPECIAL ACCOUNT
22 ESTABLISHED BY THE CITY OF WARREN FOR ACQUISITION OR DEVELOPMENT
23 OF PARK LAND, TO INCLUDE A BALLFIELD, PARKING LOT AND ACCESS
24 ROAD. USE OF FUNDS FROM THE SPECIAL ACCOUNT MUST BE APPROVED BY
25 THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES. ANY FUNDS
26 REMAINING IN THE SPECIAL ACCOUNT AFTER FIVE YEARS OF THE DATE OF
27 DEPOSIT BY THE CITY OF WARREN SHALL BE PAID TO THE COMMONWEALTH
28 FOR DEPOSIT INTO THE PROJECT 70 LAND ACQUISITION SINKING FUND.
29 SECTION 3. CITY OF WILKES-BARRE, LUZERNE COUNTY.

30 (A) AUTHORIZATION.--THE PROVISIONS OF SECTION 20(B) OF THE

1 ACT OF JUNE 22, 1964 (SP.SESS., P.L.131, NO.8), KNOWN AS THE
2 PROJECT 70 LAND ACQUISITION AND BORROWING ACT, AUTHORIZES THE
3 GENERAL ASSEMBLY TO RELEASE LAND FROM PROJECT 70 USE
4 RESTRICTIONS, INCLUDING, BUT NOT LIMITED TO, THREE PARCELS
5 WITHIN A 33+/-ACRES TRACT OF LAND NOW OWNED BY THE CITY OF
6 WILKES-BARRE AND MORE FULLY DESCRIBED IN LUZERNE COUNTY DEED
7 BOOK 1707 PAGE 703 ET SEQ. COMMONLY KNOWN AND DESIGNATED AS THE
8 COAL STREET PARK.

9 (B) RELEASE FROM PROJECT 70 USE RESTRICTIONS.--FOR AND IN
10 CONSIDERATION OF THE SUBMISSION AND SUBSTITUTION OF OTHER
11 ADJACENT LANDS OF THE CITY OF WILKES-BARRE TO THE PROJECT 70 USE
12 RESTRICTIONS IN PLACE THEREOF, SAID LAND BEING MORE PARTICULARLY
13 DESCRIBED IN SUBSECTION (E) (REPLACEMENT LANDS) THE GENERAL
14 ASSEMBLY HEREBY RELEASES AND FOREVER DISCHARGES FROM THE DATE OF
15 THIS ACTION, ALL THOSE CERTAIN TRACTS OF LAND PRESENTLY OWNED BY
16 THE CITY OF WILKES-BARRE, WHICH IS MORE PARTICULARLY DESCRIBED
17 IN SUBSECTION (D) (RELEASED LANDS). THE REPLACEMENT LANDS HAVE A
18 FAIR MARKET VALUE WHICH IS EQUAL TO OR GREATER THAN THE FAIR
19 MARKET VALUE OF THE RELEASED LANDS, ALL AS DETERMINED BY AN
20 INDEPENDENT CERTIFIED APPRAISAL.

21 (C) SUBMISSION.--FOR AND IN CONSIDERATION OF THE RELEASE OF
22 THE RELEASED LANDS, THE CITY OF WILKES-BARRE HEREBY SUBMITS THE
23 REPLACEMENT LANDS TO THE SAME RESTRICTIONS PREVIOUSLY IMPOSED
24 UPON THE RELEASED LANDS, SAID PROJECT 70 USE RESTRICTIONS TO BE
25 PLACED OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND
26 FOR LUZERNE COUNTY WITHIN THIRTY (30) DAYS FOLLOWING ADOPTION OF
27 THIS ACT.

28 (D) LANDS TO BE RELEASED FROM RESTRICTIONS.--THE LANDS TO BE
29 RELEASED FROM PROJECT 70 RESTRICTIONS ARE SITUATED IN THE CITY
30 OF WILKES-BARRE, LUZERNE COUNTY, AND MORE PARTICULARLY DESCRIBED

1 AS FOLLOWS:

2 PARCEL ONE

3 ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE CITY
4 OF WILKES-BARRE, COUNTY OF LUZERNE AND COMMONWEALTH OF
5 PENNSYLVANIA BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

