

No. 2016-65

AN ACT

SB 1205

Authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Borough of East Stroudsburg certain permanent public water supply system easements situate in the Borough of East Stroudsburg, Monroe County; and authorizing the East Stroudsburg University of Pennsylvania of the State System of Higher Education, with the approval of the Governor, to grant and convey to the Borough of East Stroudsburg certain permanent public water supply system easements situate in the Borough of East Stroudsburg, Monroe County.

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

Section 1. Easements by the Department of General Services.

(a) Conveyance.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth to grant and convey to the Borough of East Stroudsburg certain permanent public water supply system easements situate in the Borough of East Stroudsburg, Monroe County, and described under subsection (b), for \$1. The easements shall be for the purpose of ingress and egress, operation, maintenance, repair, replacement, source protection, security and expansion of two existing borough-owned water wells and appurtenant facilities and shall be granted and conveyed under terms and conditions to be established in an easement agreement.

(b) Property description.—The easements to be conveyed under this section are more particularly described as follows:

ALL THOSE CERTAIN four easement areas extending through lands of the Commonwealth of Pennsylvania, located in East Stroudsburg Borough, Monroe County, Pennsylvania, as shown on a plan entitled "Well 1 & Well 2 Proposed Easements, Commonwealth of Pennsylvania, DGS (General State Authority) and East Stroudsburg University of the State System of Higher Education to East Stroudsburg Borough, 24 Analomink Street, East Stroudsburg, PA 18301" prepared by RKR Hess, a division of UTRS, East Stroudsburg, Pennsylvania, dated July 31, 2015, last revised October 23, 2015, and as bounded and more fully described as follows to wit:

Easement #1 (Plan Exhibit 1)

(Well #1) BEGINNING at a point on the easterly line of Smith Street, said point being North 35° 58' 34" West a distance of 180.87 feet from the intersection of the easterly line of Smith Street and the northerly line of Emerson Drive; thence along said Smith Street, North 35° 58' 34" West a distance of 25.00 feet to a point; thence extending through lands of the General State Authority as recorded in Deed Book 346 Page 116 Parcel No. 3, the following seven (7) courses and distances:

(1) North 53° 59' 00" East a distance of 78.14 feet to a point;

- (2) North 52° 05' 05" East a distance of 236.96 feet to a point;
- (3) North 35° 34' 25" West a distance of 41.61 feet to a point;
- (4) North 55° 48' 03" East a distance of 36.50 feet to a point;
- (5) North 35° 33' 13" West a distance of 170.70 feet to a point;
- (6) North 82° 02' 59" West a distance of 11.29 feet to a point;
- (7) North 37° 02' 59" West a distance of 153.80 feet to a point;

Thence along an unimproved and unopened road and lands of East Stroudsburg University of the State System of Higher Education as recorded in Deed Book 2237 Page 7793 and Deed Book 2129 Page 3153, and an unnamed twelve foot alley, North 53° 40' 24" East a distance of 172.87 feet to a point; thence extending through lands of the General State Authority, the following twelve (12) courses and distances:

- (1) South 36° 03' 17" East a distance of 20.00 feet to a point;
- (2) South 53° 40' 24" West a distance of 157.52 feet to a point;
- (3) South 37° 02' 59" East a distance of 126.54 feet to a point;
- (4) North 54° 26' 47" East a distance of 18.38 feet to a point;
- (5) South 35° 33' 13" East a distance of 170.10 feet to a point;
- (6) South 34° 46' 08" East a distance of 43.96 feet to a point;
- (7) South 55° 02' 08" West a distance of 4.09 feet to a point;
- (8) South 34° 57' 52" East a distance of 25.97 feet to a point;
- (9) South 54° 45' 58" West a distance of 17.09 feet to a point;
- (10) South 35° 43' 23" East a distance of 19.91 feet to a point;
- (11) South 54° 09' 00" West a distance of 203.56 feet to a point;
- (12) South 53° 59' 00" West a distance of 150.65 feet to a point on the easterly line of Smith Street, the place of BEGINNING.

Containing an area of 22,917 square feet or 0.53 acres.

