

**BOROUGH OF OLD FORGE
LACKAWANNA COUNTY, PENNSYLVANIA**

ORDINANCE 6-2023

AN ORDINANCE AFFIXING THE BOUNDARIES OF A DETERIORATED AREA WITHIN THE BOROUGH OF OLD FORGE OF A CERTAIN PARCEL OF LAND LOCATED OFF HOWARD STREET AND FORGE STREET IN THE BOROUGH OF OLD FORGE AND IDENTIFIED AS PART OF PIN NO. 18412-040-004; OWNED BY HOLLY RIDGE ESTATES; GRANTING EXEMPTIONS FROM REAL PROPERTY TAXES FOR THE COST OF NEW CONSTRUCTION OR IMPROVEMENTS ON SAID PARCEL; SETTING FORTH AN EXEMPTION SCHEDULE FOR EACH YEAR FOR TEN YEARS; AND PROCEDURE FOR OBTAINING SAID EXEMPTION PURSUANT TO THE PENNSYLVANIA LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, (“LERTA”).

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania passed Act 76 of 1977, (72 P.S. §4722, et seq.), known as the Local Economic Revitalization Tax Assistance Act (the “LERTA”), authorizing local taxing authorities to grant a tax exemption for certain “improvements” constructed on defined “deteriorated properties”;

WHEREAS, pursuant to an application under the Tax Increment Financing Act (P.L. 465, July 11, 1990 et seq., as amended; 53 P.S. §6930.1 et seq.) “TIF”, the Borough of Old Forge Planning Commission, (the “Planning Commission”), adopted a Resolution on August 6, 2009, (the “Resolution”), which determined that certain property consisting of approximately 23 acres of land located off Forge Street and Howard Street and is identified as PIN No.’s 18412-040-004 and 18412-040-003, owned formerly by JMG Construction, Inc. as a blighted area within the Borough of Old Forge, in accordance with within the meaning of the Urban Redevelopment Law of 194 (5 P.L. 1991 No. 385);

WHEREAS, on December 9, 2009, the Redevelopment Authority of the County of Lackawanna adopted Resolution No. 1084-09 approving the Tax Incremental Financing Plan for the

Old Forge Tax Increment Financing District for approximately 23 acres of land located off Forge Street and Howard Street and is identified as PIN No.18412-040-004 owned formerly by JMG Construction, Inc. (TIF);

WHEREAS, the TIF for said property was tabled by the Redevelopment Authority of the County of Lackawanna at the request of the former owner on February 16, 2010 and no further action was taken by any of the municipalities levying taxes within the boundaries of the TIF district;

WHEREAS, the Redevelopment Authority of the County of Lackawanna has disavowed and terminated the TIF for the said property as well as the TIF District for said property by Resolution voted upon by the all five Authority Board members responding in the affirmative that they are in favor of the Resolution regarding disavowing and dissolving the Tax Increment Financing Plan for the Old Forge Tax Increment Financing District located at the ends of Forge Street and Howard Street, have Tax Map Parcel Numbers of 18412-040-04 and 18412-040-003 with formal action ratifying the Resolution to be taken at the September 13, 2023 Authority Board Meeting. *(Copy of same attached to this Ordinance).*

WHEREAS, the said property formerly owned by JMG Construction Inc., now owned by Holly Ridge Estates Realty, Inc., is in an area previously designated by the Borough of Old Forge Planning Commission as blighted and the new owner Holly Ridge Estates Realty, Inc., is seeking an exemption from real property taxes under LERTA for a period of ten (10) years for said property;

WHEREAS, Holly Ridges Estates Realty, Inc. has requested the Borough of Old Forge to grant a tax exemption for certain "improvements" to be constructed on a district on a certain parcel of land within the Borough located at the ends of Forge Street and Howard Street, having Tax Map

Parcel Numbers of 18412-040-004, containing approximately 23 acres of land more particularly described on Exhibit "A" attached hereto, ("Property"); Said improvements may consist of up to a maximum of eighty (80) townhouse units containing up to three bedrooms each and up to a maximum of twelve (12) apartment buildings containing one or two bedroom units up to a maximum of (112) apartments; and