6 BEGINNING AT A POINT IN LANDS OF THE CITY OF WILKES-BARRE (DB
7 1707 PG 703) FROM WHICH THE SOUTHWESTERLY CORNER OF SAID LANDS
8 AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF
9 SHERMAN STREET WITH THE EASTERLY RIGHT-OF-WAY LINE OF COAL
10 STREET BEARS SOUTH 41° 42' 34" WEST DISTANT FOUR HUNDRED NINETY-
11 TWO AND NINETY-NINE HUNDREDTHS (492.99') FEET AS SHOWN ON A PLAN
12 TITLED "COAL STREET PARK LAND DEVELOPMENT PLAN - BUILDING LEASE
13 PLAN" DATED JANUARY 7, 2009 AND PREPARED BY ACKER ASSOCIATES,
14 INC.;

15 THENCE THROUGH SAID LANDS OF THE CITY OF WILKES-BARRE
16 (GRANTOR, HEREIN) THE FOLLOWING THIRTY-SIX (36) COURSES AND
17 DISTANCES:

18 1. NORTH 12° 47' 38" EAST ONE HUNDRED TWENTY-FOUR (124.00")
19 FEET TO A POINT,

20 2. SOUTH 77° 19' 18" EAST EIGHTEEN AND SIXTY-TWO HUNDREDTHS
21 (18.62') FEET TO A POINT,

22 3. NORTH 12° 40' 42" EAST THIRTY-TWO AND EIGHTY-SEVEN
23 HUNDREDTHS (32.87') FEET TO A POINT,

24 4. SOUTH 77° 19' 18" EAST NINETEEN AND EIGHTY-FIVE
25 HUNDREDTHS (19.85') FEET TO A POINT,

26 5. NORTH 12° 36' 30" EAST THIRTY-NINE AND FORTY-FOUR
27 HUNDREDTHS (39.44') FEET TO A POINT,

28 6. SOUTH 77° 35' 21" EAST NINETEEN AND EIGHTY-TWO HUNDREDTHS
29 (19.82') FEET TO A POINT,

30 7. NORTH 13° 04' 23" EAST NINETEEN AND EIGHTY-FIVE

1 HUNDREDTHS (19.85') FEET TO A POINT,
2 8. SOUTH 77° 33' 32" EAST NINETEEN AND SEVENTY-NINE
3 HUNDREDTHS (19.79') FEET TO A POINT,
4 9. NORTH 13° 26' 14" EAST NINETEEN AND NINETY-SIX HUNDREDTHS
5 (19.96') FEET TO A POINT,
6 10. SOUTH 77° 32' 32" EAST FORTY AND SIX HUNDREDTHS (40.06')
7 FEET TO A POINT,
8 11. NORTH 12° 40' 42" EAST TWENTY AND FIFTY-SIX HUNDREDTHS
9 (20.56') FEET TO A POINT,
10 12. SOUTH 77° 19' 18" EAST TWO HUNDRED FORTY-TWO (242.00')
11 FEET TO A POINT,
12 13. SOUTH 12° 40' 42" WEST TWENTY-SIX AND TWENTY-FIVE
13 HUNDREDTHS (26.25') FEET TO A POINT,
14 14. SOUTH 77° 19' 18" EAST THIRTY-ONE AND SIXTY-SIX
15 HUNDREDTHS (31.66') FEET TO A POINT,
16 15. SOUTH 12° 40' 42" WEST SIXTY-ONE AND THIRTY-THREE
17 HUNDREDTHS (61.33') FEET TO A POINT,
18 16. NORTH 77° 19' 18" WEST THIRTY-ONE AND SIXTY-EIGHT
19 HUNDREDTHS (31.68') FEET TO A POINT,
20 17. SOUTH 20° 33' 04" WEST FORTY-SEVEN AND TWENTY-FIVE
21 HUNDREDTHS (47.25') FEET TO A POINT,
22 18. NORTH 77° 19' 18" WEST TWO HUNDRED NINETEEN AND FIVE
23 TENTHS (219.50') FEET TO A POINT,
24 19. SOUTH 12° 40' 42" WEST TWO AND TWENTY-SEVEN HUNDREDTHS
25 (2.27') FEET TO A POINT,
26 20. NORTH 77° 19' 18" WEST TWENTY-FIVE HUNDREDTHS (0.25')
27 FEET TO A POINT,
28 21. SOUTH 20° 40' 42" WEST SIXTEEN AND SIXTY-SEVEN
29 HUNDREDTHS (16.67') FEET TO A POINT,
30 22. SOUTH 77° 19' 18" EAST TWENTY-FIVE HUNDREDTHS (0.25')

