



County of Lackawanna

Lackawanna County
Administration Building
200 Adams Avenue
Scranton, Pennsylvania
18503

Certified Copy

Ordinance: 13-0090

File Number: 13-0090

Ordinance #226

Second Reading

Eminent Domain

First Reading: May 8, 2013

Second Reading: May 22, 2013

BOARD OF COMMISSIONERS
OF THE
COUNTY OF LACKAWANNA, PENNSYLVANIA
ORDINANCE #226

AN ORDINANCE of the County of Lackawanna, Pennsylvania providing for the acquisition of certain property for the enhancement of public safety and improvement of the Lackawanna County Prison all located within the City of Scranton, Lackawanna County, Pennsylvania.

**THE BOARD OF COMMISSIONERS OF THE COUNTY OF LACKAWANNA DO
HEREBY ORDAIN as follows:**

Section 1. Recitals

1.1: Section 1.3-302(o) of the Lackawanna County Home Rule Charter ("Charter") authorizes the County Commissioners to acquire property by eminent domain. 335 Pa. Code § 1.3-302(o).

1.2: Section 1.3-309(h) of the Charter requires an Ordinance for the exercise of eminent domain power. 335 Pa. Code § 1.3-309(h).

1.3: Lackawanna County is engaged in the design and construction of supplementary employee parking at the Lackawanna County Prison in an effort to enhance public safety.

1.4: The public use and necessity require that the property and the property rights herein identified be condemned, appropriated and taken for a public use by the County of Lackawanna for such purposes as it may now or hereafter declare in the public interest.

Section 2. Public Use and Necessity

2.1: The public convenience, use and necessity demand that portions of or entire parcels of the real property described in Appendix "A" hereto in Scranton, Lackawanna County, Pennsylvania be and the same are hereby condemned for the enhancement of public safety and improvement of the Lackawanna County Prison.

2.2: In the condemnation of the described property for the improvement of the Lackawanna County Prison, and for general municipal purposes, the County of Lackawanna shall acquire a fee interest in

portions of parcels or entire parcels of property as described in Appendix "A".

Section 3. Property for Public Use - Just Compensation

3.1: All lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Appendix "A" or portions are hereby condemned, appropriated, taken and damaged for the purpose of improving the Lackawanna County Prison and other public use, and all lands, rights, privileges and other properties are to be taken, damaged and appropriated only after just compensation has been made, or paid into court, for the owners thereof in a manner provided by law.

Section 4. Reservation

4.1: Nothing in this Ordinance limits the County of Lackawanna in its identification and acquisition of property and property rights necessary for these purposes. The County of Lackawanna reserves the right to acquire other of different properties for improvement of the Lackawanna County Prison.

Section 5. Prosecution

5.1: The County Solicitor, and any special assistant County attorneys, be and they are hereby authorized and directed to begin and prosecute the actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the lands and other property necessary to carry out the provisions of this Ordinance. In conducting said condemnation proceedings, the Office of the County Solicitor and any special assistant County attorneys are hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 6. Effective Date

6.1: This Ordinance shall take effect ten (10) days following enactment.

ADOPTED at a regular meeting of the Board of Commissioners of Lackawanna County held on May 22, 2013.

COUNTY OF LACKAWANNA


COREY D. O'BRIEN


JIM WANSACZ


PATRICK M. O'MALLEY

ATTEST:



MARIA ELKINS
CHIEF OF STAFF

Approved as to form and legality:



DONALD J. FREDERICKSON, ESQUIRE
COUNTY SOLICITOR

Appendix "A"

Acquisition Parcel No.: 1

Tax Map No.: 14609-040-023

Owner(s): William Hunt

Site Address: 1325 North Washington Avenue, Scranton, Pennsylvania 18509

LEGAL DESCRIPTION

The land referred to is situated in the County of Lackawanna, City of Scranton, Commonwealth of Pennsylvania described as follows:

ALL the following described piece or parcel of land situate, lying, and being in the City of Scranton, County of Lackawanna and State of Pennsylvania, being Lot Number nineteen (19) in Block No. Three Hundred and Ten (310) and situate upon Washington Avenue, said lot being forty (40') feet wide in front and Two Hundred (200') feet in depth with the right to enclose Ten (10') feet in the front of the front line for yard, vault, porch, piazza, cellarway, but no other purpose.