WHEREAS, pursuant to LERTA and the Ordinance, the Old Forge Borough Council, (the "Council"), desires to exempt, for a period of ten (10) years, the subject Property situate in the Borough from real property taxes that would otherwise be payable to the Borough of Old Forge as a result of an increase in the tax assessment for that portion of the Property situate in the Borough attributed to the cost of future improvements constructed thereon as follows:

- Year 1-100% Real Estate Tax Exemption;
- Year 2-100% Real Estate Tax Exemption;
- Year 3-90% Real Estate Tax Exemption;
- Year 4-90% Real Estate Tax Exemption;
- Year 5-80% Real Estate Tax Exemption;
- Year 6-80% Real Estate Tax Exemption;
- Year 7-70% Real Estate Tax Exemption;
- Year 8-70% Real Estate Tax Exemption;
- Year 9-60% Real Estate Tax Exemption;
- Year 10-50% Real Estate Tax Exemption.

NOW, THEREFORE IT IS HEREBY ENACTED AND ORDAINED, by the Borough Council of the Borough of Old Forge, Lackawanna County, Pennsylvania, that it is hereby enacted and ordained by the authority of the laws by which Boroughs are governed and Act 76 of 1977, and

subsequently amended such legislation on July 13, 1988, known as the Local Economic Revitalization Tax Assistance Act (the "LERTA Statute") as follows:

(1) A public hearing was held by the Borough of Old Forge on July 27, 2023, for the purpose of to determine and affix the boundaries of the deteriorated property. At the public hearing the local taxing authorities, planning commission or redevelopment authority and other public and private agencies and individuals, knowledgeable and interested in the improvement of deteriorated areas, were given the opportunity to present their recommendations concerning the location of boundaries of a deteriorated area or areas for the guidance of the municipal governing bodies, such recommendations taking into account the criteria set forth in the act of May 24, 1945 (P.L. 991, No. 385), known as the "Urban Redevelopment Law," for the determination of "blighted areas," and the criteria set forth in the act of November 29, 1967 (P.L. 636, No. 292), known as the "Neighborhood Assistance Act".

(2) The Borough of Old Forge affixes the boundaries of a deteriorated property as a certain parcel of land within the Borough located at the ends of Forge Street and Howard Street, having Tax Map Parcel Numbers of 18412-040-004, containing approximately 23 acres of land more particularly described on Exhibit "A" attached hereto, ("Property").

(3) The Borough of Old Forge designates the certain parcel of land within the Borough located at the ends of Forge Street and Howard Street, having Tax Map Parcel Numbers of 18412-040-004, containing approximately 23 acres of land more particularly described on Exhibit "A" attached hereto, ("Property") as blighted within the Borough of Old Forge, in accordance with within the meaning of the Urban Redevelopment Law of 194 (5 P.L. 1991 No. 385), ("LERTA") and as such is a deteriorated property as defined under LERTA.

(4) The Borough of Old Forge grants a tax exemption pursuant to the provisions of LERTA Act and provides for tax exemption on the assessment attributable to the actual cost of new construction or improvements for a period of ten (10) years beginning on January 1 of the year following the year in which the Borough issues an occupancy permit for the improvement on the Property, as defined by the LERTA Act, to the Project Site, ("Tax Exemption") the same shall be exempt from real property taxes otherwise payable to the Borough of Old Forge as a result of an increase in the tax assessment for the Property attributed to the cost of future improvements constructed thereon as follows:

- Year 1-100% Real Estate Tax Exemption on new construction or improvements;
- Year 2-100% Real Estate Tax Exemption on new construction or improvements;
- Year 3-90% Real Estate Tax Exemption on new construction or improvements;
- Year 4-90% Real Estate Tax Exemption on new construction or improvements;
- Year 5-80% Real Estate Tax Exemption on new construction or improvements;
- Year 6-80% Real Estate Tax Exemption on new construction or improvements;
- Year 7-70% Real Estate Tax Exemption on new construction or improvements;
- Year 8-70% Real Estate Tax Exemption on new construction or improvements;
- Year 9-60% Real Estate Tax Exemption on new construction or improvements;
- Year 10-50% Real Estate Tax Exemption on new construction or improvements.

(5) This Exemption from the Borough real property taxes as provided for in this Ordinance shall be forfeited by Holly Ridge Estates, Inc., or other responsible taxpayer or subsequent owner of the Property and such Exemption shall be revoked by the Borough upon occurrence of any of the following:

A. The failure to pay in full any non-exempt real estate taxes by the last day of the time period to pay such taxes at the penalty period. Upon receipt of the notice of nonpayment of non-exempt real property taxes, the Borough shall immediately terminate the Exemption.

