

2024

AN ORDINANCE

RATIFYING THE EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT BETWEEN KATHLEEN KUJAWSKI AND THE CITY OF SCRANTON TO COMPLETE EMERGENCY STORMWATER DEBRIS REMOVAL FOLLOWING THE SEPTEMBER 9, 2023 STORM.

WHEREAS, the City of Scranton requires temporary construction easements to comply with the City Engineer's plans to remove stormwater debris on Kathleen Kujawski's property following the flood/storm of September 9, 2023. The City Engineer's plans are attached and hereby incorporated as Exhibit A; and

WHEREAS, time is of the essence in executing the temporary construction easements due to the dangers posed by the boulders on Ms. Kujawski's property; and

WHEREAS, the City agrees that all work involved in this debris removal project 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 BY THE COUNCIL OF THE CITY OF SCRANTON ratifies the execution the necessary Temporary Construction Easement agreement attached hereto as Exhibit B to complete boulder and stormwater debris removal in accordance with the City Engineer's Plans, which are time-sensitive. *Please see Exhibit A.*

**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.

**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

March 19, 2024

Receiving the Affirmative votes of Council Persons

KING, SCHUSTER, MCANDREW, SMOIL

Negative NONE Absent: ROTHCHILD

[Signature]  
President

Approved 3/26/2024  
[Signature] Mayor  
[Signature] City Clerk  
Certified Copy

CERTIFIED COPY

[Signature]  
City Clerk

Introduced in Council on above date and referred to Committee on March 5, 2024

[Signature]  
Public Works  
City Clerk

Scranton, PA - March 19, 2024  
Committee on Public Works approved favorably on the within ordinance

[Signature]  
Chair

SIXTH ORDER:  
March 12, 2024