

2024

AN ORDINANCE

RATIFYING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT OF COOPERATION AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SCRANTON AND BOROUGH OF DUNMORE REGARDING THE COORDINATION OF STORMWATER MITIGATION AND STATE COMPLIANCE FOR DUNMORE PROPERTIES SUBJECT TO THE MEADOW BROOK PROJECT.

WHEREAS, Meadow Brook is a water course which has been enclosed in an underground conduit in the Green Ridge Section of Dunmore and Scranton which has deteriorated, collapsed in places and is in serious need of repair, replacement, rehabilitation and relocation as has been designed and approved by Pennsylvania's Department of General Services ("DGS") and the Department of Environmental Protection ("DEP"); and

WHEREAS, the City of Scranton ("City") on March 4, 2022 executed a "SPONSORSHIP AGREEMENT for the Meadow Brook Flood Protection Project, Project No. DGS184-22, Phase 3", to provide flood protection along Meadow Brook which includes the installation of a 7 foot diameter Stormwater Piping System under and through 48 properties in the Project and 5 City streets (the "Project"); and

WHEREAS, two (2) of the forty-eight (48) properties in the Project which will require a Permanent and/or Temporary Construction Easements are in Dunmore; and

WHEREAS, since only two (2) properties are located in Dunmore, it is beneficial for Dunmore to have the City be the lead municipality to handle all negotiations on the Project as required by the SPONSORSHIP AGREEMENT with the DGS and the DEP in administering the Project including the Dunmore Properties and have the City's employees, agents, servants, consultants and attorneys acquire the Permanent Easement and Temporary Construction Easement on the Dunmore Properties pursuant to this Agreement between Dunmore and the City instead of Dunmore having its employees, agents, servants, consultants and attorneys being responsible to acquire the required easements over only the two (2) Dunmore Properties; and

WHEREAS, as the Sponsorship Agreement outlines that municipalities are responsible for paying property owners the just compensation for the acquisition of the needed easements, this ICA memorializes that Dunmore agrees to reimburse the City of Scranton for the direct and reasonable costs associated with acquiring the Dunmore Properties for this Project within ninety (90) days of receipt of invoice from the City; and

WHEREAS, the City and Dunmore desire to coordinate by and through an ICA to ensure that the City remains compliant with the Sponsorship Agreement and properly assigns costs for the Dunmore properties to be Dunmore's responsibility, as outlined and incorporated hereto as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON that the Intergovernmental Agreement of Cooperation and Memorandum of Understanding regarding the coordination of stormwater mitigation and state compliance for Dunmore properties subject to the Meadow Brook Project Between the Borough of Dunmore and

Introduced in Council on above date and referred to Committee on May 28, 2024

PUBLIC WORKS

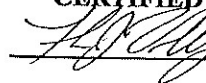

City Clerk

Scranton, PA June 11, 2024
Committee on Public Works reports favorably on the
within ordinance


Chair

SIXTH ORDER:
June 4, 2024

CERTIFIED COPY


City Clerk

The City of Scranton, attached hereto as Exhibit "A" and incorporated herein by reference thereto, is hereby ratified and approved.

SECTION 1. If any section, clause, provision or portion of this Ordinance 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 Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

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

SECTION 3. This Ordinance 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 Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by the Council

June 11, 2024

Receiving the Affirmative votes of Council Persons

KING, SCHUSTER, ROTHCHILD, MCANDREW, SMURL

Negative

NONE

[Signature]
President

Approved 06/12/2024

[Signature] Mayor

[Signature] City Clerk

Certified Copy