BEING part of the same premises acquired by the General State Authority by Declaration of Taking filed at the Court of Common Pleas of Monroe County at No. 98 February Term 1967 and recorded at the Monroe County Recorder of Deeds Office at Deed Book 346 Page 116, Parcel #3.

Easement #2 (Plan Exhibit 2)

(Well #1) BEGINNING at the center of East Stroudsburg Borough Well #1 having State Plane Coordinates (NAD 83 PA North Zone) Northing 313,358.9433 Easting 2,681,023.4318; said Well #1 being North 56° 04' 07" East a distance 216.10 feet from a concrete monument having State Plane Coordinates (NAD 83 PA North Zone) of Northing 313,238.3145 Easting 2,680,844.1287 and marking the southeasterly corner of lands of East Stroudsburg University of the State System of Higher Education as recorded in Deed Book 1952, Page 435; thence from said point of beginning in a circle having a radius of 200 feet. Said well head protection area shall encompass all the area of the circle.

Excepting therefrom, any portion over lands of Gianfranco Focarelli, as recorded in Deed Book 1273, Page 312, as shown on the aforementioned plan, excepting the lands shown as "unimproved road" on the aforementioned plan, and excepting any portion over lands of East Stroudsburg University of Pennsylvania of the State System of Higher

Education as recorded in Deed Book 2129 Page 3153, Deed Book 2237 Page 7793 and Deed Book 2170 Page 9461.

Containing an area of 118,908 square feet or 2.73 acres.

BEING part of the same premises acquired by the General State Authority by Declaration of Taking filed at the Court of Common Pleas of Monroe County at No. 98 February Term 1967 and recorded at the Monroe County Recorder of Deeds Office at Deed Book 346 Page 116, Parcel #3.

Easement #3 (Plan Exhibit 7)

(Well #2) BEGINNING at a point on the westerly line of Smith Street, said point being North 35° 58' 34" West a distance of 479.65 feet from the intersection of the westerly line of Smith Street and the northerly line of Brown Street; thence by lands of the Commonwealth of Pennsylvania as recorded in Deed Book 1725 Page 1757, tract 57 the following nine (9) courses and distances:

- (1) South 48° 31' 26" West a distance of 585.25 feet to a point;
- (2) South 39° 57' 55" East a distance of 6.33 feet to a point;
- (3) South 46° 17' 01" West a distance of 114.22 feet to a point;
- (4) South 48° 25' 52" West a distance of 143.75 feet to a point;
- (5) South 51° 42' 42" West a distance of 70.89 feet to a point;
- (6) South 38° 42' 41" East a distance of 22.93 feet to a point;
- (7) South 51° 17' 19" West a distance of 36.34 feet to a point;
- (8) South 38° 42' 41" East a distance of 21.65 feet to a point;
- (9) South 49° 09' 16" West a distance of 58.27 feet to a point;

Thence by lands of the Commonwealth of Pennsylvania as recorded in Deed Book 109 Page 195; North 33° 08' 34" West a distance of 90.18 feet to a point; thence North 48° 31' 26" East a distance of 374.43 feet to a point; thence by the westerly line of Knapp Street (unordained and abandoned), North 35° 58' 34" West a distance of 2.60 feet to a point; thence by said Knapp Street and lands of the Commonwealth of Pennsylvania as recorded in Deed Book 1725 Page 1757, tracts 59, 60, 66 and 61, North 47° 48' 18" East a distance of 627.95 feet to a point on the westerly line of Smith Street; thence by said westerly line of Smith Street, South 35° 58' 34" East a distance of 50.71 feet to a point, the place of BEGINNING.

Containing an area of 51,216 square feet or 1.18 acres.

BEING part of the same premises conveyed to the Commonwealth of Pennsylvania by deed recorded at the Monroe County Recorder of Deeds Office, at Deed Book 1725 Page 1757, Parcel 57 and 58.

Easement #4 (Plan Exhibit 8)

(Well #2) BEGINNING at the center of East Stroudsburg Borough Well #2 having State Plane Coordinates (NAD 83 PA North Zone) Northing 312,264.7234 Easting 2,680,125.8675; said Well #2 being North 85° 27' 36" West a distance 413.65 feet from an iron pin with cap having State Plane Coordinates (NAD 83 PA North Zone) of Northing 312,231.9083 Easting 2,680,538.1659 and marking the northwesterly corner of lands of Rajesh and Pragna Bhagat as recorded in Deed Book 2085 Page 3311; thence from said

point of beginning in a circle having a radius of 200 feet. Said well head protection area shall encompass all the area of the circle.