B. The failure to pay when due any amount due and owing the Borough. Upon receipt of notice of nonpayment of any such amount, the Borough shall immediately terminate the Exemption.

C. The failure to obtain and pay in full all fees for all necessary and property permits, licenses and certificates prior to commencement of construction of the Improvements to or occupancy of, the Property.

D. The failure to comply with the minimum standards established by all applicable laws, ordinances, codes, rules and regulations.

E. The failure to comply with the provisions of this Ordinance.

Notwithstanding the foregoing, Holly Ridge Estates, Inc., or other responsible taxpayer or subsequent owner of the Property shall be given thirty (30) days to cure any default condition set forth in A. through E., upon written notice sent by the Borough of termination of the Exemption due to a default condition. After the expiration of thirty (30) days, the termination of the Exemptions shall be final.

(6) The Borough Council is hereby authorized and empowered to adopt, promulgate, amend, implement and enforce, by Resolution of the Borough Council from time to time, reasonable rules and regulations to carry out the terms and provisions of this Ordinance.

(7) The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection clause, sentence or part thereof had not been included herein.

(8) The exemption from taxes authorized by this Ordinance upon the Property shall be governed and interpreted pursuant to the provisions of LERTA Act., as may be amended and interpreted by the Courts of the Commonwealth of Pennsylvania.

(9) All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed in so far as they are inconsistent with this Ordinance.

(10) This Exemption and this Ordinance shall be effective upon the Redevelopment Authority of the County of Lackawanna ratifying the Resolution disavowing and terminating the TIF as well as the TIF District for the Property having Tax Map Parcel Numbers of 18412-040-04 and 18412-040-003 voted upon on July 21, 2023 to be ratified at the September 13, 2023 Authority Board Meeting. *(Copy of same attached to this Ordinance).*

(11) This Ordinance shall be effective upon enactment.

DULY ENACTED AND ORDAINED this 27th day of July 2023 at its Regularly Scheduled Meeting.

ATTEST:

BOROUGH OF OLD FORGE

MaryAnn Baisette

Secretary of Council

Robert J. Yegg

President of Council

Approved by the Mayor on:

MAYOR

Date: 7-27-2023

Robert J. Yegg

This is to certify that the foregoing Ordinance was duly adopted by the Council of the Borough of Old Forge, County of Lackawanna and Commonwealth of Pennsylvania at this meeting held on the 27 day of July 2023.

MaryAnn Baisette
SECRETARY

**REDEVELOPMENT AUTHORITY OF
LACKAWANNA COUNTY
RESOLUTION**

RESOLUTION NO.
OF THE
REDEVELOPMENT AUTHORITY OF THE COUNTY OF LACKAWANNA

**A RESOLUTION DISAVOWING AND DISSOLVING THE TAX
INCREMENTAL FINANCING PLAN FOR THE OLD FORGE TAX INCREMENT
FINANCING DISTRICT FOR A CERTAIN PARCEL OF LAND WITHIN THE
BOROUGH OF OLD FORGE LOCATED AT THE ENDS OF FORGE STREET AND
HOWARD STREET, HAVING TAX MAP PARCEL NUMBERS OF 18412-040-004 AND
18412-040-003.**

WHEREAS, the "Tax Increment Financing Act" (P.L. 465 July 11, 1990 et seq., as amended; 53 P.S. Section 6930.1 et seq.) ("TIF") grants powers to industrial and commercial development authorities and redevelopment authorities to address conditions of blight and inadequate planning and development and increase taxes;

WHEREAS, on August 6, 2009, the Old Forge Borough Planning Commission advised the Borough of Old Forge that a certain portion of vacant land owned formerly owned by JMG Construction Inc. Containing approximately 23 acres located off Forge Street and Howard Street, identified by PIN No.'s 18412-040-004 and 18412-040-003 (hereinafter the "Project") for a Project being considered for a TIF by the Redevelopment Authority of the County of Lackawanna was determined as blighted within the meaning of the Urban Redevelopment Law of 194 (5 P.L. 1991 No. 385).

