

No. 1988-189

## AN ACT

HB 2322

Authorizing the City of Scranton, Lackawanna County, to sell and convey certain Project 70 lands free of Project 70 restrictions for a housing development, in return for use of the sale proceeds to purchase land along the Lackawanna River; and authorizing the release of Project 500 restrictions imposed on certain lands being conveyed by the Township of Wright, Luzerne County, in return for the imposition of Project 500 restrictions on certain lands being acquired by the Township of Wright.

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

Section 1. Authorization.

(a) City of Scranton tract.—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 sale of the lands described in section 2(a) and the release of the restrictions imposed by section 20 of the Project 70 Land Acquisition and Borrowing Act from lands owned by the City of Scranton, Lackawanna County, and more particularly described in section 2(a), in exchange for the use of the proceeds from the sale of said lands described in section 2(a) to purchase lands along the Lackawanna River within the City of Scranton.

(b) Township of Wright, Luzerne County, tract.—Pursuant to the requirements of the act of January 19, 1968 (1967 P.L.996, No.443), known as The Land and Water Conservation and Reclamation Act, the General Assembly hereby authorizes the release of the restrictions from lands being conveyed by the Township of Wright, Luzerne County, and more particularly described in section 2(b), in exchange for the imposition of these restrictions on lands being acquired by the Township of Wright and more particularly described in section 4.

Section 2. Land to be sold free from restrictions.

(a) Description of City of Scranton tract.—The parcel of land authorized in section 1(a) to be sold and released from restrictions is more particularly described as follows:

Beginning at an iron pin corner in the northeasterly sideline of Eynon Street, said beginning corner being in the division line between city assessment lot number 32 and lot number 47 in city assessment block number 8 in the 15th ward; thence, north 42 degrees east along the said division line between lots numbered 32 and 47 for a distance of 117 feet to an iron pin corner, said last mentioned iron pin corner being located 16 feet southwesterly along said division line between said lots from the southwesterly sideline of Hand Place; thence, through, over and across the rear portions of lots fronting on said Eynon Street south 47 degrees 45 minutes east for a distance

of 455.13 feet to an iron pin corner, said last mentioned line being located 16 feet southwesterly from the parallel with the said southwesterly sideline of Hand Place; thence, along a curve to the right whose radius is 30 feet and its length of arc being 46.99 feet and its chord being along a line bearing south 02 degrees 52 1/2 minutes east for a distance of 42.33 feet to an iron pin corner; thence, south 42 degrees west for a distance of 371 feet to an iron pin corner, said last mentioned line being located 10 feet northwesterly from and parallel with the northwesterly sideline of South Sixth Avenue, said last mentioned line also crosses parts of lots along said South Sixth Avenue, Eynon Street and Regan Place; thence, along a curve to the right whose radius is 30 feet and its length of arc being 47.25 feet and its chord being along a line bearing south 87 degrees 07 1/2 minutes west for a distance of 42.52 feet to an iron pin corner; thence, through, over and across the front portions of lots fronting on West Elm Street, north 47 degrees 45 minutes west for a distance of 353 feet to an iron pin corner, said last mentioned line being located 10 feet northeasterly from and parallel with the said northeasterly sideline of West Elm Street; thence, along a curve to the right whose radius is 30 feet and its length of arc being 46.99 feet and its chord being along a line bearing north 02 degrees 52 1/2 minutes west for a distance of 42.33 feet to an iron pin corner; thence, north 42 degrees east for a distance of 284.13 feet to an iron pin corner in the first mentioned northeasterly sideline of Eynon Street; thence, north 47 degrees 45 minutes west along said northeasterly sideline of Eynon Street for a distance of 72 feet to a corner, the place of beginning.

Containing 4.27 acres, more or less.

Comprising all of city assessment lots numbered 27B and 28B in city assessment block number 42 in the 15th ward and portions of city assessment lots numbered 18, 19, 20, 21, 22, 23, 24, 25A, 25B, 26A, 26B, 27A, 27C and 28A in city assessment block number 42 in the 15th ward. Also portions of city assessment lots numbered 1, 1A, 8 and all of city assessment lots numbered 2A, 2B, 3, 4, 4A, 5, 6 and 7 in city assessment block number 7 in the 15th ward, and also portions of city assessment lots numbered 32, 33, 48, 34, 35A, 35B, 36, 49, 37, 38, 39, 40 and 40A in city assessment block number 8 in the 15th ward, also a 413 foot portion of both Eynon Street and Regan Place abutting the said lots, which are to be vacated.

