

BILL NO. 00-9

ORDINANCE NO. 00-9

**AN ORDINANCE OF THE CITY OF JEANNETTE
VACATING AN UNOPENED ALLEYWAY RUNNING
PARALLEL BETWEEN CITY OF JEANNETTE
TAX MAP PARCEL NOS. 14-04-01-0-171 AND
14-04-01-0-172 IN THE CITY OF JEANNETTE,
WESTMORELAND COUNTY, PENNSYLVANIA**

WHEREAS, John H. Ryan and Lynn A. Ryan, his wife, are the owners of tracts of land situate within the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania bearing Westmoreland County Tax Map Parcel Nos. 14-04-01-0-171 and 14-04-01-0-172 by virtue of a deeds from the successors in interest to Mary A. Joyce, deceased, dated December 18, 1999, and recorded in the Office of the Recorder of Deeds of Westmoreland County, in Deed Book Volume 3679, Page 364 and 3679 Page 376, respectively; and

WHEREAS, the aforesaid parcels front along an alleyway known as Rear Westmoreland Avenue in the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania; and

WHEREAS, the aforesaid parcels are bisected by an unopened alleyway running from Rear Westmoreland Avenue due East to a point of termination in lands now or formerly owned by John P. Danton; and

WHEREAS, John H. Ryan and Lynn A. Ryan, are the owners of in excess of 51% of the title and interest of property abutting the aforesaid alleyway; and

WHEREAS, John H. Ryan and Lynn A. Ryan, his wife, have filed a Petition to vacate that portion of the aforesaid alleyway running from Rear Westmoreland Avenue due East to

lands of John P. Danton, a copy of the Petition to Vacate Roadways being attached hereto, made a part hereof and marked Exhibit "A"; and

WHEREAS, the aforesaid John H. Ryan and Lynn A. Ryan, his wife, have executed a Waiver form accompanying the aforesaid Petition to Vacate Roadways, a copy of the Waiver, being attached hereto, made a part hereof and marked Exhibit "B"; and

WHEREAS, John H. Ryan and Lynn A. Ryan, his wife, have provided a written Memorandum as to the reasons why vacation is requested, a copy of such Memorandum being attached hereto, made a part hereof and marked Exhibit "C"; and

WHEREAS, John H. Ryan and Lynn A. Ryan have provided a list of property owners whose property abuts the alleyway requested to be vacated, who are not participating in the vacation request, a copy of such list of property owners, setting forth the names and addresses thereof, is attached hereto, made a part hereof and marked Exhibit "D"; and

WHEREAS, this matter has been referred to the Code Enforcement Officer, Community Development Coordinator, City Foreman, Police Chief, Fire Chief, City Engineer, City Solicitor and the Municipal Authority of the City of Jeannette for comment, and, with the exception of a right of way for the maintenance of a sewer line by the Municipal Authority, there are no acknowledged impediments to this request.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN, THE COUNCIL OF THE CITY OF JEANNETTE HEREBY ORDAINS AND ENACTS THE FOLLOWING:

1. The Council of the City of Jeannette hereby vacates and abandons for public street purposes that unopened alleyway running parallel between those lots bearing Westmoreland

County Tax Map Nos. 14-04-01-0-171 and 14-04-01-0-172 running from a twenty (20') foot alleyway known as the Westmoreland Avenue Extension due East to a line of lands now or formerly of John Danton, said vacated and abandoned portion being more particularly bounded and described as follows:

BEGINNING at the Southwestern corner of Tax Map Parcel No. 14-04-01-0-171, where same intersects with the twenty (20') foot alley known as the "Westmoreland Avenue Extension", thence due East a distance of one hundred twenty (120') feet to a point on the line of lands of John Danton; thence, along the line of lands of Danton, due South twenty (20') feet to a point on the Northeast corner of Tax Map Parcel 14-04-01-0-172; thence, due West a distance of one hundred twenty (120') feet to a point on the Westmoreland Avenue Extension; thence, due North a distance of twenty (20') feet to the place of beginning.

This description is prepared pursuant to a survey performed by Stein, Sunder and Associates dated August 13, 1999 as same is attached to the Petition to Vacate referenced herein as Exhibit "A".

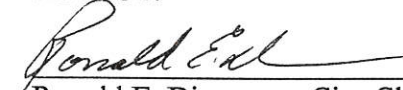
2. Nothing in this Ordinance shall be interpreted, deemed or construed as a condemnation by the City of Jeannette of any private rights-of-way that may exist among other property owners who may have an interest in same.

