

**RESOLUTION NO. 2020-12**  
**BOROUGH OF CLARKS SUMMIT**

**A RESOLUTION OF THE BOROUGH OF CLARKS SUMMIT**  
**AUTHORIZING THE CLOSING OF SALE OF SHERIDAN AVENUE FIELD**  
**TO ABINGTON DEVELOPMENT GROUP**

WHEREAS, the Borough of Clarks Summit (the "Borough") is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to the Borough Code; and

WHEREAS, Section 1201.1 of the Borough Code requires the Borough Council to approve the sale of real estate owned by Borough; and

WHEREAS, Section 1201.1 of the Borough Code further provides that no real estate owned by the Borough may be sold for a consideration in excess of \$1,500.00, except to the highest bidder after due notice by advertisement for bid or advertisement of a public auction; and

WHEREAS, since the 1950's, the Borough has been in actual, open and notorious possession of approximately 1.70 acres of real property currently known as "Sheridan Avenue Field" and located along Sheridan Avenue (said property hereinafter referred to as "Sheridan Avenue Field" or the "Premises"); and

WHEREAS, the Borough Council determined it to be in the best interest of the Borough to explore the sale of Sheridan Avenue Field; and

WHEREAS, on August 1, 2018 the Borough Council authorized the bidding of Sheridan Avenue Field by Resolution 2018-13; and

WHEREAS, the Borough expressly reserved the right to reject any bids made pursuant to Section 1201.1(b) and Resolution 2018-13; and

WHEREAS, the Notice of the Borough's acceptance of bids for the sale of Sheridan Avenue Field was advertised in the *The Times-Tribune* (Scranton) on August 12, 2018; and

WHEREAS, the Borough received one (1) bid in response to the August 12, 2018 which was formally rejected at its November 7, 2018 meeting as said bid was deemed to be less than the fair market value of the property; and

WHEREAS, at its January 2, 2019 public meeting, the Borough did authorize an additional bidding process for Sheridan Avenue Field and directed the Borough Manager to advertise a Notice of said bidding process which alerted the public that the Borough would only consider bids of \$172,000.00 or greater and that a parcel of Sheridan Avenue Field that is no

smaller than 10 feet by 10 feet and situated along Sheridan Avenue or Harwood Avenue will remain property of the Borough for purposes of maintaining a park;

WHEREAS, the rebidding of Sheridan Avenue Field was again advertised by way of a Notice which was published in *The Times-Tribune* (Scranton) on January 9, 2019 and January 13, 2019 in compliance with Section 1201.1(a.1) of the Borough Code; and

WHEREAS, a bid in the amount of \$190,100.00 from Abington Development Group was the highest bid received by the Borough for the sale of Sheridan Avenue Field; and

WHEREAS, through its approval of Resolution No. 2019-02 on February 6, 2019, Borough Council determined that the bid of Abington Development Group in the amount of \$190,100.00 represents the fair market value of the Sheridan Avenue Field and acceptance of said bid was in the best interest of the Borough; and

WHEREAS, through its approval of Resolution No. 2019-02 on February 6, 2019, Borough Council accepted the bid in the amount of \$190,100.00 which was submitted by Abington Development Group through its President, Michael Noto, for the purchase of Sheridan Avenue Field, which included the condition that a parcel of Sheridan Avenue Field that is no smaller in size than 10 feet by 10 feet and situated along Sheridan Avenue or Harwood Avenue remain property of the Borough for purposes of creating and maintaining a park; and

WHEREAS, subsequent to its approval of Resolution No. 2019-02, a title search of the Sheridan Avenue Filed revealed the Borough is the fee simple owner of Lots 221 and 222 which are 30 feet in width and 125 feet in depth which comprise only a portion of the premises; and

WHEREAS, subsequent to its approval of Resolution No. 2019-02, the Borough and Abington Development Group determine that there were additional issues relating to the marketable title of the property which need to be resolved prior to closing on the sale of Sheridan Avenue Field; and

WHEREAS, despite the issues relating to the title of certain lots which comprise Sheridan Avenue Field, Abington Development Group agreed to proceed forward with the acquisition of the Premises; and

WHEREAS, on or about April 5, 2019, the Borough, Abington Development Group and an Escrow Agent entered an Escrow Agreement which required, *inter alia*, Abington Development Group to transfer the purchase price of \$190,100.00 into an escrow account; and

WHEREAS, the Borough, Abington Development Group and the Escrow Agent have agreed to extend the Escrow Agreement and the final closing on Sheridan Avenue Field in order for the Borough to secure clear and marketable title to Sheridan Avenue Field, which included obtaining a Default Judgment in an Action to Quiet Title docketed at No. 20-CV-1842 in the Lackawanna County Court of Common Pleas and having Lackawanna County convey to the



Borough numerous parcels within Sheridan Avenue Field which were retained by the county from tax sales; and

WHEREAS, subsequent to the passage of Resolution No. 2019-02, members of Borough Council, the Borough's Mayor and local veteran groups dedicated the "David A. Parker Memorial" at Veteran's Park on North State Street in honor of Lance Cpl. David A. Parker; and

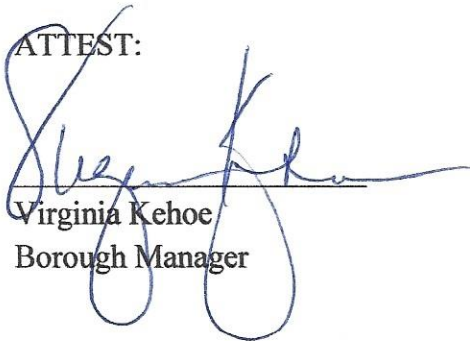
WHEREAS, after consulting with Lance Cpl. Parker's surviving family members, the Borough has determined that a separate memorial park in honor of Lance Cpl. Parker at Sheridan Avenue Field is no longer necessary; and

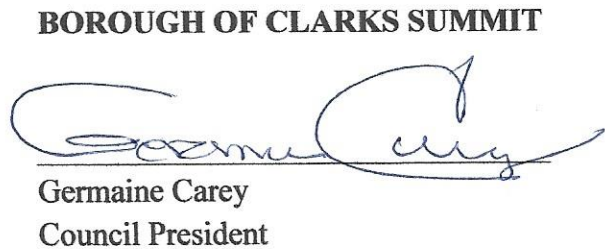
WHEREAS, a survey and inspection of Sheridan Avenue Field has revealed an encroachment of approximately 25 feet on Lot 272 ("Encroachment"); and

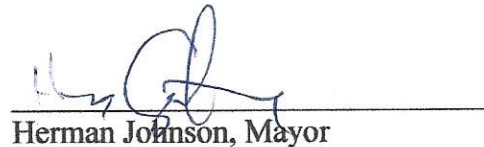
WHEREAS, due to this Encroachment, the Borough and Abington Development Group have agreed that Lot 272 will remain the property of the Borough after the sale of Sheridan Avenue Field.

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Clarks Summit authorizing the Borough President to proceed with sale of Sheridan Avenue Field by executing the Agreement of Sale which is attached hereto as Exhibit "A".

**RESOLVED** by the Council of the Borough of Clarks Summit this 29th day of July, 2020.

ATTEST:  
  
Virginia Kehoe  
Borough Manager

**BOROUGH OF CLARKS SUMMIT**  
  
Germaine Carey  
Council President

  
Herman Johnson, Mayor

Approved this 29th day of July, 2020.