

No. 2003-52

## AN ACT

## SB 850

Authorizing the City of Scranton and Redevelopment Authority of the City of Scranton, Lackawanna County, to transfer, sell and convey to the University of Scranton certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

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

Section 1. (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 transfer of the lands owned by the City of Scranton which are more particularly described in subsection (c) to the Redevelopment Authority of the City of Scranton and the sale of said lands by the Redevelopment Authority of the City of Scranton to the University of Scranton for a consideration of \$1,150,000, which sum represents at least 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 said lands by the City of Scranton to the Redevelopment Authority of the City of Scranton and the subsequent conveyance by the Redevelopment Authority of the City of Scranton to the University of Scranton.

(c) Lands to be released from restrictions.—The parcel of land to be released from Project 70 restrictions is situated in the City of Scranton, Lackawanna County, and more particularly described as follows:

All that certain piece or parcel of land being in Ward 18 and Ward 6 of the City of Scranton, County of Lackawanna and Commonwealth of Pennsylvania bounded and described as follows to wit:

Parcel No. 1

Beginning at an iron pin (set) on the northeasterly Legal Right-of-Way Line of Broadway at its intersection with the southeasterly Right-of-Way Line now or formerly of the Central Railroad of New Jersey (Heritage Valley Walking Trails); thence along said southeasterly Right-of-Way Line now or formerly of the Central Railroad of New Jersey (Heritage Valley Walking Trails), the following two (2) courses and distances:

1. Along a curve to the left having a radius of eight hundred sixty-one and forty-eight hundredths (861.48) feet, an arc length of two hundred twenty-two and four hundredths (222.04) feet, to an iron pin (set), said arc having a chord bearing and distance of North thirty-five degrees ten

minutes East, two hundred twenty-one and forty-three hundredths (221.43) feet; Thence,

2. Along a curve to the left having a radius of five hundred seven and nineteen hundredths (507.19) feet, an arc distance of two hundred forty-nine and twenty hundredths (249.20) feet to an iron pin (set), at the intersection of said southeasterly Right-of-Way Line now or formerly of Central Railroad of New Jersey (Heritage Valley Walking Trails) and the Flood Control Easement Line for the Lackawanna River, said arc having a chord bearing and distance of North fourteen degrees twelve minutes East, two hundred forty-six and seventy hundredths (246.70) feet; Thence

Along said Flood Control Easement Line for the Lackawanna River, the following courses and distances:

1) South twenty-three degrees twenty five minutes twenty-three seconds East, one hundred ninety three and ninety-one hundredths (193.91) feet to a point; Thence,

2) South fifteen degrees thirty-six minutes East, one hundred eighty-two and ten hundredths (182.10) feet to a point; Thence,

3) South four degrees forty-one minutes East, two hundred thirteen and fifty hundredths (213.50) feet to a point; Thence,

4) North seventy-one degrees thirty-four minutes West, nineteen and sixty-five hundredths (19.65) feet to a point; Thence,

5) South eighteen degrees twenty-four minutes West, fifty-one and zero hundredth (51.00) feet to an iron pin (set) at the intersection of said Flood Control Easement Line for the Lackawanna River and said northeasterly Legal Right-of-Way Line of Broadway; Thence,

Along said northeasterly Legal Right-of-Way Line of Broadway, the following three (3) courses and distances:

1) North seventy-one degrees thirty-four minutes West, eight and eleven hundredths (8.11) feet to an iron pin (set); Thence,

2) Along a curve to the right having a radius of six hundred seventy-six and seventy-eight hundredths (676.78) feet, an arc distance of two hundred eighty-seven and seventy-nine hundredths (287.79) feet to a point, said arc having a chord bearing and distance of North fifty-nine degrees and twenty-three minutes West, two hundred eighty-five and sixty-three hundredths (285.63) feet to a point; Thence,

3) North forty-seven degrees twelve minutes West, fifty-nine and zero hundredths (59.00) feet to the point of beginning.

Containing 2.23 acres of land, more or less.

#### PARCEL NO. 2

Beginning at an iron pin (set) on the southwesterly Legal Right-of-Way Line of Broadway at its intersection with the southeasterly Right-of-Way Line now or formerly of the Central Railroad of New Jersey (Heritage Valley Walking Trails); Thence, along said southwesterly Legal Right-of-Way Line of Broadway, the following three (3) courses and distances:

- 1) South forty-seven degrees twelve minutes East, sixth-four and thirty hundredths (64.30) feet to a point; Thence,
- 2) Along a curve to the left having a radius of seven hundred fifty-six and seventy-eight hundredths (756.78) feet, an arc length of three hundred twenty-one and ninety-two hundredths (321.92) feet to an iron pin (set), said arc have a chord bearing and distance of South fifty-nine degrees twenty-three minutes East, three hundred nineteen and fifty hundredths (319.50) feet; Thence,
- 3) South seventy-one degrees thirty-four minutes East, nineteen and zero hundredths (19.00) feet to an iron pin (set) at the intersection of said southwesterly Legal Right-of-Way Line of Broadway and the Flood Control Easement Line for the Lackawanna River; Thence,

Along said Flood Control Easement Line for the Lackawanna River, the following ten (10) courses and distances:

