

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO: 04-03

ORDINANCE NO: 04-04

**AN ORDINANCE OF THE CITY OF JEANNETTE,
WESTMORELAND COUNTY, PENNSYLVANIA
VACATING A PORTION OF SELLERS AVENUE IN
WHERE SAME INTERSECTS WITH STATE
HIGHWAY ROUTE 130**

WHEREAS, Timothy R. Stemple and Diane M. Stemple, his wife, (hereinafter referred to as “Stemple” and James R. Streussnig and Susan M Streussnig, his wife, (hereinafter referred to as “Streussnig”) are the owners of tracts of land known as Lot Nos. 2 and 1 respectively, in the John Greenawalt Plan of Lots as recorded in the the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Corporation Docket No. 3, page 267; and

WHEREAS, the City of Jeannette has opened and maintains a public thoroughfare known as Sellers Avenue, running in a generally north and south direction, in the City of Jeannette, Westmoreland County, Pennsylvania; and

WHEREAS, it appears that a portion of the northerly end of Sellers Avenue, where same intersects with State Route 130, is unopened on its easterly side and that the unopened portion of such alleyway has been traditionally used for parking by businesses situate on the property of Stemple referenced above; and

WHEREAS, it appears that the unopened portion of the aforesaid Sellers Avenue extending from the Northwest tip of the Streussnig property, running along the Westerly side of the Stemple property, to State Route 130, has never been opened by the City of Jeannette and same remains unopened to the date of this Ordinance's adoption; and

WHEREAS, a survey has been prepared by Dennis M. Rosatti for Timothy and Diane Stemple dated April 14, 2003, which depicts the unopened area of Sellers Avenue, a copy of such survey being attached hereto, made a part hereof and marked Exhibit "B"; and

WHEREAS, Stemple and Streussnig have filed a joint Petition to Vacate the unopened portion of Sellers Avenue referenced above; a copy of such Petition being attached hereto, made a part hereof and marked Exhibit "C"; and

WHEREAS, such Petition has been forwarded to the City Engineer, Fire Chief, Chief of Police and Community Development Coordinator of the City of Jeannette for review and comment, with the written comment from each of the aforesaid being attached hereto, made a part hereof and marked collectively as Exhibit "D".

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

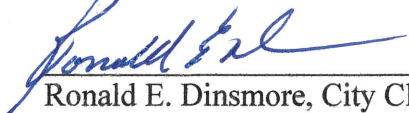
1. The Council of the City of Jeannette hereby vacates and abandons for public street purposes that unopened portion of Sellers Avenue depicted and described in the survey of Dennis M. Rosatti, dated April 14, 2003, as same is attached hereto as Exhibit "B", such area containing approximately 0.029 acres and/or 1268 square feet.

2. This Ordinance acknowledges that only that portion of Seller's Avenue referenced in the attached survey is being vacated by this Ordinance and that no request has been made to vacate any other portion of Sellers Avenue.

3. 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.

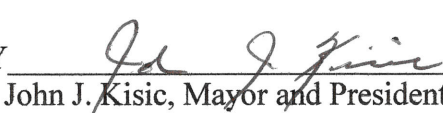
THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 12th DAY OF MAY, 2004, AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:

BY 

John J. Kisic, Mayor and President of Council