

BILL NO. 01-09

ORDINANCE NO. 01-09

**AN ORDINANCE OF THE CITY OF JEANNETTE
VACATING A PORTION OF AN ALLEYWAY RUNNING
PARALLEL TO LOTS 58 THROUGH LOT 64 OF THE
BYERS PARK PLAN OF LOTS, SECTION "E"
AS SAME IS RECORDED IN THE OFFICE OF
THE RECORDER OF DEEDS OF WESTMORELAND COUNTY,
PENNSYLVANIA IN PLAN BOOK VOLUME 4, PAGE 335**

WHEREAS, the Heritage Baptist Church of Jeannette, is the owner of certain tracts of land known as Lots No. 58 through 64 inclusive in the Byers Park Plan of Lots, Section "E", such lots bearing Westmoreland County Tax Map Parcel No. 14-3-8-33 by virtue of a deed from Abu Ali and Ayeska Hossain Ali dated September 17, 1997 and recorded in the office of the Recorder of Deeds of Westmoreland County in Deed Book volume 3524/135; and

WHEREAS, there exists along the southern boundary of such property an unopened and unimproved twenty (20') foot alleyway running West from a second parcel of land owned by the Heritage Baptist Church of Jeannette, to the Southwest corner of the aforesaid Lot No. 64; and

WHEREAS, the City has previously vacated an unopened portion of Pasco Street to the North of such property and an unopened fifteen (15') foot alleyway to the East of such property by virtue of the adoption of Ordinance No. 97-7; and

WHEREAS, it appears that the aforesaid twenty (20') foot alleyway referenced above has never been opened by the City of Jeannette on the ground, is generally wooded and unusable for public access and that same remains unopened to the date of this Ordinance's introduction; and

WHEREAS, pursuant to a survey prepared by Leonard Karfelt, Registered Surveyor, dated June, 2001, the Heritage Baptist Church of Jeannette is the owner of the entire property

along the Northern side of the alleyway sought to be vacated and a portion of the property on the eastern end of the alleyway sought to be vacated, a copy of the survey of Leonard Karfelt dated June, 2001 depicting the area of the alleyway sought to be vacated in yellow being attached hereto, made a part hereof and marked Exhibit "A"; and

WHEREAS, the Heritage Baptist Church of Jeannette has filed a Petition to Vacate the unopened portion of the alleyway referenced above; and

WHEREAS, the aforesaid Petition to Vacate has been referred to the City Engineer, City Solicitor, Community Development Coordinator, City Foreman, Police Chief and Fire Chief of the City of Jeannette for review and there are no indications that the requested vacation of the aforesaid alleyway will disrupt Community Development plans or otherwise detrimentally affect the public health, safety or well-being.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN, THE COUNCIL OF THE CITY OF JEANNETTE HEREBY ADOPTS THE FOLLOWING ORDINANCE:

1. The Council of the City of Jeannette hereby vacates and abandons for public street and access purposes, that twenty (20') foot unopened portion of alleyway running along the southerly border of Lots No. 58 through 64 inclusive of the Byers Park Plan of Lots, Section "E" as same is recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Plan Book Volume 4, Page 335, such parcel bearing Westmoreland County Tax Map Parcel Nos. 14-3-8-33; such vacated and abandoned portion of alleyway being more particularly bounded and described as follows:

BEGINNING at the Southwesterly corner of Lot No. 349 in the Byers Park Plan of Lots as same is recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Plan Book Volume 1, Page 276, thence North 21° 5' East a distance of 20.45 feet to a point; thence, North 80° 54' 50" West a distance of 382.96 feet to a point; thence, through the aforesaid unimproved alleyway, South 11° 5' West a distance of 20 feet to a point on the Southerly side of said alleyway; thence, along the Southerly line of said alleyway South 80° 54' 50" East to the point of beginning.

This description is prepared in accordance with the survey of Leonard Karfelt referenced above.

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.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD DECEMBER 27, 2001 AND SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:



Mayor/President of Council