- (1) South six degrees fifty-nine minutes West, three hundred ninety-five and zero hundredths (395.00) feet to a point; Thence,
- (2) South forty-four degrees thirty-two minutes West, one hundred thirty five and zero hundredths (135.00) feet to a point; Thence,
- (3) North eighty-seven degrees twenty-five minutes West, two hundred and zero hundredths (200.00) feet to a point; Thence,
- (4) North eighty-one degrees thirty-eight minutes West, two hundred and zero hundredths (200.00) feet to a point; Thence,
- (5) North seventy-nine degrees twenty-one minutes West, one hundred thirty and zero hundredths (130.00) feet to a point; Thence,
- (6) South eighty-one degrees fifty-one minutes West, forty-four and eighty hundredths (44.80) feet to a point; Thence,
- (7) North seventy-two degrees thirty minutes West, one hundred fifty-three and zero hundredths (153.00) feet to a point; Thence,
- (8) South seventy degrees fifteen minutes West, seventy-nine and ninety hundredths (79.90) feet to a point; Thence,
- (9) South thirty-nine degrees forty-four minutes thirty-eight seconds West, seventh-six and seventy-six hundredths (76.76) feet to a point; Thence,
- (10) North sixty-one degrees thirty-seven minutes West, four and zero hundredths (4.00) feet to a point on said southeasterly Right-of-Way Line now or formerly of the Central Railroad of New Jersey (Heritage Valley Walking Trails); Thence,

Along said southeasterly Right-of-Way Line now or formerly of the Central Railroad of New Jersey (Heritage Valley Walking Trails); the following two (2) courses and distances:

- (1) Along a curve to the right having a radius of one thousand two hundred ninety-nine and twenty-one hundredths (1299.21) feet, an arc distance of four hundred forty-five and fifty-four hundredths (445.54) feet to an iron pin (set), said arc having a chord bearing and distance of

North thirty-eight degrees twelve minutes East, four hundred forty-three and thirty-six hundredths (443.36) feet; Thence,

(2) North forty-eight degrees one minute East, five hundred and twenty five hundredths (500.25) feet to the point of beginning.

Containing 9.15 acres of land, more or less.

The above-described Parcel No. 2 is subject to utility easements for sanitary sewers of the Scranton Sewer Authority.

The above-described Parcel No. 1 and Parcel No. 2 are as shown on "Plot Plan-Lands N/F of the Redevelopment Authority of the City of Scranton, South Side Sports Complex," dated 1/22/03 and revised 6/17/03, prepared by CECO Associates, Inc., Consulting Engineers.

(d) Deed restriction.—The City of Scranton shall reserve by deed restriction or easement adequate land along the Lackawanna River to accommodate the Lackawanna River Heritage Trail/Greenway as recommended in the Scranton Comprehensive Parks, Recreation and Open Space Plan and the Management Action Plan for the Lackawanna Heritage Valley.

(e) Conditions.—The transfer is subject to the following conditions:

(1) The University of Scranton must agree to strictly comply with all obligations of a Memorandum of Understanding between the university and the Redevelopment Authority of the City of Scranton as entered into on July 8, 2003.

(2) Construct on a portion of the property a baseball field, a women's softball field and a soccer field, all of which shall conform to the regulations and requirements of the National Collegiate Athletic Association, and which shall be maintained by the University of Scranton, and each of which shall be made available for general public use for recreational purposes during reasonable hours when the facilities are not in use by the University of Scranton, provided, however, that nothing in this section is intended or shall be interpreted to preclude the University of Scranton from establishing reasonable regulations on the use of the facilities, including, but not limited to, a requirement regarding maintaining of reasonable liability insurance by the City of Scranton.

(3) The University of Scranton must agree that, following the completion of the basketball court and play area, the university will be responsible for the maintenance and upkeep of the property.

(4) Prior to the transfer to the Scranton Redevelopment Authority, the city must request written notice from the Department of Housing and Urban Development that the transfer will not violate regulations of the department.

(5) The University of Scranton must agree that, following reconstruction under paragraph (2), the university will do all of the following:

(i) Use the complex for its athletic programs and for other events and programs.

(ii) Make the fields in the complex available for use by various leagues which have used, are using or may wish to use the complex. This subparagraph includes, but is not limited to, teenager, adult softball, summer collegiate baseball, amateur baseball and youth leagues when the fields are not being used by the university.

(iii) Make the fields in the complex available to the general public during reasonable hours when the fields are not being used by the university.

(iv) Develop programs on the complex for the youth of the community.

(6) The University of Scranton must purchase and maintain liability insurance on the real property from the date of transfer. The City of Scranton must purchase and maintain liability insurance to cover public use under paragraphs (2) and (5).

(f) Use of proceeds.—The \$1,150,000 consideration from the sale of the land shall be deposited in a special account established by the Redevelopment Authority of the City of Scranton for the maintenance, improvement and development of Nay Aug Park and Weston Field in the City of Scranton in accordance with the Scranton Comprehensive Parks, Recreation and Open Space Plan.

Section 2. This act shall take effect immediately.

APPROVED—The 23rd day of December, A.D. 2003.

EDWARD G. RENDELL