SUBJECT to the same restrictions, reservations, exceptions and conditions as are contained in previous deeds in the chain of title.

BEING the same premises conveyed from John Szymanski, Sheriff of the County of Lackawanna to William A. Hunt by deed dated January 5, 1983 and recorded in the Office of the Recorder of Deeds in and for Lackawanna County in Record Book 1073, Page 245.

IMPROVED with a two story, single family dwelling, located at 1325 North Washington Avenue, Scranton, Pennsylvania.

Acquisition Parcel No.: 2

Tax Map No.: 14609-040-025

Owner(s): Leonard J. Petrilli

Site Address: 1321 Rear North Washington Avenue, Scranton, Pennsylvania 18509

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LEGAL DESCRIPTION

The land referred to is situated in the County of Lackawanna, City of Scranton, Commonwealth of Pennsylvania described as follows:

ALL the certain lot, piece or parcel of land situate in the City of Scranton, County of Lackawanna and State of Pennsylvania, comprising portions of Lot Number Eighteen (18) and Lot Number Six (6) in Square or Block Number Three hundred ten (310) upon Plot of Walsh and Hoban's Addition to the City of Scranton, and ore particularity bounded and described as follows:

Beginning at a point in the dividing line between Lots Numbers Eighteen (18) and Nineteen (19) in Block Number 310 and said Plot, distance one hundred fourteen (114) feet in a Northwesterly direction, measured along said dividing line form the Northwesterly building line on North Washington Avenue, said point being the Northerly corner of lands now or formerly of Michael Rebuck and Mary Rebuck, his wife, a distance of forty (40) feet to a corner in the dividing line between Lots Numbers Seventeen (17) and Eighteen (18) in Block Number 310 on said Plot; thence in a Northwesterly direction, along the dividing line between Lots Numbers Seventeen (17) and Eighteen (18) and continuing along the dividing line between Lots Numbers Five (5) and Six (6) in said Block, a distance of eighty-seven (87) feet to the Southerly corner of lands now or formerly of Winifred Sweeny Philbin; thence in a Northeasterly direction at right angles to said dividing line, and along the Southeasterly line of said lands now or formerly of Winifred Sweeney Philbin, a distance of forty (40) feet to a corner in the dividing line between Lots Number Six (6) and Seven (7), and continuing along the dividing line between Lots Numbers Eighteen (18) and Nineteen (19) in said Block a distance of eighty-seven (87) feet to the place of Beginning.

Being part of a larger parcel comprising all of Lot Number Eighteen (18) and a portion of Lot Number Six (6) in Block Number Three hundred ten (310) on the Plot of Walsh and

Hoban's Addition, which Ann Lewis, Single, Conveyed to John J. Shallow and Julia Sweeney Shallow, his wife, by Deed dated March 15, 1948 and recorded in Lackawanna County in Deed Book 477, at page 438, together with the right of common use of a roadway extending from North Washington Avenue Northwesterly through Lots Numbers Seventeen (17), Eighteen (18) and six (6) in said Block, to Wyoming Avenue, all as set forth in said Deed and the Deeds for other abutting properties with the understanding and agreement that the expense of upkeep of said roadway shall be shared by the owners of said properties, as therein, more particularly set forth. John J. Shallow died April 17, 1954 and title to said larger parcel thereupon vested in Julia Sweeney Shallow as surviving tenant by the entireties.

Julia Sweeney Shallow, widow, conveyed the front portion of Lot Number Eighteen (18) in said Block to Michael Rebuck and Mary Rebuck, his wife, by Deed dated March 21, 1955, and recorded in Lackawanna County in Deed Book 528, at page 356, and the remainder of said larger parcel was conveyed by the Executors of the Estate of Julia Sweeney Shallow, Deceased, to Rose Ann McClusky by Deed dated May 4, 1961 and recorded in Lackawanna County in Deed Book 583, at page 395. An error in the description of the common boundary line between the property so conveyed to Michael Rebuck and Mary Rebuck, his wife, and the property conveyed to Rose Ann McClusky, dated November 2, 1963 and recorded in Lackawanna County in Deed Book 600, at page 261, which established the common boundary line between said properties as a line running parallel with and distant one hundred fourteen (114) feet Northwesterly from the building line of said Lot Number Eighteen (18) on North Washington Avenue, or one hundred twenty-four (124) feet from the fence line on North Washington Avenue, rather than one hundred twenty-four (124) feet from the building line, as described in the aforesaid Deeds to Michael Rebuck and wife and Rose Ann McClusky, and thereby correcting the depth of the above described premises to measure eighty-seven (87) feet Northwesterly from said common boundary line to the Southwesterly line of lands now or formerly of Winifred Sweeney Philbin, rather than seventy-seven (77) feet, as set forth in the original Deed to Rose Ann McClusky.

