

BILL NO.: 1
INTRODUCED: MARCH 19, 2024
BY: COUNCILWOMAN CAROL TIBERIO
ENACTED:
ORDINANCE NO.:

AN ORDINANCE

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

WHEREAS, ARI Holdings, LLC, Kevin Leonard, Casey Leonard, and Barcine Graft have petitioned and requested that a portion of an unnamed twenty-foot alley abutting their properties identified as Tax Parcel Nos. 05-06-0524 an 05-06-0525;

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 twenty-foot 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 16th day of April, 2024; 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 the following described portion of an unnamed twenty-foot alley is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred sixty-five (165) feet of said unnamed twenty-foot alley, being that existing, unopened, and unvacated portion of an unnamed alley extending westwardly from the western right of way line of North Third Street for approximately one hundred sixty-five (165) feet, with a width of twenty (20) feet, to the eastern right of way line of North Fourth Street 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 Petitioner 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 _____ day of _____, 2024.

ATTESTED:

Greg Lincoln, Mayor

VERNON E OHLER, CITY CLERK

CITY SEAL