1 FEET TO A POINT,
2 23. SOUTH 20° 40' 42" WEST FIVE AND TWENTY-THREE HUNDREDTHS
3 (5.23') FEET TO A POINT,
4 24. SOUTH 77° 19' 18" EAST TWENTY-EIGHT AND SIXTY-SEVEN
5 HUNDREDTHS (28.67') FEET TO A POINT,
6 25. SOUTH 20° 40' 42" WEST TWENTY-SIX HUNDREDTHS (0.26')
7 FEET TO A POINT,
8 26. SOUTH 77° 19' 18" EAST TWENTY-NINE AND SEVENTY-FOUR
9 HUNDREDTHS (29.74') FEET TO A POINT,
10 27. SOUTH 20° 40' 42" WEST SIXTY-THREE AND SEVENTY-FOUR
11 HUNDREDTHS (63.74') FEET TO A POINT,
12 28. SOUTH 77° 19' 18" EAST TWENTY-SIX HUNDREDTHS (0.26')
13 FEET TO A POINT,
14 29. SOUTH 12° 40' 42" WEST THIRTY-FOUR (34.00') FEET TO A
15 POINT,
16 30. NORTH 77° 19' 18" WEST THIRTY-EIGHT AND THIRTY-THREE
17 HUNDREDTHS (38.33') FEET TO A POINT,
18 31. SOUTH 12° 40' 42" WEST TWELVE (12.00') FEET TO A POINT,
19 32. NORTH 77° 19' 18" WEST TWENTY-SEVEN AND THIRTY-THREE
20 HUNDREDTHS (27.33') FEET TO A POINT,
21 33. NORTH 12° 40' 42" EAST TWELVE (12.00') FEET TO A POINT,
22 34. NORTH 77° 19' 18" WEST SEVEN AND SIXTY-SEVEN HUNDREDTHS
23 (7.67') FEET TO A POINT,
24 35. NORTH 12° 40' 42" EAST TWENTY-SIX HUNDREDTHS (0.26')
25 FEET TO A POINT, AND
26 36. NORTH 77° 26' 22" WEST ONE HUNDRED TWENTY-SIX AND SIXTY-
27 SEVEN HUNDREDTHS (126.67') FEET TO THE POINT OF BEGINNING.
28 CONTAINING 66,524 SQUARE FEET OF LAND BEING THE SAME, MORE OR
29 LESS.
30 BEING-PART OF THE SAME PREMISES CONVEYED BY THE HOLLENBACK

1 COAL AND LAND COMPANY TO THE CITY OF WILKES-BARRE BY DEED DATED
2 NOVEMBER 18, 1970 AND RECORDED IN LUZERNE COUNTY DEED BOOK 1707
3 PAGE 703.

4 SAID PROPERTY IS LOCATED WITHIN THE PROPERTY IDENTIFICATION
5 NUMBER OF H10SW4-004-025.

6 THE AFORESAID PREMISE BEING GENERALLY REFERRED TO AS A
7 PORTION OF "COAL STREET PARK" THAT CONTAINS AN EXISTING ICE RINK
8 ARENA WHOSE DIMENSIONS ARE 38,000 SQUARE FEET WITH A PROPOSED
9 25,000 SQUARE FEET OF NEW CONSTRUCTION.

10 PARCEL TWO

11 BEGINNING AT A POINT IN THE NORTHEASTERLY SIDE OF COAL
12 STREET, SAID POINT BEING NORTH 32° 35' 00" EAST A DISTANCE OF
13 25.28' FROM A STONE MONUMENT AT AN ANGLE POINT OF COAL STREET
14 NEAR GRANT STREET AND S 46° 00' 00" EAST A DISTANCE OF 542.00
15 FEET ALONG THE NORTHEASTERLY SIDE OF COAL STREET BEING 50 WIDE
16 TO A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH
17 SHERMAN STREET AND N 41° 42' 34" EAST A DISTANCE 397.34' AND S
18 77° 12' 22" EAST A DISTANCE OF 45.61' TO THE PLACE OF BEGINNING.

