

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 538

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, PENNSYLVANIA, VACATING A PORTION OF A TWELVE FOOT (12') WIDE, UNNAMED ALLEY BETWEEN PENNSYLVANIA AVENUE AND CROSS STREET; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Robert and Patricia McFaddin filed a Petition to vacate a portion of a twelve foot (12') wide, unnamed alley with the Borough pursuant to 53 P.S. 46732(a)(2); and

WHEREAS, a hearing on said Petition was held on May 2, 2013 by Borough Council pursuant to 53 P.S. 46732(b); and

WHEREAS, on May 9, 2013, Borough Council passed a Motion approving the McFaddins' Petition and authorizing the preparing of an Ordinance that, when adopted, would vacate the portion of the twelve foot (12') wide, unnamed alley requested to be vacated in said Petition; and

WHEREAS, said portion of the twelve foot (12') wide, unnamed alley has been deemed by Borough Council to be of no benefit or value to the public of the Borough of California since it has never been improved and it terminates at a dead end; and

WHEREAS, the McFaddins, as the owners of property abutting both sides of the portion of the alley to be vacated, have petitioned that said alley be vacated, and, as part of said Petition have released the Borough from all damages sustained as a result of vacating the portion of the twelve foot (12') wide, unnamed alley pursuant to 53 P.S. 46732(c), and;

WHEREAS, the Borough Council deems it to be in the best interests of the residents of the Borough to vacate the portion of the alley herein described.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of California, County of Washington, Commonwealth of Pennsylvania, and by this Ordinance it is hereby ordained and enacted as follows:

SECTION 1. VACATING OF PORTION OF TWELVE FOOT (12') WIDE ALLEY.

The Borough Council vacates the portion of the twelve foot (12') wide, unnamed alley between Pennsylvania Avenue and Cross Street, which is located to the rear of Lots Nos. 8, 9, 10 and 11 of the Plan of Lots laid out by Delbarre and Wilson and of record in the Recorder's Office of Washington County, Pennsylvania, in Plan Book 4, Page 127, with said Lots Nos. 8 and 9 fronting 40 feet each (80 feet combined) on the South side of Pennsylvania Avenue and extending back a distance of 110 feet, more or less, to said twelve foot alley, and with said Lots

Nos. 10 and 11 fronting 40 (+ or -) feet each (80 (+ or -) feet combined) on the North side of Cross Street and extending back a distance of 110 feet, more or less, to said twelve foot alley. (See Exhibit "A" attached hereto and incorporated by reference herein for reference.)

The vacating of the portion of the alley described herein will not affect any necessary rights of way/easements for public utilities, which remain in effect.

SECTION 2. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 3. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances or portions of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining prior Ordinances and portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 18th day of July, 2013.

ATTEST:

BOROUGH OF CALIFORNIA

Shelley Egan
Borough Secretary

By: Jon Bittner
President of Council

EXAMINED AND APPROVED by me this 18th day of July 2013, 2013.

BOROUGH OF CALIFORNIA

By: [Signature]
Mayor