WHEREAS, on December 9, 2009, the Redevelopment Authority of the County of Lackawanna adopted Resolution No. 1084-09 approving the Tax Incremental Financing Plan for the Old Forge Tax Increment Financing District for the Project;

WHEREAS, on February 16, 2010, at its Regular and Annual Reorganization meeting, of the Redevelopment Authority of Lackawanna County, the Board was informed by the Director of the Redevelopment Authority of Lackawanna County that the TIF approved at the previous meeting had been tabled and will not go forward as the developer had not secured the necessary variances for the Project with no action or vote taken nor motion was made to table the matter by the Board since;

WHEREAS, the existence of the TIF District only terminates upon the Redevelopment Authority of Lackawanna County its creator by resolution dissolves the district and may exist for a period not to exceed 20 years;

WHEREAS, the Borough of Old Forge has not approved of the TIF District as set forth in Resolution No. 1084-09 adopted by Redevelopment Authority of Lackawanna County; and

WHEREAS, the Borough of Old Forge has not approved a TIF District for the district as described in Resolution No. 1084-09 adopted by Redevelopment Authority of Lackawanna County and **desires to** disavow any participation is said TIF District for the remainder of its

existence in order to consider the approval of granting a tax exemption for certain “improvements” constructed on defined “deteriorated properties pursuant to the Local Economic Revitalization Tax Assistance Act, (the “LERTA Act 76 of 1977), as amended.

NOW, THEREFORE IT IS HEREBY RESOLVED by the Redevelopment Authority of Lackawanna County, Lackawanna County, Pennsylvania, that:

(1) The Redevelopment Authority hereby disavows and dissolves the TIF District as set forth in Resolution No. 1084-09 adopted by Redevelopment Authority of Lackawanna County and the Chairman and Secretary are hereby authorized to execute all documents related said resolution.

ADOPTED and APPROVED THIS _____ DAY OF _____, 2023.

Kevin McDonough, Chairman

Charles Jefferson, Secretary

EXHIBIT "A"



Evie Rafalko McNulty
 Lackawanna Recorder of Deeds
 123 Wyoming Ave, Suite 218
 Scranton, PA 18503

This is a certification page

This page is now part of this legal document - DO NOT DETACH



Recording:

Recording Fee ROD	\$13.00
Cover/Index Page	\$2.00
Additional Names	\$0.00
Additional Page	\$6.00
Additional Acknowledgement	\$0.00
Additional Parcel	\$0.00
County Improvement	\$2.00
Parcel Identification	\$10.00
ROD Improvement Fee	\$3.00
State Writ Tax	\$0.50
Statement of Value	\$0.00
State JCS/Access to Justice	\$40.25
Affordable Housing	\$13.00
Additional References (Assgn., Assgn Mort.)	\$0.00
References (Satisfactions)	\$0.00
Local RTT Tax	\$4,250.00
State RTT Tax	\$4,250.00
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Total:	\$8,589.75

Instrument #: 202102871

Receipt #: 21-373

Clerk: Henehanl

Rec Date: 02/11/2021 12:18:28 PM

Num Pages: 8

Document Type: DEED

Rec'd From: COWLEY LAW OFFICES LLC

Party 1: JMG CONSTRUCTION INC

Party 2: HOLLY RIDGE ESTATES INC

****NOTICE: This is not a Bill.****

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office of Lackawanna County, Pennsylvania.



Evie Rafalko McNulty

Evie Rafalko McNulty
 Recorder of Deeds

**Information may change during the verification process and may not be reflected on this page.

Record and Return To:

COWLEY LAW OFFICES LLC
 114 N ABINGTON RD
 CLARKS GREEN, PA 18411

THIS DEED

MADE the 19th day of January, in the year of our Lord Two Thousand Twenty-one (2021).

BETWEEN:

JMG CONSTRUCTION, INC., a Pennsylvania Corporation maintaining a business address of 100 Foote Avenue, Duryea, Pennsylvania, hereinafter called "**GRANTOR**".

- A N D -

HOLLY RIDGE ESTATES, INC., a Pennsylvania Corporation maintaining an address of 211 Amity Avenue, Old Forge, Pennsylvania, hereinafter called "**GRANTEE**".

