

**PENN LAKE PARK BOROUGH  
LUZERNE COUNTY, PENNSYLVANIA  
RESOLUTION NO. 2023 - 8**

**A RESOLUTION OF THE PENN LAKE PARK BOROUGH ESTABLISHING  
ACQUISITION OF A FLOWAGE EASEMENT BY PARTIAL CONDEMNATION OF  
1141 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 the land known as 1141 Lakeview Drive, White Haven, Penn Lake Park Borough, Luzerne County, Pennsylvania 18661 (“Green 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 Green 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 Green 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  
WILLIAM & KAREN A. GREEN**

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 rebar set in place along the northerly line of Lake View Drive, being the southeasterly corner of The Second Thereof of lands N/F of William & Karen A. Green;

Thence through the lands of the Grantors herein (William & Karen A. Green), North 21°-39'-59" West, fifty-eight and fifty-seven hundredths (58.57) feet to an iron rebar set in place along lands N/F of Penn Lake Park Borough;

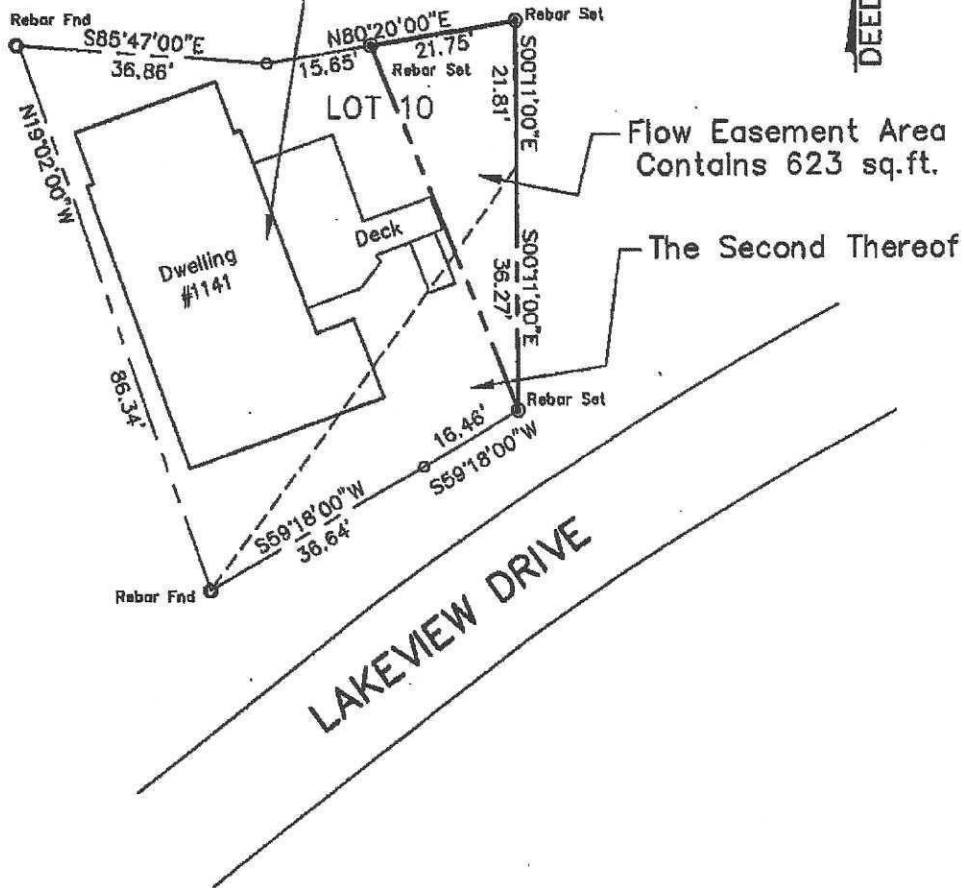
Thence along said Penn Lake Park Borough lands, the following two (2) courses and distances:

- 1.) North 80°-20'-00" East, twenty-one and seventy-five hundredths (21.75) feet to an iron rebar set in place;
- 2.) South 00°-11'-00" East, fifty-eight and eight hundredths (58.08) feet to the point and place of beginning.

The above described parcel contains 623 sq ft of land, more or less, being all of the Flow Easement Area as shown on a Map entitled "Flow Easement Survey Map Green Parcel", as prepared by Michael S. Kopec, P.L.S., dated 04/03/23, recorded herewith and made a part hereof.

The above described is also a Flow Easement across a parcel of land as recorded in R.B 3016, Pg. 246146.

LANDS N/F OF  
**WILLIAM GREEN  
 & KAREN A. GREEN**  
 R.B. 3016, Pg. 246146  
 The First Thereof



*Michael S. Kopec*

**FLOW EASEMENT SURVEY MAP  
 GREEN PARCELS**

PENN LAKE PARK BOROUGH    LZERNE 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"=10'	DATE 04/03/23	REVISED
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