3. Nothing in this Ordinance shall be deemed or construed to affect or extinguish any private right-of-ways through that portion of the alleyway vacated herein that may be in existence prior or subsequent to this Ordinance's enactment.

4. Nothing in this Ordinance shall be deemed or construed to affect or otherwise extinguish any right-of-way maintained by the Municipal Authority of the City of Jeannette for the operation, repair and maintenance of a certain sewer line through that portion of the alleyway vacated herein, and, to the extent necessary, such right of way is hereby excepted and reserved.

This Ordinance is duly Ordained and Enacted by the Council of the City of Jeannette at a public meeting held the 30th day of AUGUST, 2000 and shall take effect immediately upon passage.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:

Carl J. Matt, Mayor/President of Council

PETITION TO VACATE ROADWAYS

WE, THE UNDERSIGNED, being a majority in number and interest of the owners of property abutting the roadway, alleyway or accessway between REAR WESTMORELAND AVE and REAR WESTMORELAND AVE, (street) (street), in the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania do hereby respectfully request the Council of and for the City of Jeannette to vacate the aforesaid roadway, alleyway or accessway as described in the survey attached hereto, made ~~a part~~ hereof and marked Exhibit "A".

In support of the within request, we are attaching hereto the following exhibits, all of which we certify as being true and correct:

1. A true and correct copy of a survey, prepared, sealed and acknowledged by a registered engineer or surveyor providing a metes and bounds description of that portion of the roadway, alleyway or accessway to be vacated (attached as Exhibit "A");
2. A true and correct copy of a Westmoreland County or City of Jeannette Tax Map showing the roadway, alleyway or accessway to be vacated and providing the tax map parcel

numbers of all property owners whose property abuts such roadway, alleyway or accessway (attached as Exhibit "B");

3. A list of all property owners, together with their addresses and phone numbers, owning property abutting the roadway, alleyway or accessway to be vacated who are not signatories to this Petition or participating in the request to vacate (attached as Exhibit "C");
4. A waiver, executed by the owner(s) of property abutting the roadway, alleyway or accessway to be vacated who are participating in or are signatories to this request, discharging the City of Jeannette from any liability or damages associated with the vacating of same (attached collectively as Exhibit "D").

We hereby acknowledge that Council, in consideration of the within Petition, may rely in whole or in part upon the representations contained herein and, by our execution of the within Petition, do hereby agree to hold the City of Jeannette harmless from any or all damages arising from the accuracy or inaccuracy of such representations and its reliance thereupon and to indemnify same.

IN WITNESS WHEREOF, we, the undersigned have hereunto set forth our hands and seals the date and year listed below.

<u>DATE:</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>TAX MAP PARCEL NO</u>
<u>6-27-00</u>	<u>John H Ryan</u>	<u>301 N 9TH ST JNT</u>	<u>171 AND</u>
<u>6-27</u>	<u>LYNN A RYAN</u>	<u>301 N 9TH ST JNT</u>	<u>172</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: Where property is held in joint names it is necessary for each joint owner to sign both this Petition and the above-referenced waiver.

Comm. of Penna. }
 County of Westmoreland } SS

27th day of June, 2000

Mary DiClaudio
 District Justice

District Justice Mary DiClaudio
 District Court 10-1-01
 Westmoreland County, PA
 My Commission Expires
 1st Monday In January 2006

Date 4-10-00

THE UNDERSIGNED, being a majority in number and interest of the owners of property abutting Block 171, 172 alley, between PENNSYLVANIA Street and PENNSYLVANIA Street, in the City of Jeannette do hereby respectfully petition the Council of the City of Jeannette to establish the grade, and pave said alley between said points and to assess the cost of said paving against the owners of property abutting on said alley, between said points, according to the front foot rule, and in consideration thereof, the undersigned, for themselves, their heirs, executors, administrators and assigns, do by these presents release, quitclaim and forever discharge the City of Jeannette from any and all liability for damages which may be occasioned to their properties by the establishment of the grading and the paving of said alley, between said points.

THE UNDERSIGNED, certify that they are the owners of the property set opposite their respective names, and that no person other than as herein shown has any interest in the property set opposite their respective names.

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared Lynn Ryan John D. Ryan, who being first sworn, deposes and says that he/she circulated the above petition, and the signatures appearing thereon are those of the persons represented.

Lynn Ryan John D. Ryan
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME, this 10th day of April, 2000.

Lawrence W. Waite
Notary

Notarial Seal
Lawrence W. Waite, Jr., Notary Public
Hempfield Twp., Westmoreland County
My Commission Expires July 2, 2001