WITNESSETH

That in consideration of -----
----- **FOUR HUNDRED TWENTY-FIVE THOUSAND AND 00/100 (\$425,000.00)** -----
lawful money of the United States of America, well and truly paid by the said **GRANTEE** to the said **GRANTOR**, at and before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said **GRANTEE**, its, successors and assigns:

ALL the surface or right of soil of and in all that certain lot, piece or parcel of land situate, lying and being partly in the Borough of Old Forge and partly in the Borough of Moosic, County of Lackawanna and State of Pennsylvania, described as follows:

BEGINNING at a point in the southerly line of Howard Street, distant one hundred thirty six and eighty one-hundredths (136.80) feet measured along said line of Howard Street on a course of south eighty-five degrees nine minutes west (S. 85° 09'

W.) from the northwesterly corner of a parcel of surface conveyed by Pennsylvania Coal Company, to Joseph Chipp and Wife, by deed dated May 17, 1956, being the northwesterly corner of Lot No. 7 on said Howard Street as shown on map of said Pennsylvania Coal Company; thence by other lands now or formerly of Pennsylvania Coal Company, south fifty-six degrees twelve minutes east (S. 56° 12' E.) one hundred seventy three and twenty-two one hundredths (173.22) feet, more or less, to the southwesterly corner of Lot No. 7 aforesaid; thence along the rear or southerly line of Lots numbered 7, 9, 11, 13 and 15 on said Howard Street, the following courses and distances: south fifty-five degrees forty-four minutes east (S. 55° 44' E.) eleven (11) feet; south eighty-five degrees twenty-five minutes East (S. 85° 25' E.) forty-one and eighty-four one-hundredths (41.84) feet; south eighty-seven degrees thirty-nine minutes east (S. 87° 39' E.) one hundred and sixty-one one-hundredths (100.61) feet and south eighty-eight degrees twenty-three minutes east (S. 88° 23' E.) one hundred and thirty one-hundredths (100.31) feet to the southwesterly corner of Lot No. 15 aforesaid; thence along the easterly line of said Lot No. 15, north four degrees three minutes west (N. 4° 03' W.) nineteen and fourteen one-hundredths (19.14) feet to the southwesterly corner of Lot No. 17 on said Howard Street; thence along the rear or southerly line of said Lot No. 17 and No. 19 on said Howard Street, north eighty-five degrees nine minutes east (N. 85° 09' E.) one hundred (100) feet to the westerly line of Lot No. 21; thence along said last mentioned line, south four degrees three minutes east (S. 4° 03' E.) twenty-seven (27) feet, more or less, to the south-westerly corner of said Lot No. 21; thence long the rear or southerly line thereof, north eighty degrees thirty-five minutes east (N. 80° 35' E.) fifty and seventeen one hundredths (50.17) feet to the southeasterly corner thereof; thence along the easterly line of said Lot No. 21, north four degrees three minutes west (N. 4° 03' W.) eight (8) feet to the southerly line of an alley; thence along said line of alley and the extension northeasterly thereof, north eighty-five degrees nine minutes east (N. 85° 09' E.) one hundred twenty-seven and ninety one-hundredths (127.90) feet, more or less, to the easterly line of Tindale Street; thence along said last mentioned line, north seven degrees fifty-four minutes east (N. 7° 54' E.) one hundred thirty-six (136) feet, more or less, to the southerly line of Howard Street; thence along said line of Howard Street, south eighty-two degrees six minutes east (S. 82° 06' E.) two hundred twenty-five (225) feet to a point; thence north seven degrees fifty-four minutes east (N. 7° 54' E.) parallel with aforesaid easterly line of said Tindale Street, four hundred twenty-six (426) feet, more or less, to the southerly right-of-way line of the Bloomsburg Division of the Delaware, Lackawanna and Western Railroad, now Erie-Lackawanna Railroad; thence along said right-of-way line the following courses and distances: southeasterly, by a curve to the right with a radius of one thousand nine hundred fifty-three (1,953) feet, a distance of two hundred ten (210) feet, more or less, to a point of tangent; south twenty-four degrees seven minutes east (S. 74° 07' E.) two hundred forty-seven and thirty one-hundredths (247.30) feet; south