19 THENCE THROUGH LANDS OF THE CITY OF WILKES-BARRE THROUGH THE
20 SAME, NORTH 12° 47' 38" EAST A DISTANCE OF 72.00' TO A POINT,

21 THENCE THROUGH THE SAME, SOUTH 77° 12' 22" EAST A DISTANCE OF
22 135.00' TO A POINT,

23 THENCE THROUGH THE SAME, SOUTH 12° 47' 38" WEST A DISTANCE OF
24 72.00' TO A POINT,

25 THENCE THROUGH THE SAME, NORTH 77° 12' 22" WEST A DISTANCE OF
26 135.00 TO A POINT, THE PLACE OF BEGINNING.

27 CONTAINING 9,720 SQUARE FEET OF LAND BEING THE SAME, MORE OR
28 LESS.

29 BEING A PARKING LEASE AREA INSIDE LANDS OF THE CITY OF
30 WILKES-BARRE.

1 BEING PART OF THE SAME PREMISES CONVEYED BY THE HOLLENBACK
2 COAL AND LAND COMPANY TO THE CITY OF WILKES-BARRE BY DEED DATED
3 NOVEMBER 18, 1970 AND RECORDED IN LUZERNE COUNTY DEED BOOK 1707
4 PAGE 703.

5 SAID PROPERTY IS LOCATED WITHIN THE PROPERTY IDENTIFICATION
6 NUMBER OF H10SW4-004-025.

7 THE AFORESAID PREMISE BEING GENERALLY REFERRED TO AS A
8 PORTION OF COAL STREET PARK THAT IS FOR A PROPOSED 9,720 SQUARE
9 FEET OF NEW PARKING SPACE TO SERVICE TENANTS OF PARCEL ONE.

10 PARCEL THREE

11 ALL THAT CERTAIN PIECES OR PARCELS OF LAND SITUATED IN THE
12 CITY OF WILKES-BARRE, COUNTY OF LUZERNE AND STATE OF
13 PENNSYLVANIA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS
14 FOLLOWS:

15 BEGINNING AT A POINT IN THE NORTHEASTERLY SIDE OF COAL
16 STREET, SAID POINT BEING NORTH 32° 35' 00" EAST A DISTANCE OF
17 25.28' FROM A STONE MONUMENT AT AN ANGLE POINT OF COAL STREET
18 NEAR GRANT STREET, SAID POINT ALSO BEING IN THE SOUTHWESTERLY
19 LINE OF LANDS OF THE CITY OF WILKES-BARRE AS DESCRIBED IN
20 LUZERNE COUNTY DEED BOOK 1707 AT PAGE 703:

21 THENCE ALONG LANDS NOW OR FORMERLY OF THE CITY OF WILKES-
22 BARRE, NORTH 62° 59' 00" WEST A DISTANCE OF 31.72' TO A POINT;

23 THENCE ALONG THE SAME, NORTH 29° 19' 00" WEST A DISTANCE OF
24 550.42' TO A POINT AT THE SOUTHEASTERLY CORNER OF LANDS NOW OR
25 FORMERLY OF CON ED REALTY COMPANY, SAID POINT ALSO BEING THE
26 SOUTHWESTERLY CORNER OF LANDS OF THE CITY OF WILKES-BARRE AS
27 DESCRIBED IN LUZERNE COUNTY DEED BOOK 1707 AT PAGE 703:

28 THENCE ALONG OTHER LANDS NOW OR FORMERLY OF CON ED REALTY
29 COMPANY, NORTH 60° 46' 00" EAST A DISTANCE OF 9.42' TO A POINT;

30 THENCE THROUGH LANDS NOW OR FORMERLY OF THE CITY OF WILKES-

1 BARRE AS DESCRIBED IN LUZERNE COUNTY DEED BOOK 1707 AT PAGE 703,
2 SOUTH 29° 20' 56" EAST A DISTANCE OF 375.13' TO A POINT;

3 THENCE THROUGH THE SAME, A DISTANCE OF 87.20' MEASURED ALONG
4 THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.58', A
5 CHORD BEARING OF SOUTH 37° 39' 38" EAST A DISTANCE OF 86.90' TO
6 A POINT;

7 THENCE THROUGH THE SAME, SOUTH 45° 58' 20" EAST A DISTANCE OF
8 631.16' TO A POINT;

9 THENCE THROUGH THE SAME, SOUTH 63° 59' 31" EAST A DISTANCE OF
10 37.12' TO A POINT ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF
11 NORTH SHERMAN STREET;

12 THENCE ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF NORTH
13 SHERMAN STREET, SOUTH 61° 03' 00" WEST A DISTANCE OF 51.08' TO A
14 POINT ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COAL STREET;

15 THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COAL
16 STREET, NORTH 46° 00' 00" WEST A DISTANCE OF 542.00 TO A POINT,
17 THE PLACE OF BEGINNING.

