



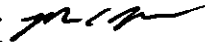
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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Mike Navarre, Borough Mayor
Max Best, Planning Director

FROM: Marcus A. Mueller, Land Management Officer 

CC: Colette Thompson, Borough Attorney

DATE: December 8, 2015

SUBJECT: Review and Consideration of Reeves Amodio LLC Opinion in Relation to Land Title Proposed by Ordinance 2014-32

After review of the memo dated December 7, 2015 from Robert Reges of REEVES AMODIO LLC ("REEVES") to Dan Sterchi, Adjacent Land Owner, I recommend no changes to Ordinance 2014-32. In the memo REEVES provides reference to various documents and makes a number of assertions and loose conclusions. Among the loose conclusions, REEVES states that "until these matters are addressed, KPB would be acting beyond the scope of its legal authority relative to the N1/2 of Lot 13". To the extent that this statement implies the borough's proposed land exchange is unlawful or an attempt to modify any other governmental interests, it is a red herring¹ and a claim not supported by either the content of the memo or the facts of the proposal. The borough holds each of the land records cited by Reeves, and uses those record types to prepare land proposals, including Ordinance 2014-32, which are vetted by legal review, subject to public process, and function within the lawful extent of borough authority.

Reeves does point to the chain of title to the borough owned parcel, including the State and Federal patents to the land. Both the state and federal Patent are standard in form, containing standard reservations including the ones cited by REEVES. The borough would not dispute these nor can the borough extinguish them; on this we would agree. The draft "Quitclaim Deed with Reserved Drainage Easement" presented to the borough assembly with Ordinance 2014-32 presents no contradiction to the Borough's patent title to the property. Proceeding with the conveyance as proposed does not require state or federal permissions, as REEVES suggests, and there is no proposed modification to state or federal interests to whatever extent encumbrances on the parcel may be claimed by anyone. The KPB proposal does, however, go a step further to establish new, clear, reservations for both drainage and access purposes in the public's best interest, furthering those purposes which are REEVES' apparent concern.

¹"A red herring is something that misleads or distracts from a relevant or important issue.^[1] It may be either a logical fallacy or a literary device that leads readers or audiences towards a false conclusion. A red herring might be intentionally used, such as in mystery fiction or as part of a rhetorical strategies (e.g. in politics), or it could be inadvertently used during argumentation." Source: Red herring. (n.d.). In *Wikipedia*. Retrieved December 8, 2015, from http://en.wikipedia.org/wiki/Red_herring