eighty-two degrees thirty-nine minutes east (S. 82° 39' E.) one hundred one and twelve one-hundredths (101.12) feet and south seventy-four degrees seven minutes east (S. 74° 07' E.) eight hundred twenty (820) feet, more or less, to the southeasterly right-of-way line of the Old Forge Breaker Branch of the said Erie-Lackawanna Railroad; thence southwesterly, along said last mentioned right-of-way line, by a curve to the left with a radius of three hundred eighteen and twenty-seven one-hundredths (318.27) feet, a distance of one hundred twenty (120) feet, more or less, to its intersection with the northwesterly bank of the Lackawanna River; thence southwesterly, along said bank of said Lackawanna River, two hundred fifty (250) feet, more or less, to a point in the easterly line of a parcel of surface described as the "Seventh" parcel in deed from Pennsylvania Coal Company to the Erie and Wyoming Valley Railroad Company, now Erie-Lackawanna Railroad, dated October 2, 1917 and recorded in Lackawanna County Deed Book 283 at page 76; thence along said last mentioned line, south eighteen degrees fourteen minutes east (S. 18° 14' E.) seventy (70) feet, more or less, to the northerly corner of lands known as the George T. Smith Tract heretofore conveyed to Pennsylvania Coal Company, by Frank C. Mosier, Guardian, and others, by deed dated May 7, 1921 and recorded as aforesaid in Deed Book 311 at page 185; thence along said George T. Smith Tract, the following courses and distances: south thirty-two degrees thirty-four minutes east (S. 32° 34' E.) three hundred five and twenty-five one-hundredths (305.25) feet to the easterly corner thereof; south sixty-three degrees forty-one minutes west (S. 63° 45' W.) four hundred ninety-five (495) feet and south sixty three degrees fifty-six minutes west (S. 63° 56' W.) four hundred seventy-eight and fifty one-hundredths (478.50) feet to the southerly corner thereof; thence along the westerly line of said George T. Smith Tract, north eleven degrees thirty-four minutes west (N. 11° 34' W.) two hundred twenty-eight (228) feet, more or less, to the northerly bank of said Lackawanna River, eight hundred fifty (850) feet, more or less, to a point in the extension southerly of the westerly right-of-way line of the former Old Forge Branch of the said Erie-Lackawanna Railroad, now abandoned, marking the southerly corner of a parcel of surface conveyed by Pennsylvania Coal Company, to Joseph J. Menn, Junior and David R. Menn, trading and doing business as Leeco Realty Company, by deed dated December 27, 1966; thence along said last mentioned extension and right-of-way line, the following courses and distances: north five degrees thirty-three minutes east (N. 5° 33' W.) sixty (60) feet, more or less, to a point of curve; northeasterly, by a curve to the right with a radius of four hundred seventy-eight and thirty-four one-hundredths (478.34) feet a distance of six hundred eighty-six and thirty-nine one-hundredths (686.39) feet and north eighty-seven degrees fifty-five minutes east (N. 87° 55' E.) twenty-eight (28) feet to its intersection with the southerly right-of-way line of the aforesaid Old Forge Breaker Branch of said Erie-Lackawanna Railroad; thence along said last mentioned right-of-way line, the following courses and distances: north seventy-five degrees no minutes west (N. 75° 00' W.) one hundred

fifty-six (146) feet; north eighty degrees forty minutes west (N. 80° 40' W.) two hundred eighteen (218) feet to a point of curve; southwesterly, by a curve to the left with a radius of four hundred fifty-nine and twenty-eight one-hundredths (459.28) feet, a distance of three hundred six and sixty-seven one-hundredths (306.67) feet to a point of tangent, and south sixty-one degrees no minutes west (S. 61° 00' W.) two hundred forty-five (245) feet, more or less, to the northeasterly bank of said Lackawanna River; thence northwesterly, along said northeasterly bank of said Lackawanna River, five hundred (500) feet, more or less, to the southeasterly line of Main Street; thence northeasterly, along said last mentioned line, forty-five (45) feet, more or less, to its intersection with the southwesterly line of said Howard Street; thence southeasterly, along southwesterly line of said Howard Street, sixty (60) feet, more or less, to an angle in said Howard Street; thence along the southerly line of said Howard Street, north eighty-five degrees nine minutes east (N. 85° 09' E.) forty-five (45) feet, more or less, to the place of beginning.

TOGETHER with all buildings and improvements located thereon.