18 CONTAINING AN AREA OF 29,608.24 SQUARE FEET OR 0.68 ACRES OF
19 LAND, MORE OR LESS.

20 BEING A PORTION OF LANDS OF THE CITY OF WILKES-BARRE AS
21 DESCRIBED IN LUZERNE COUNTY DEED BOOK 1707 AT PAGE 703.

22 SAID PROPERTY IS LOCATED WITHIN THE PROPERTY IDENTIFICATION
23 NUMBER OF H10SW4-004-025.

24 ALSO BEING ALL OF A 0.68 ACRE PARCEL SHOWN AS LANDS TO BE
25 CONVEYED TO THE CITY OF WILKES-BARRE FOR COAL STREET RIGHT-OF-
26 WAY AS SHOWN ON PLAN NO. V-0801 DATED 02-16-09 AS PREPARED BY
27 PENNONI ASSOCIATES, INC. 100 NORTH WILKES-BARRE BOULEVARD SUITE
28 409, WILKES-BARRE, PA. 18702.

29 THE CITY OF WILKES-BARRE WITH THE COOPERATION OF PENNSYLVANIA
30 DEPARTMENT OF TRANSPORTATION HAS PROPOSED THE CONSTRUCTION OF A

1 NEW ROADWAY WITHIN THE ABOVE DESCRIBED PREMISES.

2 THE CITY OF WILKES-BARRE WILL REPLACE THE PARCEL THROUGH A
3 LAND EXCHANGE.

4 (E) REPLACEMENT LANDS.--

5 PARCEL ONE

6 ALL THAT CERTAIN PIECES OR PARCELS OF LAND SITUATED IN THE
7 CITY OF WILKES-BARRE, COUNTY OF LUZERNE AND STATE OF
8 PENNSYLVANIA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS
9 FOLLOWS:

10 COMMENCING AT A POINT IN THE NORTHEASTERLY SIDE OF COAL
11 STREET, SAID POINT BEING NORTH 32° 35' 00" EAST A DISTANCE OF
12 25.28' FROM A STONE MONUMENT AT AN ANGLE POINT OF COAL STREET
13 NEAR GRANT STREET AND S 46° 00' 00" EAST A DISTANCE OF 542.00
14 FEET ALONG THE NORTHEASTERLY SIDE OF COAL STREET BEING 50' WIDE,
15 AND NORTH 61° 03' 00" EAST A DISTANCE OF 51.08' TO A POINT ALONG
16 THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH SHERMAN STREET, THENCE
17 THROUGH LANDS OF THE CITY OF WILKES-BARRE AS DESCRIBED IN
18 LUZERNE COUNTY DEED BOOK 1707 AT PAGE 703, NORTH 63° 59' 31"
19 WEST A DISTANCE OF 37.12' TO A POINT, THENCE THROUGH THE SAME,
20 NORTH 45° 58' 20" WEST A DISTANCE OF 631.16' TO A POINT THENCE
21 THROUGH THE SAME, A DISTANCE OF 87.20' MEASURED ALONG THE ARC OF
22 A CURVE TO THE RIGHT HAVING A RADIUS OF 300.58', A CHORD BEARING
23 OF NORTH 37° 39' 38" WEST AND A CHORD DISTANCE OF 86.90' TO A
24 POINT, THENCE THROUGH THE SAME, NORTH 29° 20' 56" WEST A
25 DISTANCE OF 375.13' TO A POINT IN LINE OF LANDS NOW OR FORMERLY
26 OF CON ED REALTY COMPANY AND ALONG LANDS NOW OR FORMERLY OF CON
27 ED REALTY COMPANY, MICHAEL PASONICK, JR. & ARLENE PASONICK, ANM
28 PROPERTIES, LLC, ANM PROPERTIES, INC. AND THE CITY OF WILKES-
29 BARRE, NORTH 60° 46' 00" EAST A DISTANCE OF 1166.69' TO A POINT
30 AT THE NORTHWESTERLY CORNER OF OTHER LANDS OF THE CITY OF

1 WILKES-BARRE AS DESCRIBED IN LUZERNE COUNTY DEED BOOK 1883 AT
2 PAGE 883 AND THE PLACE OF BEGINNING;

3 THENCE ALONG OTHER LANDS NOW OR FORMERLY OF THE CITY OF
4 WILKES-BARRE, NORTH 60° 46' 00" EAST A DISTANCE OF 156.91' TO A
5 POINT;

