

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
-----COMMONWEALTH OF PENNSYLVANIA-----

ORDINANCE NO. 539

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, PENNSYLVANIA, VACATING THE TEN FOOT (10') WIDE, UNNAMED ALLEY BETWEEN THIRD STREET AND STRAWBERRY ALLEY AND MECHANIC STREET AND ASH STREET; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ralph Todd and Amy Todd filed a Petition to vacate a portion of a ten foot (10') wide, unnamed alley with the Borough pursuant to 53 P.S. 46732(a)(2); and

WHEREAS, Brian Miller and Stephanie Miller filed a Petition to vacate a portion of the same ten foot (10') wide, unnamed alley with the Borough pursuant to 53 P.S. 46732(a)(2); and

WHEREAS, the Todds and the Millers, collectively, own all the property abutting on both sides of this ten foot (10') wide, unnamed alley for its total length, which is approximately two hundred four feet (204') in length; and

WHEREAS, said alley was created by the Vesta Coal Co.'s Plan of Lots, which was laid out by Harriet J. Pollock in March 1901; and

WHEREAS, a hearing was held by Borough Council pursuant to 53 P.S. 46732(b); and

WHEREAS, this ten foot (10') 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 is currently impassable; and

WHEREAS, the Todds and the Millers in their Petitions have released the Borough from all damages sustained as a result of vacating the ten foot (10') 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 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 TEN FOOT (10') WIDE ALLEY.

The Borough Council hereby vacates the ten foot (10') wide, approximately two hundred four feet (204') / (+ or -) in length unnamed alley, which is located between Third Street and Strawberry Alley and Mechanic Street and Ash Street. See Exhibit "A" attached hereto and incorporated herein for reference.

The vacating 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 _____ day of _____, 2013.

ATTEST:

BOROUGH OF CALIFORNIA

Borough Secretary

By: _____
President of Council

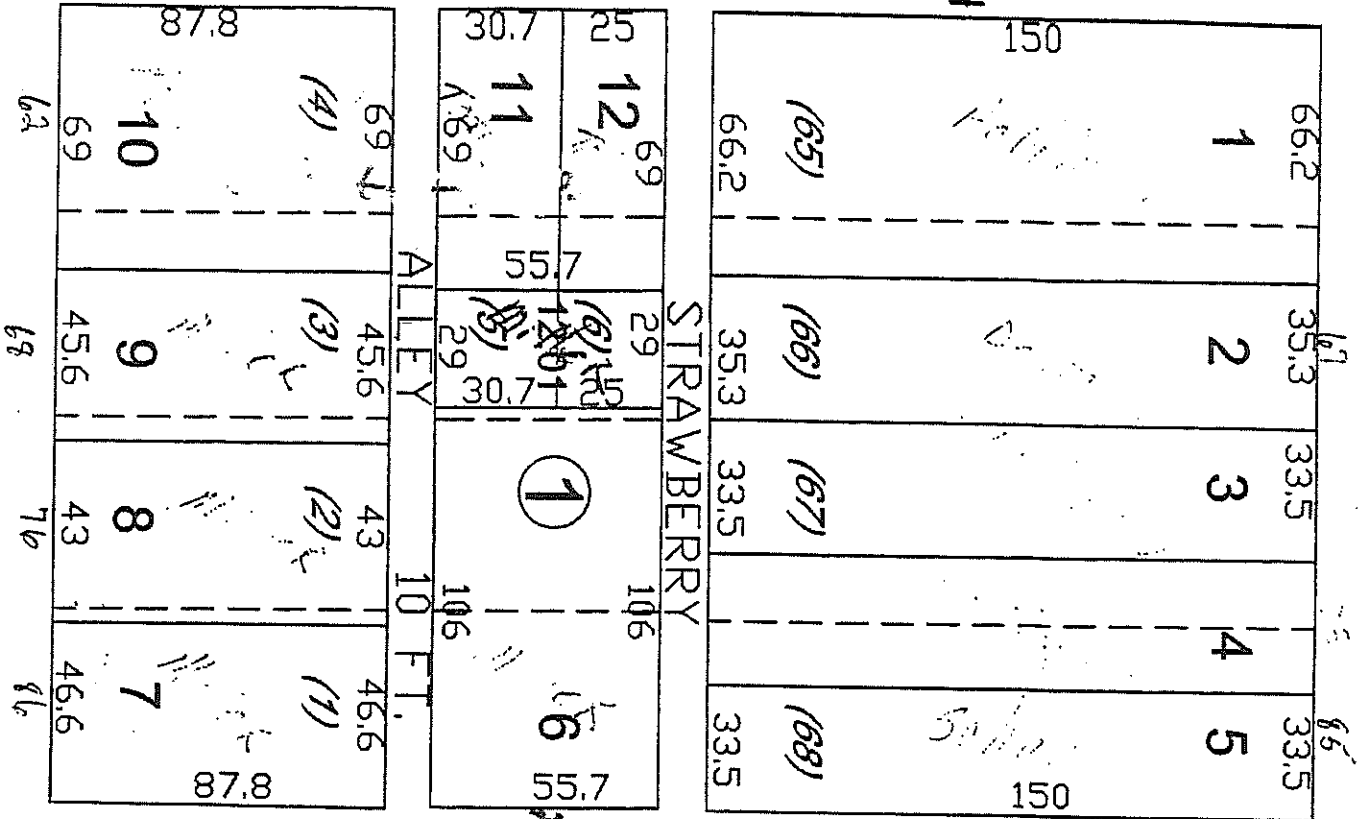
EXAMINED AND APPROVED by me this _____ day of _____,
2013.