Containing an area of 125,664 square feet or 2.88 acres.

BEING part of the same premises conveyed to the Commonwealth of Pennsylvania by deeds recorded at the Monroe County Recorder of Deeds Office, at Deed Book 1725 Page 1757, Deed Book 109 Page 195 and Deed Book 83 Page 130.

(c) Execution.—The easement agreement under this section shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Section 2. Easements by East Stroudsburg University of Pennsylvania of the State System of Higher Education.

(a) Conveyance.—The East Stroudsburg University of Pennsylvania of the State System of Higher Education, with the approval of the Governor, is hereby authorized to grant and convey to the Borough of East Stroudsburg certain permanent public water supply system easements, situate upon a portion of the grounds of East Stroudsburg University, in the Borough of East Stroudsburg, Monroe County, and described under subsection (b), for \$1. The easements shall be for the purpose of ingress and egress, operation, maintenance, repair, replacement, source protection, security and expansion of an existing borough-owned water well and appurtenant facilities and shall be granted and conveyed under terms and conditions to be established in an easement agreement.

(b) Property description.—The easements to be conveyed under this section are more particularly described as follows:

ALL THOSE CERTAIN four easement areas extending through lands of East Stroudsburg University, located in the Borough of East Stroudsburg, Monroe County, Pennsylvania, depicted on a plan entitled "Well 1 & Well 2 Proposed Easements, Commonwealth of Pennsylvania, DGS (General State Authority) and East Stroudsburg University of the State System of Higher Education to East Stroudsburg Borough, 24 Analomink Street, East Stroudsburg, PA 18301" prepared by RKR Hess, a division of UTRS, East Stroudsburg, Pennsylvania, dated July 31, 2015, last revised October 23, 2015, and as bounded and more fully described as follows to wit:

Easement #1 (Plan Exhibit 3)

(Well #1) BEGINNING at a point on the southerly line of Normal Street at the northeast corner of lands now or formerly East Stroudsburg University of the State System of Higher Education as recorded in Deed Book 2129 Page 3153 Tract 1; thence by said Normal Street, North 53° 40' 24" East a distance of 12.00 feet to a point; thence by East Stroudsburg University of the State System of Higher Education, South 36° 19' 36" East a distance of 150.00 feet to a point; thence by the General State Authority as recorded in Deed Book 346 Page 116, Parcel 3, South 53° 40' 24" West a distance of 12.00 feet to a point; thence by East Stroudsburg University of the State System of Higher Education, North 36° 19' 36" West a distance of 150.00 feet to a point, the place of BEGINNING.

Containing an area of 1,800 square feet.

BEING a twelve foot wide alley as shown on "Map of Lands of Alfred D. & Joseph Hine" as recorded in the Monroe County Recorder of Deeds Plat Book 6 Page 38. Also being further depicted on a plan entitled "Well 1 & Well 2 Proposed Easements, Commonwealth of Pennsylvania, DGS (General State Authority) and East Stroudsburg University of the State System of Higher Education to East Stroudsburg Borough, 24 Analomink Street, East Stroudsburg, PA 18301" prepared by RKR Hess, a division of UTRS, East Stroudsburg, Pennsylvania, dated July 31, 2015, last revised October 23, 2015.

SAID easement area consisting of an unordained twelve-foot-wide alley, the ownership rights to which have reverted back to the two adjoining properties, both owned by East Stroudsburg University of the State System of Higher Education, identified as the tax parcel numbers 05-1/4/1/28 and 05-1/4/1/30 acquired by deed recorded in the Monroe County Recorder of Deeds in Deed Book 2129 Page 3153.

