

**PENN LAKE PARK BOROUGH  
LUZERNE COUNTY, PENNSYLVANIA  
RESOLUTION NO. 2023 - 6**

**A RESOLUTION OF THE PENN LAKE PARK BOROUGH ESTABLISHING  
ACQUISITION OF PROPERTY BY CONDEMNATION OF PIN 75-N12S2-004-005,  
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 the undeveloped parcel of land on Lakeview Drive, White Haven, Penn Lake Park Borough, Luzerne County, Pennsylvania 18661 (“Phillips 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 Phillips Property is needed to be taken by the Borough to accommodate the additional water flowage caused by the dam renovations, as more particularly depicted on the attached map of Exhibit "A".


WHEREAS, the acquisition of Phillips Property 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 Phillips Property for the purposes above stated.

RESOLVED on the 18<sup>th</sup> day of September at a continuation of the regularly scheduled meeting of the Borough Council duly advertised and commenced on the 14<sup>th</sup> 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 18<sup>th</sup> day of September, 2023

  
Thomas Carter, Mayor

**EXHIBIT "A"**

09 May 2023

**FLOW EASEMENT DESCRIPTION ACROSS LANDS OF  
DAVID W. PHILLIPS, ET AL**

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:

Beginning at an iron pipe found in place along the southerly line of Lake View Drive, being the northwesterly corner of lands N/F of Thomas E. Carter;

Thence along said Carter lands, South 05°-06'-00" West, one hundred twenty and no hundredths (120.00) feet to a point along lands N/F of Carolyn J. Basler;

Thence along said Basler lands, North 58°-04'-30" West, eighty-one and eighty-seven hundredths (81.87) feet to a point, being the south easterly corner of lands N/F of Keblish;

Thence along said Keblish lands, North 05°-06'-00" East, one hundred and one hundredths (100.01) feet, passing an iron rebar set in place at 2.04' to an iron rebar set in place along aforesaid Lake View Drive;

Thence along said Lake View Drive, South 75°-50'-00" West, seventy-five and no hundredths (75.00) feet to the point and place of beginning.

The above described parcel contains 8.037 sq ft of land, more or less, being all of the Flow Easement Area as shown on a Map entitled "Flow Easement Survey Map Phillips Parcel", as prepared by Michael S. Kopec, P.L.S., dated 02/23/23, recorded herewith and made a part hereof.

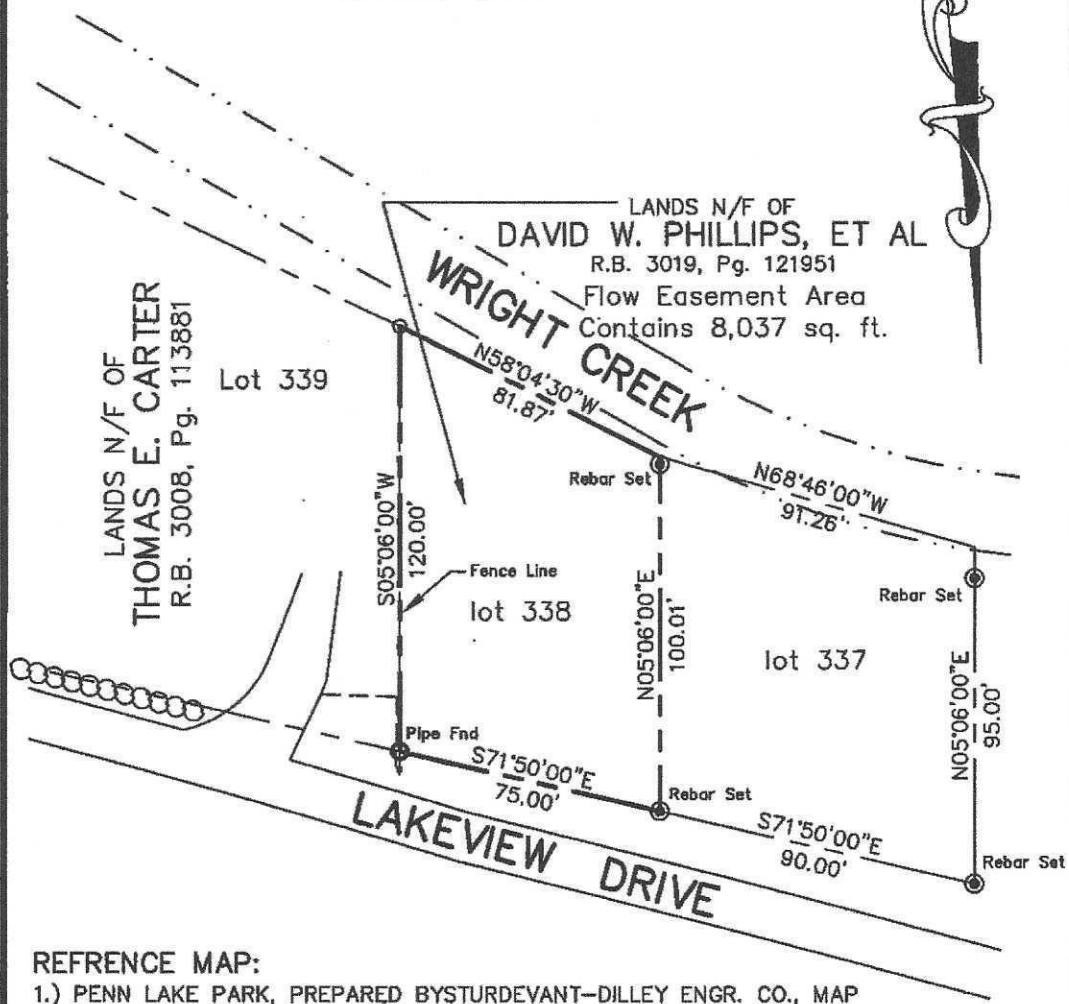
Page 2

Phillips Flow Easement Cont'd

The above described is also a Flow Easement, being all of a parcel of land as recorded in R.B 3019, Pg. 121951.

LANDS N/F OF  
**CAROLYN J. BASLER**  
 D.B. 2112, Pg. 774

DEED



LANDS N/F OF  
**THOMAS E. CARTER**  
 R.B. 3008, Pg. 113881

Lot 339

LANDS N/F OF  
**DAVID W. PHILLIPS, ET AL**  
 R.B. 3019, Pg. 121951  
 Flow Easement Area  
 Contains 8,037 sq. ft.

**WRIGHT CREEK**

**LAKEVIEW DRIVE**

**REFERENCE MAP:**

- 1.) PENN LAKE PARK, PREPARED BY STURDEVANT-DILLEY ENGR. CO., MAP R-8519, DATED 7-28-38, NOT RECORDED
- 2.) STREET OR ROAD PLAN OF PENN LAKE PARK BOROUGH, DATED JAN. 28, 1978, M.B. 33, Pg. 43



*Michael S. Kopec*

**FLOW EASEMENT SURVEY MAP**  
**PHILLIPS PARCEL**

PENN LAKE PARK BOROUGH LUZERNE COUNTY PENNSYLVANIA

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

DRAWN BY MSK SCALE 1" = 40' DATE 02/23/23 REVISED