

**PENN LAKE PARK BOROUGH
LUZERNE COUNTY, PENNSYLVANIA
RESOLUTION NO. 2023 - 5**

**A RESOLUTION OF THE PENN LAKE PARK BOROUGH ESTABLISHING
ACQUISITION OF A FLOWAGE EASEMENT BY PARTIAL CONDEMNATION OF
AN UNDEVELOPED LOT ON LAKEVIEW DRIVE, BOROUGH OF PENN LAKE
PARK, COUNTY OF LUZERNE IN THE COMMONWEALTH OF PENNSYLVANIA**

WHEREAS, the Borough of Penn Lake Park (“Borough”) is a municipal corporation of the Commonwealth of Pennsylvania with a business address of P.O. Box 14, White Haven, Luzerne County, Pennsylvania 18661 incorporated under and governed by the Pennsylvania Borough Code, 8 Pa.C.S. §§ 101 et seq.

WHEREAS, the Borough Code affords the Borough the right to exercise eminent domain according to the proceedings set forth in 26 Pa.C.S.A. §§ 101 et seq., related to eminent domain. See 8 Pa.C.S. §1501.

WHEREAS, specifically, the Borough “may enter upon, appropriate, injure or destroy private lands, property or materials... for, inter alia, the erection and extension of water systems and the changing of watercourses.” 8 Pa.C.S. § 1501 (4), (5).

WHEREAS, the Pennsylvania Eminent Domain Code “provides a complete and exclusive procedure and law to govern all condemnations of property for public purposes and the assessment of damages.” 26 Pa.C.S. §102(a).

WHEREAS, the Borough intends and desires to acquire a flowage easement upon An undeveloped parcel of land on Lakeview Drive, White Haven, Penn Lake Park Borough, Luzerne County, Pennsylvania 18661 (“Basler Property”), the legal description and map of same attached hereto as Exhibit “A”, for the public purpose of renovating the certain dam bordering Penn Lake, the approximately 55-acre body of water located within the Borough.


WHEREAS, the aforementioned flowage easement is required on, over, under, across and through that certain portion of the Basler's Property more particularly described on the attached map of Exhibit "A" ("Easement Area").

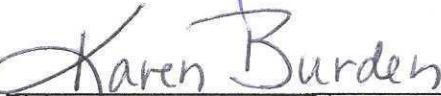
WHEREAS, the acquisition of the flowage easement upon the Easement Area is for a public purpose and is a permitted project under Section § 1501 of the Borough Code, which specifically allows for the Borough to condemn property for the erection and extension of water systems and the changing of watercourses. 8 Pa.C.S. § 1501 (4), (5).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council and it is hereby resolved by said Council that the Borough shall acquire the flowage easement upon the Basler Property for the purposes above stated.

RESOLVED on the 18th day of September at a continuation of the regularly scheduled meeting of the Borough Council duly advertised and commenced on the 14th day of September, 2023, a quorum being present.

PENN LAKE PARK BOROUGH

By: 
Paul Rogan, Borough Council President

Attest: 
Karen Burden, Borough Secretary

(SEAL)

Approved this 18th day of September, 2023


Thomas Carter, Mayor

EXHIBIT "A"

25 June 2023

**FLOW EASEMENT DESCRIPTION ACROSS LANDS OF
CAROLYN J. BASLER**

All that certain piece or parcel of land situate in the Borough of Penn Lake Park, County of Luzerne and Commonwealth of Pennsylvania bound and described as follows, to wit:

Commencing at a Mag nail set in the pavement of Lakeview Drive, said nail being a corner of lands N/F of Daniel R. & Michelle A. Cronauer;

Thence South $18^{\circ}-45'-30''$ East, forty-seven and ninety-nine hundredths (47.99) feet to a point, being the place of beginning, said point also being the northwesterly corner of Lot No. 151 as shown on a plot of lots know as Penn Lake Park as prepared by Sturdevant – Dilley Engr. Co.;

Thence through the lands of the Grantor herein (Carolyn J. Basler) the following two (2) courses and distances:

- 1.) Crossing an unnamed & undeveloped roadway, South $16^{\circ}-41'-07''$ West, one hundred sixty-five and seventy-three hundredths (165.73) feet to a point;
- 2.) South $80^{\circ}-54'-50''$ West, one hundred seventy-five and forty-six hundredths (175.46) feet to a point being the southwesterly corner of lands N/F of Penn Lake Park Borough;

Thence along lands N/F of Penn Lake Park Borough the following two (2) courses and distances:

- 1.) North $47^{\circ}-30'-00''$ East, two hundred thirty-nine and eighty-four hundredths (239.84) to a point;

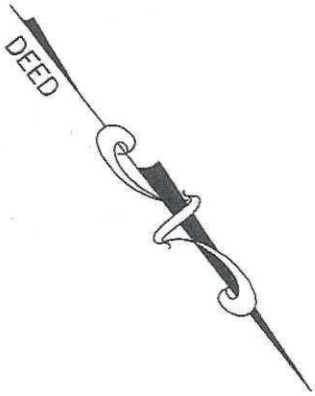
Basler Flow Easement Cont'd

- 2.) North 35°-40'-00" West, fifty-four and seventy-three hundredths (54.73) feet to a point along the southerly line of said Lakeview Drive;

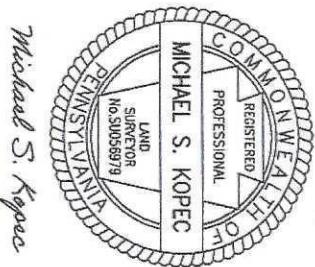
Thence along said Lakeview Drive, South 75°-13'-00" East, seventy-eight and fifty-two hundredths (78.52) feet to the point and place of beginning.

The above described parcel contains 15,868 sq ft of land, more or less, being all of the Flow Easement Area as shown on a Map entitled "Flow Easement Survey Map Basler Parcel", as prepared by Michael S. Kopec, P.L.S., dated 02/19/23, revised 06/20/23, recorded herewith and made a part hereof.

The above described is also a Flow Easement across a parcel of land as recorded in D.B 2112, Pg. 774.



LANDS OF
CAROLYN J. BASLER
 D.B. 2112, Pg. 774



Michael S. Kopeck

Lot No. 388

LANDS N/F OF
 PENN LAKE PARK BOROUGH

Flow Easement Area
 Contains 15,868 sq. ft.

FORMERLY UNNAMED ROADWAY
 50' Wide Right-Of-Way

N47°30'00"E
 239.84'

S16°41'07"N
 165.73'

N35°40'00"W
 54.73'

S75°13'00"E
 78.52'

S18°45'30"E
 47.95'

40' Wide R/W



Lot No. 151

Lot No. 152

LAKEVIEW DRIVE

**FLOW EASEMENT SURVEY MAP
 BASLER PARCEL**

PENN LAKE PARK BOROUGH LUZERNE COUNTY PENNSYLVANIA

Prepared by:
MICHAEL S. KOPECK, P.L.S.
 1093 THORNHURST ROAD
 BEAR CREEK TWP., PENNA. 18702 (570) 510-3127

DRAWN BY MSK SCALE 1"=30' DATE 02/19/23 REVISED 06/20/23