Together with the right of common use of the roadway leading from North Washington Avenue Northwesterly through the above described premises and adjacent properties, to Wyoming Avenue, as more particularly set forth in prior Deeds, and together with and subject to the right of common use of walkways and utility lines serving the above described premises and the property now or

**formerly owned by Michael Rebcuk and Mary Rebuck, his wife,
all as more particularly set forth in the above recited Deeds.**

**Subject to the exceptions, reservations, restrictions and conditions
contained in prior Deeds.**

**Being the same premises conveyed by Terrence L. Baker and Judy
G. Baker, his wife, to Leonard J. Petrilli, by Deed dated December
29, 1986 and recorded in the Office of the Recorder of Deeds of
Lackawanna County in Deed Book 1192, page 701.**

Acquisition Parcel No.: 3

Tax Map No.: 14609-040-026

Owner(s): Carol L. Smith

Site Address: 1319 North Washington Avenue, Scranton, Pennsylvania 18509

LEGAL DESCRIPTION

The land referred to is situated in the County of Lackawanna, City of Scranton, Commonwealth of Pennsylvania described as follows:

BEING Lot number seventeen (17) in Square or Block Number Three Hundred Ten (310) according to the plan or plot of Walsh and Hoban's Addition to the City of Scranton, situate on North Washington Avenue in said City, and being forty (40) feet in width in front on North Washington Avenue, the same width in rear and two hundred (200) feet in depth.

TOGETHER with the right to use ten feet in front of the front line of said lot for yard, vault, porch, piazza, cellarway and bay window, as contained in former deeds in the line of title to said premises.

SUBJECT to the same exceptions and reservations as are contained in the former deeds in the line of title.

BEING the same premises conveyed from Paul J. Reggie to Carol L. Smith by deed dated November 24, 2009 and recorded in the Office of the Recorder of Deeds in and for Lackawanna County at Instrument Number 200929795.

** Assessors Inquiry **

Search by ... or or Add Any
Map# 14609040023 Own _____ Loc _____ Criteria _____
Or muni code _____

1=Detail 2=Assessment Changes 3=Previous Owners <Since 1990>

-	14609	040	023	HUNT WILLIAM A	1325 N WASHINGTON AV	SCRANTON
-	14609	040	024	REBUCK MARY	1321 1323 N WASHINGT	SCRANTON
-	14609	040	025	PETRILLI LEONARD J	1321-23 R NORTH WASH	SCRANTON
-	14609	040	026	SMITH CAROL L	1319 N WASHINGTON AV	SCRANTON
-	14609	040	027	LEE DONALD W & MILLER CASS	1315 N WASHINGTON AV	SCRANTON
-	14609	040	02701	BEAVERS LILLIAN MAE	1315 R NORTH WASHING	SCRANTON
-	14609	040	028	BRUNO LISA & MICHAEL & PATTER	1311 N WASHINGTON AV	SCRANTON
-	14609	040	029	SAGGESE JOHN	1305 1307 WASHINGTON	SCRANTON
-	14609	040	030	FERGUSON ALOYSUES & PAUL	435-37 LARCH	SCRANTON
-	14609	040	031	BURT MILLER BASWICK & CAR	1301 1303 WALSH & LA	SCRANTON
-	14609	040	032	FRABLE TAMMY LEWIS	1304 WASH & LARCH	SCRANTON
-	14609	040	033	FRIETTO GEORGE & MARI	519 521 LARCH ST	SCRANTON
-	14609	040	034	KIVLIN MAURA K & SMITH SHA	1308 WASHINGTON AVE	SCRANTON
-	14609	040	035	MAYSILLES MATTHEW I	1310 N WASHINGTON AV	SCRANTON
-	14609	040	036	NICHOLAS CHARLES A & OLYM	1312 1314 N WASHINGT	SCRANTON +

F3=Exit

F12=Reset

Page Up/Down

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