

Chapter Five - Legal Feasibility

Potentially Impacted Properties

DWGNRA (McDade Trail) to Smithfield Township Park

The following properties appear to be impacted by the development of the preferred Shawnee Trail Alignment – beginning from the southern tip of the McDade Trail in the DWGNRA to the existing parking area at the Smithfield Township Park.

Property #	Owner	(Description)
25	USA	(DWGNRA – Southern end McDade Trail)
24	Shawnee Development Inc.	(Depue Island)
23	USA	(Small vacant parcel among cottages)
22	Shawnee Inn Inc.	(Small parcel near driving range)
21	Shawnee Investment Inc.	(Small parcel near driving range)
9	Shawnee Holding Inc.	(Peninsula)
10	River Village Owners Assoc.	(near Condo properties # 11 thru 19)
9	Shawnee Holding Inc.	(Shawnee Island)
8	USA	(Shawnee Island - edge of back channel)
7	USA	(Shawnee Island - adjacent to prop. #8)
6	Shawnee Development Inc.	(Shawnee Island – w/ narrow access to channel)
4	USA	(riparian edge across from Shawnee Isl.)
3	Montgomery Co. Ind. Dev. Auth	(Wordsworth)
2	Shawnee Development Inc.	(former stable property)
*	PennDOT	(River Road - right of way over Brodhead Creek)
1	Smithfield Township	(Park)

Smithfield Township Park to the PennDOT Welcome Center

An alternative to this floodplain route is to negotiate a term-limited “Rail with Trail” use of one of the two tracks of the MCRA right of way from the Smithfield Park to the old DWG RR Station. This alternative could be advantageous as a temporary link between the Appalachian Trail and the McDade Trail, however the MCRA has expressed its opposition to such a use – even though there is sufficient right-of-way.

The following properties appear to be impacted by the development of the interim trail linkage alignment between the Smithfield Township Park and the PennDOT Welcome Center site – according to an alignment based upon a Smithfield Township strategy to extend a trail spur parallel to the Monroe County Rail Authority right-of-way on the river side and bridge over the Cherry Creek. This alignment would continue south within the Delaware River floodplain until it would be graded back up to the level of the RR right of way near the old DWG RR Station. It would then cross the tracks and be routed over I-80 via the existing vehicular bridge near the I-80 Bridge toll booths and then as a “share the road” and sidewalk route through the DWG Borough back to the new Welcome Center. This alternate is much too indirect, and requires too much structural work (including another bridge over Cherry Creek) in an area at the confluence of the Brodhead Creek and the Delaware River that is extremely vulnerable to the direct impacts of the main channel of the river during high water periods. **There are other, better alternatives – both interim and long-term. This alternative cannot be justified and is not recommended.**

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Property #	Owner	(Description)
V	Cherry Creek Inc	(adjacent to Park property)
Z	Delaware Water Gap Borough	(Cherry Creek confluence with Delaware R.)
*	Pennsylvania Lines LLC	(MC Rail Auth - cross RR right-of-way)
T	Delaware Water Gap Borough	(old RR Station site)
S	DRJTBC	(Access road to RR Station site)
Q	1 st Up Associates	(location of gated access road to RR Station)
*	PennDOT / DRJTBC	(Bridge over I-80)
*	Delaware Water Gap Borough	(share the local roadway to 611)
*	PennDOT	(Route 611 sidewalk to Welcome Center)

Recommendations for Land Acquisition & Easements

Easements that will be used for public trails are eligible for both state and federal funding – provided that there is a minimum 25 year term of use in the legal agreement. The acquisition of the easements would require an eligible entity – either a unit of government such as a municipality or county, or a competent non-profit organization partner.

The properties that are potentially impacted by the preferred alignment were identified and mapped with tax parcel numbers and owners. A schematic description of the proposed easement was drafted for each property. These are not “legal” descriptions nor could they be at this stage of planning.

When a preferred alignment is selected during the next phase – master planning, those descriptions can be formalized. The legality of those descriptions must be based upon title searches and engineering field surveys with meets and bounds described for the trail easements. These costs should be included in the next level of trail planning.

Almost the entire alignment over private properties on across parcels owned or controlled by the Shawnee Resorts or its associates. This legal descriptions work should begin until Shawnee and partners have reached an agreement on trail location specifics.

The alignments chosen for the trail will likely be described in the form of easements, so that the owners retain control of the properties and grant only specific rights for other uses (public, non-motorized trail use only).

Probable Costs for Potential Easements / Acquisitions – Summary

The cost to acquire easements is not easy to estimate. Based upon the cost to acquire acreage with fee simple purchase in the Shawnee on Delaware area, the estimated 2006 costs per acre can range from \$8,500 to \$15,000, pending on location and proposed use.

The preferred alignment is estimated to be approximately 7.55 acres in total area, including side slopes and fencing area. Using the highest purchase costs, the costs of acquiring the easements over private properties for this segment of trail is at least \$112,500.

Shawnee-on-Delaware, Smithfield Township, Monroe County, Pennsylvania