BOROUGH OF CALIFORNIA

By: _____
Mayor

MECHANIC

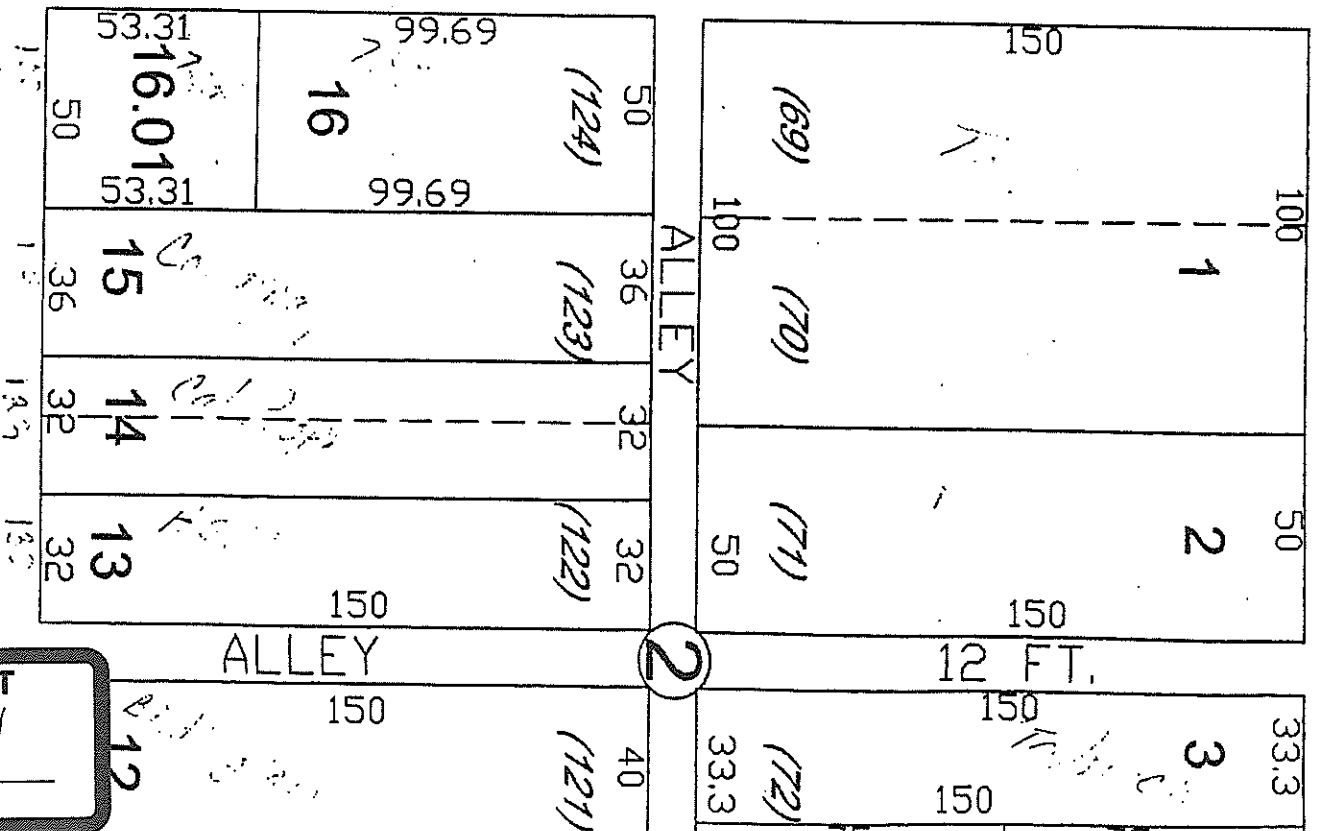
STREET 50 FT.



THIRD

STREET

65 FT.



STREET