TOGETHER also, with all reversionary interests of the Pennsylvania Coal Company in and to those portions of the herein above described premises comprising the rights-of-way of said Erie-Lackawanna Railroad.

TOGETHER also with the free and uninterrupted use in common with the Pennsylvania Coal Company, its successors and assigns, in and to a roadway twenty (20) feet in width located upon, over and across a portion of the premises herein above described and extending southwesterly from Main Street along and continuous to the easterly bank of the Lackawanna River to the northwesterly line of surface lands conveyed as aforesaid to Joseph J. Menn, Junior and David R. Menn, trading as Leeco Realty Company.

EXCEPTING however, from out of the premises herein above described, that portion thereof comprising the channel of the Lackawanna River.

EXCEPTING also, however, any and all water pipe lines located upon, over and across the premises herein above described heretofore conveyed by said Pennsylvania Coal Company to the Peoples Water Company of Pittston, Pennsylvania, now Pennsylvania Gas and Water Company, by deed dated January 1, 1902 and recorded in Luzerne County Deed Book 403 at page 274, together with all rights and privileges contained therein necessary for the maintenance thereof.

CONTAINING, exclusive of above exceptions, an area of thirty (30) acres, more or less, and comprising parts of the Samuel Sherrard Tract and the George T. Smith Tract conveyed to said Pennsylvania Coal Company by the following deeds:

1. Deed from Samuel Sherrard, et ux, dated May 8, 1868 and recorded in Luzerne County Deed Book 125 at page 308, being part of the "First" parcel described herein.
2. Deed from Frank C. Mosier, Guardian, et al., dated May 7, 1921 and recorded in Lackawanna County Deed Book 313 at page 185.

ALSO EXCEPTING AND RESERVING, however, from and out of the above-described parcel, all the surface or right of soil of and in all that certain 7.876 acre lot, piece or parcel of land conveyed to the Lackawanna Valley Conservancy, Inc., by Deed of JMG Construction, Inc. dated October 8, 2009 and recorded October 16, 2009 in the Lackawanna County Recorder of Deeds office to Instrument Number 200926189, Pin No. 1841204000401.

SUBJECT TO the same exceptions, restrictions, reservations and conditions as are contained in former Deeds in the chain of title.

BEING the remaining portion of that certain premises conveyed to JMG Construction, Inc., by Deed of J.M. Land, Inc., a/k/a J.M. Land Co, Inc., dated November 10, 2008 and recorded November 18, 2008 in the Lackawanna County Recorder of Deeds Office to Instrument Number 200828008.

TAX PARCEL NO. 18412040004 - PROPERTY IS ASSESSED IN THE BOROUGH OF OLD FORGE, PA.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHTS OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the messuage or tenement thereon erected, hereditaments and premises hereby

granted, or mentioned and intended so to be, with the appurtenances, unto the **GRANTEE**, its successors and assigns, to and for the only proper use and behoof of the **GRANTEE**, its successors and assigns, forever.

AND the **GRANTOR** for itself, its successors and assigns, does hereby **SPECIALLY** warrant the Premises hereby conveyed.

IN WITNESS WHEREOF, the **GRANTOR** has hereunto set its hand, by its proper corporate officer, the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

JMG CONSTRUCTION, INC.

_____ By: John Giambra
John Giambra, President

ACKNOWLEDGMENT

STATE OF NC _____ :
 : ss.
COUNTY OF Tredell _____ :

On this, the 19 day of January, 2021, before me, a notary public, the undersigned Officer, personally appeared **JOHN GIAMBRA**, who acknowledged himself to be the President of **JMG CONSTRUCTION, INC.**, a Pennsylvania corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

AMY FRANKS
Notary Public
Tredell Co., North Carolina
My Commission Expires Feb. 27, 2021
Amy Franks
NOTARY PUBLIC

I HEREBY CERTIFY that the precise residence of the GRANTEE is: 100 Foote Avenue, Duryea, PA 18642

Michael E. Gallenker
ATTORNEY FOR GRANTEE

LACKAWANNA COUNTY
Certified Property Identification

MUNI: _____
PIN: _____
USE: _____
ASSESS VAL: _____
CLERK: _____

LACKAWANNA COUNTY
Certified Property Identification
MUNI: 290

JAN 26 2021
PIN: 18412 040 004
USE: 4000 ASSESS VAL: 17,000
CLERK: 10 1111