

CLARKS SUMMIT BOROUGH COUNCIL
ORDINANCE NO. 2013 - 07

AMENDING ORDINANCE NUMBER 2002- 01 ENTITLED
"THE BOROUGH OF CLARKS SUMMIT ZONING ORDINANCE"
TO REFLECT A REDESIGNATION OF THE HC-1 ZONE
ALONG SOUTH STATE STREET TO A HC ZONE. THE AREA IN QUESTION
CONSISTS OF ONE PARCEL OF LAND CONTAINING 0.607 ACRES OF LAND,
MORE OR LESS, ADJACENT TO SOUTH STATE STREET.

WHEREAS, the Borough of Clarks Summit is a duly ordained
political subdivision (the "Borough"); and

WHEREAS, the Borough, has duly enacted Zoning Ordinance No.
2002-01 (the "Zoning Ordinance"); and

WHEREAS, State Street Realty, L. P. is the current owner of
a parcel of land consisting of 0.607 acres, more or less, which
exists as a parcel in the HC-1 Zoning District. This small parcel
is in the immediate area of properties designated for zoning
purposes as HC Zoning Districts.

WHEREAS, the current owner, State Street Realty, L. P.
desires to create a child day care center to serve the needs of
local residents for safe and professional childcare services; and

WHEREAS, the proposed usage of the property is permitted in
an HC-1 Zone; and

WHEREAS, the proposed usage will result in job growth and
creation and substantially promote and/or improve aesthetic
characteristics, public health and safety concerns within the
Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council
of the Borough of Clarks Summit, and it is hereby ordained and
enacted by the authority granted to Boroughs under the laws of
the Commonwealth of Pennsylvania as follows:

SECTION 1: The zoning ordinance and map for the Borough of
Clarks Summit are amended as follows:

The 0.607 acre, more or less, parcel of land (containing 26,451.90 square feet) located along South State Street in the Borough of Clarks Summit presently designated as HC-1 and as more particularly described in Exhibit "A" (which is attached hereto and made part hereof) is henceforth to be designated on the Clarks Summit Zoning Map and in the Clarks Summit Zoning Ordinance as an HC District.

SECTION 2: The zoning map of the Borough of Clarks Summit shall hereby be amended to reflect the rezoning of the property more specifically described in Exhibit "A".

SECTION 3: Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

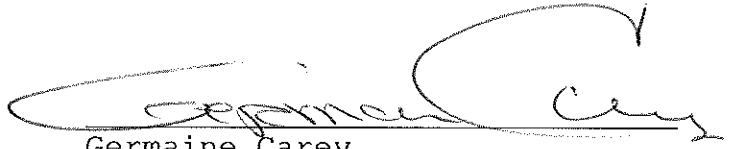
SECTION 4: Severability. If any sentence, clause, section, or part(s) of this ordinance is/are for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part(s) of this ordinance. It is hereby declared as the intent of the Clarks Summit Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5: In all other respects, Ordinance Number 2002-01 of the Borough of Clarks Summit, as amended, shall remain in full force and effect.

SECTION 6: Effective Date. This Ordinance shall become effective immediately upon adoption.

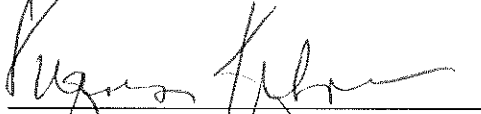

SECTION 7: This Ordinance is enacted by the Borough of Clarks Summit, under the authority of the Act of Legislature, February 1, 1966, P.L. (1965) No. 581 section 1005, as amended 1979, November 2, P.L., 458 No. 94, 53 P. S. Section 46006 et seq., known as the Borough Code and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

Approved this 6th day of NOVEMBER, 2013.



Germaine Carey
Clarks Summit Council President

ATTEST:


Virginia Kehoe, Manager
Borough of Clarks Summit
Harold P. Kelly
Mayor, Borough of Clarks Summit

Passed by Clarks Summit Borough Council, this 6th day of
NOVEMBER, 2013, receiving the affirmative votes of:

7

Negative votes of: 0

EXHIBIT

A

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land, situate in the Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a 3/4 inch rebar set for a corner on the southeasterly side of the pavement of Knapp Road on the common boundary line of land now or formerly of Anthony Polednak (Lackawanna County Deed Book 511 at page 211);

Thence along the lines, and to said Polednak the following 2 courses and distances:

1) South 57° 50' 33" East 54.70 feet to a 3/4 inch rebar set for a corner; and

2) North 71° 04' 17" East 72.13 feet to a 3/4 inch rebar set for a corner on the northwesterly right-of-way line of US Route 6 and 11;

Thence along said right-of-way line,

3) South 05° 18' 25" East 225.55 feet to a 3/4 inch rebar set for a corner on line of land now or formerly of Matthew C. Swientisky (Lackawanna County Deed Book 1545 at page 376);

Thence along line common to said Swientisky,

4) North 75° 10' 29" West 125.08 feet to a 3/4 rebar set for a corner;

Thence along the common line established as per the Richard Dixon - Gerard Kane Land Exchange as depicted on the survey and

plan of John K. Seamans, Professional Land Surveyor and Professional Engineer recorded in Lackawanna County Map Book No. 6A, at page 3855, the following 2 courses and distances:

5) North $15^{\circ} 41' 32''$ East 69.43 feet to a 3/4 inch rebar set for a corner in a stone wall; and

6) North $65^{\circ} 23' 09''$ West 109.33 feet to a 3/4 inch rebar set for a corner on the southeasterly side of the pavement on Knapp Road,

Thence along the southeasterly side of pavement on Knapp Road,

7) North $37^{\circ} 35' 13''$ East 108.41 feet to the point of beginning.

CONTAINING 26,451.90 square feet, gross area.