

**BOROUGH OF CALIFORNIA  
COUNTY OF WASHINGTON  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 559**

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, ACCEPTING AND TAKING OVER AN EXISTING ROAD, TECHNOLOGY DRIVE, WHICH IS LOCATED IN THE BOROUGH AT THE CALIFORNIA TECHNOLOGY PARK; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Technology Drive is an existing road that is located within the Borough and serves as the access road to the California Technology Park; and

WHEREAS, there had historically existed a dispute and a disagreement between the Borough and the Redevelopment Authority of the County of Washington as to the ownership of, and responsibility for, Technology Drive; and

WHEREAS, during the pendency of this dispute and disagreement, Technology Drive fell into a state of disrepair and needed to be reconstructed; and

WHEREAS, in order to have Technology Drive reconstructed, the Borough and the Redevelopment Authority of the County of Washington entered into an Agreement, which was dated October 2, 2014, that provided for both parties to contribute funds towards the reconstruction of Technology Drive; and

WHEREAS, said October 2, 2014 Agreement also provided for grants, which were from the Local Share Review Committee and the Appalachian Regional Commission, respectively, to be used towards the reconstruction of Technology Drive; and

WHEREAS, in said October 2, 2014 Agreement and in consideration of the same, the Borough formally agreed to accept ownership of Technology Drive and to discharge all formalities necessary to legally accept the same as a Borough Street; and

WHEREAS, furthermore, the Borough also agreed in the 2016 Appalachian Regional Development Agreement, which was a tri-party agreement between the Borough, the Redevelopment Authority of the County of Washington, and the Commonwealth of Pennsylvania Department of Transportation for the grant by the Appalachian Regional Commission to be utilized towards the reconstruction of Technology Drive, that the Borough owned Technology Drive as a municipal street; and

WHEREAS, Borough Council is passing this instant Ordinance to formally accept and take over Technology Drive as a Borough street.

NOW, THEREFORE, be it ORDAINED and ENACTED and it is hereby ORDAINED AND ENACTED by the Council of the Borough of California, Washington County, Pennsylvania, as follows:

**SECTION 1. ACCEPTANCE AND TAKE OVER OF TECHNOLOGY DRIVE.**

1. The Board Council of the Borough of California hereby accepts and takes over the following, existing road, which is located at the California Technology Park, as part of the Borough's public road system: Technology Drive, which is more fully laid out and described in the August 2017 Road Dedication Plot prepared by Widmer Engineering, Inc. Said plot is attached hereto and incorporated herein by reference as Exhibit "A."

2. The adopted road will be used for public use and travel and will be maintained and kept in repair by the Borough Council of the Borough of California.

**SECTION 2. REPEAL OF PRIOR ORDINANCES.**

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

**SECTION 3. 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.

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**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 12th day of August, 2017.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Egan  
Borough Secretary

By: Antony Alfano  
President of Council

EXAMINED AND APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOROUGH OF CALIFORNIA

By: \_\_\_\_\_  
Mayor