

BILL NO: 95-3

ORDINANCE NO: 95-3

**AN ORDINANCE VACATING A PORTION OF AN ALLEYWAY RUNNING PARALLEL TO GOOD STREET AND LAFFERTY STREET IN THE CITY OF JEANNETTE WHERE SAME INTERSECTS WITH AN EIGHT FOOT WALKWAY PREVIOUSLY RESERVED TO THE CITY OF JEANNETTE IN ORDINANCE NO. 158 DULY ADOPTED BY THE JEANNETTE CITY COUNCIL ON JANUARY 13, 1947.**

WHEREAS, Diane L. Schoff, unmarried, is the owner of tracts of land known as Lots Nos. 74, 75, 76 and 77 in the Good and Wierman Plan of Lots and a parcel of land twenty-one (21') feet in width extending from Lafferty Street to Good Street and maintaining an even width and adjoining the Southerly line of said Lots Nos. 75 and 76 by virtue of a Deed from Arthur E. Tiberi, widower, dated December 29, 1988 and recorded in the office of the Recorder of Deeds of Westmoreland County, Pennsylvania, a copy of such Deed being attached hereto; and

WHEREAS, the City of Jeannette had previously vacated a portion of Frothingham Avenue, as same extended between Good Street and Lafferty Street in the City of Jeannette that runs along the Southerly line of Lots 75 and 76, reserving an eight (8') foot public street or way, by virtue of Bill No. 165, Ordinance No. 158, duly ordained and enacted by the Jeannette City Council on January 13, 1947 such eight (8') foot public stret or way being unopened as well; and

WHEREAS, it appears that an inimproved alleyway has been opened from State Street running parallel between Good Street and Lafferty Street and extending from State Street to the Southeast corner of Lot No. 74 owned by the aforesaid Diane L.

Schoff, the aforesaid open portion of the alleyway being marked in yellow on a photocopy of a Tax Map supplied by the aforesaid Diane L. Schoff, a copy of the aforesaid Tax Map being attached hereto, made a part hereof and marked Exhibit "B"; and

WHEREAS, it appears that a portion of the aforesaid alleyway extending from the Southeasterly tip of Lot No. 74 and extending Southwest to the aforesaid eight (8') foot public street or way formerly known as Forthingham Avenue has never been opened by the City of Jeannette and same remains unopened to the date of this Ordinance's adoption, the unopened portion of such alleyway being designated in red on the Tax Map attached hereto as Exhibit "B"; and

WHEREAS, pursuant to a survey prepared by Robert T. Regola and Associates for Diane L. Schoff dated December 1988, when read in conjunction with the Deed referenced herein as Exhibit "A", it appears that Diane L. Schoff is the sole owner of all property abutting each side of the unopened alleyway as same extends along the Southerly boundary line of Lots numbered 74 and 75 together with the aforesaid twenty-one (21') foot strip of ground previously vacated by the City of Jeannette, a copy of the aforesaid December 1988 survey being attached hereto as Exhibit "C"; and

WHEREAS, Diane L. Schoff has filed a Petition to Vacate the unopened portion of the alleyway set forth above.



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 alleyway running parallel to Good Street as same runs along the Southerly boundary of Lots Nos. 74 and 75 in the Good and Wierman Plan of Lots, Westmoreland County Tax Map Parcel No. 14-2-13-620 as same extends to an eight (8') foot street or way, said vacated and abandoned portion being more particularly bounded and described as follows:

BEGINNING at the Southeastern tip of Lot 74 in the Good and Wierman Plan of Lots as same intersects with the Southwesterly corner of Lot No. 73 in such Plan and the unopened alleyway referenced above, thence South  $57^{\circ} 5'$  West to a point on the aforesaid eight (8') foot public street or way; thence South  $32^{\circ} 55'$  West a distance of approximately twenty (20') feet to a point at the intersection of the aforesaid eight (8') foot cartway and the Northwest corner of a twenty-one (21') foot strip of land being conveyed to Diane L. Schoff by Deed from Arthur E. Tiberi dated December 29, 1988 and recorded in the office of the Recorder of Deeds of Westmoreland County in Deed Book Volume \_\_\_\_\_, page \_\_\_\_\_, said twenty-one (21') foot strip of ground being previously vacated by the City of Jeannette through Ordinance No. 158 referenced herein; thence, North  $57^{\circ} 5'$  East a distance of approximately one hundred ten (110') feet to a point along the Northerly boundary line of Lot 77 in the aforesaid Good and Wierman Plan; thence North  $32^{\circ} 55'$  West a distance of approximately twenty (20') feet to the point of beginning.



2. This Ordinance acknowledges a discrepancy between references to the aforesaid alleyway being vacated as twenty (20') feet in width in Ordinance No. 158 and the aforesaid alleyway being fifteen (15') feet in width pursuant to the survey of Robert T. Regola attached hereto. It is the intention of this Ordinance to vacate and abandon for public street purposes the entire width of the aforesaid alleyway for the entire length set forth above regardless as to whether the width reserved is fifteen (15') feet or twenty (20') feet.

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.

4. Nothing in this Ordinance shall be deemed or construed as an opening or vacation of the eight (8') foot public street or way reserved to the City of Jeannette and referenced in Ordinance No. 158 above.

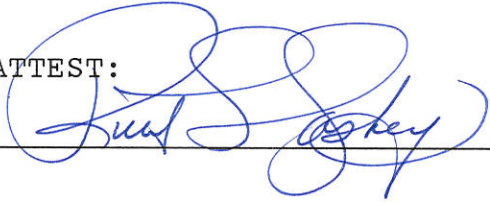
5. To the extent that this Ordinance modifies Ordinance No. 158 referenced above with respect to the vacation of that portion of the alleyway referenced herein, the aforesaid Ordinance No. 158 is hereby repealed.

THIS ORDINANCE is duly ordained and enacted by the City of Jeannette this 28<sup>TH</sup> DAY OF JUNE, 1995 and shall take effect immediately upon final passage.




IN WITNESS WHEREOF, we have hereunto set our hands and seals  
this 28<sup>th</sup> day of June, 1995.


ATTEST:

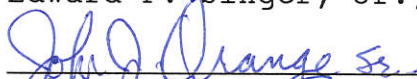
  
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THE CITY OF JEANNETTE:

BY   
\_\_\_\_\_ Glenn D. Hoak, Mayor

  
\_\_\_\_\_ James F. Solomon, Councilman

  
\_\_\_\_\_ Edward F. Singer, Jr., Councilman

  
\_\_\_\_\_ John J. Orange, Sr., Councilman

  
\_\_\_\_\_ Edmund J. Holmes, Councilman



