

BILL NO.: 7 OF 2023

INTRODUCED: SEPTEMBER 19, 2023

BY: MAYOR GREG LINCOLN

ENACTED: OCTOBER 17, 2023

ORDINANCE NO.: 1576

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONNELLSVILLE, PENNSYLVANIA, APPROVING THE VACATION OF A PORTION OF AN UNNAMED ALLEY LOCATED IN THE CITY OF CONNELLSVILLE, COUNTY OF FAYETTE.

WHEREAS, Marianne Oppman, as Personal Representative of the Estate of Mary U. Oppman, Deceased, James E. Bigam, and Christi R. Bigam, have petitioned and requested that a portion of an unnamed alley abutting their properties identified as Tax Parcel Nos. 05-13-0031 and 05-13-0032;

WHEREAS, said portion of said unnamed alley is used as private yard areas and are not used by the public for purposes of public travel; and

WHEREAS, the City of Connellsville does not maintain said unnamed alley;

WHEREAS, the Third-Class City Code, 11 Pa.C.S.A. § 12919 requires any street or alley vacation ordinance to be advertised prior to consideration and final passage; and

WHEREAS, a public hearing was held before the City Council on the 10th day of October, 2023; and

WHEREAS, the petitioners have agreed to meet certain conditions, including, without limitation and with respect to certain petitioners, the release, waiving, and indemnifying the City of any damages as an adjacent property owner.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONNELLSVILLE, PENNSYLVANIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: That, conditioned upon the vacation of the corresponding portion of such alley located in the Borough of South Connellsville, the following described portion of an unnamed alley is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred twenty (120) feet of said unnamed alley, being that existing, unopened, and unvacated portion of an unnamed alley extending northwardly from the northern right of way line of East Austin Avenue for approximately one hundred twenty (120) feet, with a width of twenty (20) feet, as shown on Exhibit A attached hereto.

SECTION 2: Reservation of Easement. An easement is hereby reserved and retained, as a condition of approval of the petition, for all of that portion of the above vacated property as a perpetual easement or rights-of way for any existing pipes, pipelines, or other infrastructure, for the construction, maintenance, repair, relocation, and operation of

existing pipes, pipelines, or other infrastructure, without any liability for damages on the part of the City, and no permanent buildings or structures shall be located within or upon said easement without the prior written consent of the City. Petitioner shall execute all necessary documents identifying and conveying such easement to the City.

SECTION 3: Conditions of Vacation. The vacation is contingent on the Petitioner providing any releases, easement reservation instruments, or any other confirmatory documents requested by the City. The petitioner, and its successors and assigns, has agreed and acknowledged that no proceedings for the award of damages may be had and no damages as a result of the vacation of the aforementioned road within the City of Connellsville shall under any conditions be awarded to it.

SECTION 4: Constitutionality or Invalidity. If any section, subsection, clause, phrase, or sentence, of this Ordinance, is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality of the remaining portions of this ordinance, as it is being hereby expressly declared that this ordinance and each section, subsections, clause, phrase, or sentence, hereof would have been prepared, proposed, adopted, and approved and ratified irrespective of the fact that any one or more section, subsection, clause, phase, or sentence, be declared invalid or unconstitutional.


SECTION 5: Effective Date. This Ordinance shall be in full force and effect thirty (30) days from and after passage, and publication as provided by law, and upon full completion of the conditions provided herein.


SECTION 6: Recordation. The City Clerk is directed to file this ordinance with the Clerk of Courts, Fayette County, Pennsylvania, and record this ordinance with the office of the Recorder of Deeds, Fayette County, Pennsylvania.

SECTION 7: Implementation. The Mayor and City Clerk are hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this ordinance.


Enacted and ordained this 17TH day of October, 2023.

ATTEST:





City Clerk



Mayor