Bearings of the above description are as the magnetic needle pointed in March 1966.

Subject to two utility easements, being that portion of Eynon Street, 413 feet in length by 40 feet in width and also that portion of Regan Place, 413 feet in length by 15 feet in width, inclusive of two portions of land 413 feet in length by 2.5 feet in width abutting both the northeasterly and southwesterly sidelines of said Regan Place.

(b) Description of Wright Township tract.—The parcel of land authorized in section 1(b) to be released from restrictions is located in the Township of Wright, Luzerne County, and more particularly described as follows:

All that certain tract or parcel of land and premises situate, lying and being in the Township of Wright in the County of Luzerne and Commonwealth of Pennsylvania, more particularly described as follows:

Beginning at a point in the southerly side line of Pennsylvania State Highway Legislative Route Number 40023, said point being in the line between lands of the Wright Township Municipal Park and lands of James R. and Arline A. Jeckell; thence from said beginning point and along the southerly side line of said State highway, north 43 degrees 16 minutes 05 seconds east, 60.31 feet to a point in the westerly line of lands of Ronald Swank; thence from said point and along the line of said lands, south 41 degrees 09 minutes 55 seconds east, 378.00 feet to a point; thence from said point and through lands of the Township of Wright, by the two following described lines, (1) south 57 degrees 03 minutes 44 seconds west, 60.65 feet to a point, and (2) north 41 degrees 09 minutes 55 seconds west, 363.47 feet to a point in the aforementioned southerly side line of Pennsylvania State Highway Legislative Route Number 40023, the place of beginning.

Containing 0.510 acres of land, be the same more or less.

### Section 3. Freedom of restrictions.

The lands described in section 2(b) and being conveyed by the Township of Wright shall be free of the restrictions on use and alienation imposed by the act of January 19, 1968 (1967 P.L.996, No.443), known as The Land and Water Conservation and Reclamation Act, upon the imposition of and recording of the Project 500 deed restrictions set forth in section 6(b) on the parcel of replacement land being acquired by the Township of Wright and described in section 4.

### Section 4. Land on which restrictions are to be imposed.

The replacement parcel to be subject to restrictions in exchange for the parcel described in section 2(b) is located in the Township of Wright, Luzerne County, and more particularly described as follows:

All that certain tract or parcel of land and premises, situate, lying and being in the Township of Wright in the County of Luzerne and Commonwealth of Pennsylvania, more particularly described as follows:

Beginning at a point in the westerly line of lands of Ronald Swank, said point being the southerly corner of lands of Ronald W. Swank, et ux; thence from said beginning point and along the westerly line of said lands, and along the line of lands of the Wright Township Municipal Park, north 41 degrees 09 minutes 55 seconds west, 107.00 feet to a point; thence from said point and through lands of Ronald W. Swank, et ux, north 63 degrees 17 minutes 36 seconds east, 428.54 feet to a point in the westerly line of lands now or formerly of Edward and Carol Thomas; thence from said point and along the line of lands of the aforesaid Wright Township Municipal Park, south 48 degrees 50 minutes 05 seconds west, 414.97 feet to a point, the place of beginning.

Containing 0.510 acres of land, be the same more or less.

### Section 5. Restriction of revenue.

The proceeds from the sale of the lands described in section 2(a), or an amount of \$50,000, whichever is greater, shall be deposited in a special interest-bearing account established by the City of Scranton. The special account shall be used to purchase lands within the City of Scranton along the Lackawanna River for the same purposes as defined in the act of June 22,

1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act. No funds shall be dispensed from the special account without approval by the Department of Community Affairs. Any funds remaining in the special account after five years from the effective date of this act shall be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund.

Section 6. Description of deed restrictions.

(a) City of Scranton tract.—The lands acquired pursuant to this act along the Lackawanna River by the City of Scranton shall include a deed restriction as follows:

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

(b) Wright Township tract.—The deed restriction to be transferred to the parcel described in section 4 shall read as follows:

This land is to be used for municipal park, recreation and open space purposes as defined in the act of January 19, 1968 (1967 P.L.996, No.443), known as The Land and Water Conservation and Reclamation Act.

Section 7. Effective date.

This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1988.

ROBERT P. CASEY