6 THENCE ALONG OTHER LANDS NOW OR FORMERLY OF THE CITY OF
7 WILKES-BARRE, SOUTH 46° 18' 00" EAST A DISTANCE OF 222.92' TO A
8 POINT;

9 THENCE ALONG THE SAME, SOUTH 42° 17' 30" WEST A DISTANCE OF
10 60.80' TO A POINT;

11 THENCE ALONG THE SAME, SOUTH 47° 43' 30" EAST A DISTANCE OF
12 405.67' TO A POINT ALONG THE WESTERLY RIGHT-OF-WAY LINE OF
13 STEVENS STREET;

14 THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STEVENS
15 STREET, SOUTH 23° 43' 43" EAST A DISTANCE OF 258.71 TO A POINT
16 IN LINE OF LANDS NOW OR FORMERLY OF THE CITY OF WILKES-BARRE AS
17 DESCRIBED IN LUZERNE COUNTY DEED BOOK 1707 AT PAGE 703;

18 THENCE ALONG THE DIVIDING LINE OF LANDS NOW OR FORMERLY OF
19 THE CITY OF WILKES-BARRE AS DESCRIBED IN LUZERNE COUNTY DEED
20 BOOK 1707 AT PAGE 703, AND OTHER LANDS NOW OR FORMERLY OF THE
21 CITY OF WILKES-BARRE AS DESCRIBED IN LUZERNE COUNTY DEED BOOK
22 1883 AT PAGE 883 NORTH 46° 18' 00" WEST A DISTANCE OF 914.90 TO
23 A POINT, THE PLACE OF BEGINNING;

24 CONTAINING AN AREA OF 87,157.35 SQUARE FEET OR 2.00 ACRES OF
25 LAND, MORE OR LESS.

26 BEING A PORTION OF LANDS OF THE CITY OF WILKES-BARRE AS
27 DESCRIBED IN LUZERNE COUNTY DEED BOOK 1883 AT PAGE 883.

28 SAID PROPERTY IS LOCATED WITHIN THE PROPERTY IDENTIFICATION
29 NUMBER OF H10-000-14D.

30 ALSO BEING ALL OF A 2.00 ACRE PARCEL SHOWN AS THE

1 NORTHEASTERLY REPLACEMENT AREA TO BE CONSOLIDATED WITH LANDS OF
2 THE CITY OF WILKES-BARRE AS SHOWN ON PLAN NO. V-0801 DATED
3 02-16-09 AS PREPARED BY PENNONI ASSOCIATES, INC. 100 NORTH
4 WILKES-BARRE BOULEVARD, SUITE 409, WILKES-BARRE, PA. 18702.

5 PARCEL TWO

6 ALL THAT CERTAIN PIECES OR PARCELS OF LAND SITUATED IN THE
7 CITY OF WILKES-BARRE, COUNTY OF LUZERNE AND STATE OF
8 PENNSYLVANIA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS
9 FOLLOWS:

10 COMMENCING AT A POINT IN THE NORTHEASTERLY SIDE OF COAL
11 STREET, SAID POINT BEING NORTH 32° 35' 00" EAST A DISTANCE OF
12 25.28' FROM A STONE MONUMENT AT AN ANGLE POINT OF COAL STREET
13 NEAR GRANT STREET AND S 46° 00' 00" EAST A DISTANCE OF 542.00
14 FEET ALONG THE NORTHEASTERLY SIDE OF COAL STREET BEING 50' WIDE,
15 AND NORTH 61° 03' 00" EAST A DISTANCE OF 51.08' TO A POINT ALONG
16 THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH SHERMAN STREET, THENCE
17 THROUGH LANDS OF THE CITY OF WILKES-BARRE AS DESCRIBED IN
18 LUZERNE COUNTY DEED BOOK 1707 AT PAGE 703, NORTH 63° 59' 31"
19 WEST A DISTANCE OF 37.12' TO A POINT, THENCE THROUGH THE SAME,
20 NORTH 45° 58' 20" WEST A DISTANCE OF 631.16' TO A POINT THENCE
21 THROUGH THE SAME, A DISTANCE OF 87.20' MEASURED ALONG THE ARC OF
22 A CURVE TO THE RIGHT HAVING A RADIUS OF 300.58', A CHORD BEARING
23 OF NORTH 37° 39' 38" WEST AND A CHORD DISTANCE OF 86.90' TO A
24 POINT, THENCE THROUGH THE SAME, NORTH 29° 20' 56" WEST A
25 DISTANCE OF 375.13' TO A POINT IN LINE OF LANDS NOW OR FORMERLY
26 OF CON ED REALTY COMPANY AND ALONG LANDS NOW OR FORMERLY OF CON
27 ED REALTY COMPANY, MICHAEL PASONICK, JR. & ARLENE PASONICK, ANM
28 PROPERTIES, LLC, ANM PROPERTIES, INC. AND THE CITY OF WILKES-
29 BARRE, NORTH 60° 46' 00" EAST A DISTANCE OF 1166.69' TO A POINT
30 AT THE NORTHWESTERLY CORNER OF OTHER LANDS OF THE CITY OF

