

BILL NO. 5 OF 2022

INTRODUCED: OCTOBER 18, 2022

BY: MAYOR GREG LINCOLN

ENACTED: NOVEMBER 15, 2022

ORDINANCE NO. 1566

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

**WHEREAS**, Thomas Jamieson and Teda J. Family Limited Partnership have petitioned and requested that a portion of Meason Avenue abutting their properties identified as Tax Parcel Nos. 05-05-0042-01 and 05-05-0039; and

**WHEREAS**, Thomas Jamieson and Saint John's Evangelist Roman Catholic have petitioned and requested that a portion of an unnamed alley abutting their properties identified as Tax Parcel Nos. 05-08-0134 and 05-08-0133-02; and

**WHEREAS**, Ethan Keedy, Bernadette Long, Joseph Hardik, Laura Saucerman, Michael Gusrafon, and Kenneth Snyder, Jr., have petitioned and requested that a portion of an unnamed alley abutting their properties identified as Tax Parcel Nos. 05-09-0027-02, 05-09-0025, 05-09-0028, 05-09-0027-01, 05-09-0027, and 05-09-0166; and

**WHEREAS**, said portion of Meason Avenue and such unnamed alley are used as parking and entrance areas and are not used by the public for purposes of public travel; and

**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 portions of said street and said unnamed alleys;

**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 15<sup>TH</sup> day of November, 2022; 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 alley is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred twenty-two and ninety-five hundredths (122.95) feet of said unnamed alley, being that existing, unopened, and unvacated portion of an unnamed alley extending northwardly from a portion of such twenty (20) foot alley at the corner of property now or formerly of Somerset Trust Company for approximately one hundred twenty-two and ninety-five hundredths (122.95) feet to a northern terminus, with a width of twenty (20) feet, as shown on Exhibit A attached hereto.

**SECTION 2:** That the following described portion of Meason Avenue is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred two and twenty-nine hundredths (102.29) feet of Meason Avenue, being that existing, unopened, and unvacated portion of Meason Avenue extending westwardly from its intersection with North Seventh Street for approximately one hundred two and twenty-nine hundredths (102.29) feet to the right of way line of US Route 119, with a width of fifty (50) feet, as shown on Exhibit B attached hereto.

**SECTION 3:** That the following described portion of an unnamed alley is hereby vacated, except as may be expressly provided in this Ordinance:

Approximately one hundred fifty (150) feet of said unnamed alley, being that existing, unopened, and unvacated portion of an unnamed alley extending northwardly from the northern line of property now or formerly of Kenneth Snyder, Jr., for approximately one hundred one hundred fifty (150) feet, with a width of ten (10) feet, as shown on Exhibit C attached hereto.

**SECTION 4:** 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 5:** 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 6: 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 7: 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 8: 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 9: 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 ADOPTED** this 15<sup>th</sup> day of November, 2022

**CITY COUNCIL OF THE CITY OF CONNELLSVILLE:**

BY: \_\_\_\_\_

  
Greg Lincoln, Mayor

ATTEST: \_\_\_\_\_

  
Vernon E. Ohler, City Clerk