Easement #2 (Plan Exhibit 4)

(Well #1) BEGINNING at a point, being the southeast corner of lands of East Stroudsburg University of the State System of Higher Education as recorded in the Monroe County Recorder of Deeds, Deed Book 2170 Page 9461; said point being North 69° 25' 45" West a distance of 189.93 feet from the center of East Stroudsburg Borough Well #1 having State Plane Coordinates (NAD 83 PA North Zone) Northing 313,358.9433 Easting 2,681,023.4318; thence by said East Stroudsburg University, the following three (3) courses and distances:

- (1) South 53° 40' 24" West a distance of 17.45 feet to a point;
- (2) By a curve to the right having a radius of 200.00 feet, an arc length of 21.12 feet and having a chord bearing North 19° 24' 19" East a distance of 21.12 feet to a point;
- (3) South 36° 19' 36" East a distance of 11.89 feet to a point, the place of BEGINNING.

Containing an area of 108 square feet.

BEING part of the same premises conveyed to East Stroudsburg University of the State System of Higher Education by deed recorded at the Monroe County Recorder of Deeds Office at Deed Book 2170 Page 9461.

Easement #3 (Plan Exhibit 5)

(Well #1) BEGINNING at a point, being the southeast corner of lands of East Stroudsburg University of the State System of Higher Education, as recorded in the Monroe County Recorder of Deeds, Deed Book 2237 Page 7793; said point being North 23° 29' 07" West a distance of 163.19 feet from the center of East Stroudsburg Borough Well #1 having State Plane Coordinates (NAD 83 PA North Zone) Northing 313,358.9433 Easting 2,681,023.4318;

Thence by lands of the General State Authority, South 53° 40' 24" West a distance on 70.00 feet, to a point in the centerline of an unordained road;

Thence along the centerline of the unordained road, North 36° 19' 36" West a distance of 38.03 feet to a point;

Thence through the unordained roadway and lands of East Stroudsburg University of the State System of Higher Education along a curve to the right having a radius of 200.00 feet, an arc length of 70.36 feet and having a chord bearing North 54° 02' 33" East a distance of 70.00 feet to a point on the easterly lot line of lands of East Stroudsburg University of the State System of Higher Education;

Thence South 36° 19' 36" East a distance of 37.58 feet to a point, the place of BEGINNING.

Containing an area of 2,790 square feet.

BEING part of the same premises conveyed to East Stroudsburg University of the State System of Higher Education by deed recorded at the Monroe County Recorder of Deeds Office at Deed Book 2237 Page 7793 and consisting of a portion of the easterly half of a forty foot wide unordained road, the ownership rights to which have reverted back to the two adjoining properties, the easterly property owned by East Stroudsburg University of the State System of Higher Education, the parcel identified above.

Easement #4 (Plan Exhibit 6)

(Well #1) BEGINNING at a point, being the southwest corner of lands of East Stroudsburg University of the State System of Higher Education as recorded in the Monroe County Recorder of Deeds, Deed Book 2129 Page 3153; said point being North 23° 29' 07" West a distance of 163.19 feet from the center of East Stroudsburg Borough Well #1 having State Plane Coordinates (NAD 83 PA North Zone) Northing 313,358.9433 Easting 2,681,023.4318; thence by said East Stroudsburg University, the following three (3) courses and distances:

(1) North 36° 19' 36" West a distance of 37.58 feet to a point;

(2) By a curve to the right having a radius of 200.00 feet, an arc length of 93.71 feet and having a chord bearing North 77° 32' 40" East a distance of 92.85 feet to a point;

(3) South 53° 40' 24" West a distance of 84.91 feet to a point, the place of BEGINNING.

Containing an area of 1,934 square feet.

BEING part of the same premises conveyed to East Stroudsburg University of the State System of Higher Education, by deed recorded at the Monroe County Recorder of Deeds Office at Deed Book 2129 Page 3153.

(c) Execution.—The easement agreement under this section shall be executed by the President of the East Stroudsburg University of Pennsylvania of the State System of Higher Education.

Section 3. Costs and fees.

Costs and fees incidental to the conveyance of the permanent easements under this act shall be borne by the grantee.

Section 4. Expiration.

If the parties have not entered into easement agreements within 12 months after the effective date of this section, the authorization under this act shall expire.

Section 5. Effective date.

This act shall take effect immediately.

APPROVED—The 1st day of July, A.D. 2016

TOM WOLF