1 WILKES-BARRE AS DESCRIBED IN LUZERNE COUNTY DEED BOOK 1883 AT
2 PAGE 883, THENCE ALONG OTHER LANDS OF CITY OF WILKES-BARRE (2.00
3 ACRE REPLACEMENT AREA) AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE
4 OF STEVENS STREET, SOUTH 46° 18' 00" EAST A DISTANCE OF
5 1,040.08' MORE OR LESS TO A POINT, THE PLACE OF BEGINNING;

6 THENCE ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STEVENS
7 STREET, SOUTH 55° 05' 43" EAST A DISTANCE OF 500.53' MORE OR
8 LESS TO A POINT ALONG THE NORTHERLY RIGHT-OF WAY LINE OF NORTH
9 SHERMAN STREET;

10 THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH SHERMAN
11 STREET, SOUTH 43° 42' 00" WEST A DISTANCE OF 76.53' MORE OR LESS
12 TO A POINT;

13 THENCE ALONG THE DIVIDING LINE OF THE CITY OF WILKES-BARRE AS
14 DESCRIBED IN LUZERNE COUNTY DEED BOOK 1883 AT PAGE 883, AND OF
15 THE CITY OF WILKES-BARRE AS DESCRIBED IN LUZERNE COUNTY DEED
16 BOOK 1707 AT PAGE 703, NORTH 46° 18' 00" WEST A DISTANCE OF
17 494.64' TO A POINT, THE PLACE OF BEGINNING.

18 CONTAINING AN AREA OF 18,928 SQUARE FEET OR 0.43 ACRES OF
19 LAND, MORE OR LESS.

20 BEING A PORTION OF LANDS OF THE CITY OF WILKES-BARRE AS
21 DESCRIBED IN LUZERNE COUNTY DEED BOOK 1883 AT PAGE 883.

22 SAID PROPERTY IS LOCATED WITHIN THE PROPERTY IDENTIFICATION
23 NUMBER OF H10-000-14D.

24 ALSO BEING ALL OF A 0.43 ACRE PARCEL SHOWN AS THE
25 SOUTHEASTERLY REPLACEMENT AREA TO BE CONSOLIDATED WITH LANDS OF
26 THE CITY OF WILKES-BARRE AS SHOWN ON PLAN NO. V-0801 DATED
27 02-16-09 AS PREPARED BY PENNONI ASSOCIATES, INC. 100 NORTH
28 WILKES-BARRE BOULEVARD, SUITE 409, WILKES-BARRE, PA. 18702.

29 (F) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS
30 CONVEYANCE SHALL BE BORNE BY THE GRANTEE.

1 SECTION 4. RELEASE OF RESTRICTIONS IN LACKAWANNA COUNTY.

2 (A) AUTHORIZATION.--PURSUANT TO THE REQUIREMENTS OF SECTION
3 20(B) OF THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.131, NO.8),
4 KNOWN AS THE PROJECT 70 LAND ACQUISITION AND BORROWING ACT, THE
5 GENERAL ASSEMBLY HEREBY AUTHORIZES THE RELEASE OF PROJECT 70
6 RESTRICTIONS AND TRANSFER OF THE LANDS OWNED BY THE BOROUGH OF
7 OLD FORGE WHICH ARE MORE PARTICULARLY DESCRIBED IN SUBSECTION
8 (C) AND THE SALE OF SAID LANDS IN ACCORDANCE WITH THE PROJECT 70
9 LAND ACQUISITION AND BORROWING ACT FOR A CONSIDERATION OF NOT
10 LESS THAN \$5,000, WHICH SUM REPRESENTS A MINIMUM FAIR MARKET
11 VALUE OF THE PROPERTY AS DETERMINED BY AN APPRAISAL.

