

Introduced in Council on above date and referred to Committee on January 31, 2024

Scranton, PA, February 20, 2024  
Committee on Public Works reports favorably on the within Ordinance

SIXTH ORDER:  
February 6, 2024

PUBLIC WORKS

*[Signature]*  
Chair

*[Signature]*  
City Clerk

FILE OF THE COUNCIL NO. 3

2024

AN ORDINANCE

RATIFYING THE EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT BETWEEN THE UNIVERSITY OF SCRANTON AND THE CITY OF SCRANTON TO COMPLETE THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") PROJECTS IN ACCORDANCE WITH FEMA DEBRIS REMOVAL CONSTRUCTION PLANS, WHICH ARE TO BE COMPLETED BY THE DEADLINE OF OCTOBER 31, 2024.

WHEREAS, the City of Scranton requires temporary construction easements over various portions of residential private property within the City of Scranton to complete different phases of construction and projects in conformity and accordance with the Federal Emergency Management Agency ("FEMA") Debris Removal construction plans; and

WHEREAS, time is of the essence in executing the temporary construction easements due to the updated, extended deadline of October 31, 2024 to complete all projects; and

WHEREAS, on or about July 26, 2023, File of the Council 79, 2023 entitled "Ratifying the Execution of another set of Time-Sensitive Temporary Construction Easement Agreements between affected City of Scranton Property owners and the City of Scranton to complete the Federal Emergency Management Agency ("FEMA") Projects In Accordance with FEMA Debris Removal Construction Plans, which are to be completed by the deadline of December 31, 2023" was signed into law and memorialized the first set of FEMA Temporary Construction Easements (TCE's) in light of Business Administrator Cipriani's memorandum dated July 18, 2023, all of which is attached and incorporated hereto as Exhibit A; and

WHEREAS, the City agrees that all work involved in the construction of the Projects to be performed in a good and workmanlike manner and in conformity with their respective Construction Plans, and to restore the surface of the Easement Area to the condition in which the properties were in immediately prior to the commencement of the work.

NOW, THEREFORE, BE IT ORDAINED THAT THE CITY COUNCIL Ratifies the execution the necessary Temporary Construction Easement agreement attached hereto as Exhibit B to complete the Federal Emergency Management Agency ("FEMA") projects in accordance with the FEMA Debris Removal Construction Plans, which are to be completed by the updated yet still time-sensitive deadline of October 31, 2024.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Resolution and the effective administration thereof.

CERTIFIED COPY

*[Signature]*  
City Clerk

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, Known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by the Council

February 20, 2024

Receiving the Affirmative votes of Council Persons


KING, SCHUSTER, ROTHCHILD, MCANDREW, SMURL

Negative NONE

  
\_\_\_\_\_  
President

Approved 2/22/2024

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

Certified Copy