12 (B) FREEDOM OF RESTRICTIONS.--THE LANDS DESCRIBED IN
13 SUBSECTION (C) SHALL BE FREE OF RESTRICTIONS ON USE AND
14 ALIENATION IMPOSED BY THE PROJECT 70 LAND ACQUISITION AND
15 BORROWING ACT UPON CONVEYANCE OF SAID LANDS BY THE BOROUGH OF
16 OLD FORGE.

17 (C) LANDS TO BE RELEASED FROM RESTRICTIONS.--THE PARCEL OF
18 LAND TO BE RELEASED FROM PROJECT 70 RESTRICTIONS IS SITUATED IN
19 THE BOROUGH OF OLD FORGE, LACKAWANNA COUNTY, AND IS MORE
20 PARTICULARLY DESCRIBED AS FOLLOWS:

21 ALL THAT CERTAIN PIECE OR PARCEL OF LAND BEING: IN THE
22 BOROUGH OF OLD FORGE, COUNTY OF LACKAWANNA AND COMMONWEALTH OF
23 PENNSYLVANIA BOUNDED AND DESCRIBED AS FOLLOWS TO WIT:

24 BEGINNING AT A POINT ON THE WESTERLY SIDE OF LAWRENCE STREET,
25 SAID POINT BEING EIGHTY AND SIXTEEN ONE-HUNDREDTHS (80.16) FEET
26 IN A SOUTHEASTERLY DIRECTION, ALONG THE WESTERLY SIDE OF
27 LAWRENCE STREET FROM THE INTERSECTION OF THE WESTERLY SIDE OF
28 LAWRENCE STREET AND THE SOUTHERLY LINE OF CENTRE STREET, SAID
29 POINT BEING ALSO THE NORTHEASTERLY CORNER OF LOT 6, BLOCK NO.
30 12; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE WESTERLY SIDE

1 OF LAWRENCE STREET TWO HUNDRED-FORTY AND FORTY-SEVEN ONE-
2 HUNDREDTHS (240.47) FEET, THE SOUTHWESTERLY CORNER OF LOT 16,
3 BLOCK 12; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE DIVIDING
4 LINE BETWEEN LOT 16 AND LOT 18, LOT 18 CONVEYED TO MRS. DICK,
5 FOR A DISTANCE OF ONE HUNDRED SEVENTY-THREE AND ONE-TENTH
6 (173.10) FEET TO A 28 FOOT WIDE ALLEY; THENCE IN A NORTHWESTERLY
7 DIRECTION ALONG SAID ALLEY TWO HUNDRED FORTY (240) FEET TO THE
8 NORTHWESTERLY CORNER OF LOT 6; THENCE AT RIGHT ANGLES IN A
9 NORTHEASTERLY DIRECTION ALONG THE DIVIDING LINE BETWEEN LOT 4
10 AND LOT 6 ONE HUNDRED FIFTY-EIGHT AND ONE-TENTH (158.10) FEET TO
11 THE PLACE OF BEGINNING. CONTAINING 39,744 SQUARE FEET, MORE OR
12 LESS, AND BEING LOTS 6, 8, 10, 12, 14 AND 16, BLOCK NO. 12 OF
13 THE LAWRENCEVILLE SECTION OF OLD FORGE, AS SHOWN ON MAP OF THAT
14 PORTION OF THE WILLIAM CONNELLS LAWRENCE PROPERTY LOCATED IN OLD
15 FORGE, LACKAWANNA COUNTY, PA RECORDED IN THE OFFICE OF THE
16 RECORDER OF DEEDS IN AND FOR LACKAWANNA COUNTY JANUARY 6, 1901,
17 IN MAP BOOK 1 PAGE 101.

18 BEING PARCEL 3 OF THE LANDS CONVEYED TO THE BOROUGH OF OLD
19 FORGE BY PITREAL CORPORATION BY DEED DATED APRIL 15, 1968, WHICH
20 DEED IS RECORDED IN THE LACKAWANNA COUNTY RECORDER OF DEEDS
21 OFFICE IN RECORD BOOK NO. 667 AT PAGE NO. 523 ET SEQ.

22 (D) USE OF PROCEEDS.--THE CONSIDERATION RECEIVED BY THE
23 BOROUGH OF OLD FORGE FROM THE SALE OF LAND SHALL BE DEPOSITED IN
24 A SPECIAL ACCOUNT ESTABLISHED BY THE BOROUGH OF OLD FORGE FOR
25 THE MAINTENANCE, IMPROVEMENT AND DEVELOPMENT OF PAGNOTTI PARK.

26 Section § 5. Effective date.

27 This act shall take effect immediately.

