

BILL NO.: 95-32

ORDINANCE NO.: 95-6

**AN ORDINANCE VACATING THE NORTHERN 28' OF AN ALLEYWAY
RUNNING PARALLEL BETWEEN SIXTEENTH STREET AND
SEVENTEENTH STREET IN THE CITY OF JEANNETTE
WHERE SAME INTERSECTS WITH AN UNNAMED ALLEY RUNNING
PARALLEL TO THE CONRAIL RAILROAD LINE, SUCH ALLEYWAY BEING
ABUTTED ON BOTH SIDES BY PROPERTY OWNED BY THE
BROTHERS HOME ASSOCIATION, INC.**

WHEREAS, the Brothers Home Association, Inc., is the owner of certain property known as Westmoreland County Tax Map Parcel No. 14-01-11-0-042 by virtue of a Deed from the Westmoreland County Tax Claim Bureau dated August 17, 1994 and recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Deed Book Volume 3273, page 504 and Westmoreland County Tax Map Parcel No. 14-01-11-0-045 by virtue of a Deed from the Westmoreland County Tax Claim Bureau dated August 17, 1994 and recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Deed Book Volume 3273, page 506, copies of such Deeds being attached hereto, made a part hereof and marked collectively as Exhibit "A"; and

WHEREAS, the Brothers Home Association, Inc., is believed to be a Corporation in good standing and duly organized to conduct business within the Commonwealth of Pennsylvania and having its principal place of business at 1616 Penn Avenue, Jeannette,

Pennsylvania 15644. A copy of the Articles of Incorporation of Brothers Home Association, Inc., being attached hereto, made a part hereof and marked Exhibit "B"; and

WHEREAS, the membership of the Brothers Home Association, Inc., at a General Membership Meeting on December 17, 1994 elected Robert Henderson President of the aforesaid Association and, by Corporate Resolution dated February 18, 1995 resolved to Petition the City of Jeannette to vacate that portion of the alleyway subject to this request and appointed the aforesaid Ronald Henderson as the representative of such Corporation in all communications with the City. A copy of the Minutes of the December 17, 1994 meeting and February 18, 1995 meeting referenced herein being attached hereto, made a part hereof and marked Exhibit "C"; and

WHEREAS, on or about October 2, 1995, Brothers Home Association, Inc., submitted a Petition to Vacate Roadways on a Form prescribed and adopted by the Council of the City of Jeannette executed by Ronald Henderson, together with a Waiver/Release accompanying the aforesaid Petition to Vacate likewise executed by Ronald Henderson as President of Brothers Home Association, Inc. A copy of the aforesaid Petition to Vacate Roadways and Waiver/Release accompanying the Petition to Vacate being attached hereto, made a part hereof and marked Exhibit "D" collectively; and



WHEREAS, in support of the aforesaid Petition, Brothers Home Association, Inc., attached a photocopy of a survey prepared by Arthur J. Kromel dated October 17, 1994 showing the aforesaid real estate and defining the alleyway subject to the Petition to Vacate. A copy of the October 17, 1994 survey of Arthur Kromel Surveying being attached hereto, made a part hereof and marked Exhibit "E"; and

WHEREAS, Brothers Home Association, Inc., produced a photocopy of Westmoreland County Tax Map No. 14-1-11 showing the location of the aforesaid properties and the alleyways subject to the Petition to Vacate in relationship to other properties, rights-of-way and throughways within the City of Jeannette. A copy of the aforesaid Tax Map is attached hereto, made a part hereof and marked Exhibit "F"; and

WHEREAS, the Council of the City of Jeannette referred such application to staff for review consistent with the policies and procedures adopted by the City of Jeannette for Requests of Vacate Alleyways and have received written reports from the City of Jeannette Community Development Coordinator dated November 15, 1995, the Fire Chief/Marshall of the City of Jeannette dated November 11, 1995, the City Engineer/Foreman dated November 28, 1995 and the Chief of Police of the City of Jeannette dated _____, 1995 and the City Solicitor dated December 6, 1995. Copies of the aforesaid staff reports are attached hereto, made a part hereof and marked Exhibit "G"; and

WHEREAS, in consideration of the application submitted herein and the reports of the various Department Heads likewise attached hereto, it is the intention of the Council of the City of Jeannette to take action with respect to the request by the Brothers Home Association, Inc. to vacate that portion of the alleyway in question.

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 between Sixteenth Street and Seventeenth Street as same runs along the Western boundary of Westmoreland County Tax Map Parcel 14-1-11-045, said vacated and abandoned portion being more particularly bounded and described as follows:

BEGINNING on the Southwesterly corner of Lot No. 1 in the E. M. Gross Plan of Lots as same intersects with the Northwesterly corner of Lot No. 2 in such Plan North $77^{\circ} 05'$ West a distance of approximately 13' to a point on the Eastern boundary line of Lot No. 12 in the aforesaid E. M. Gross Plan of Lots; thence, along the Eastern boundary line of such Lot No. 12, North $12^{\circ} 55'$ East approximately 24.372 feet to a point being the Northeasterly tip of Lot No. 12 in the aforesaid Plan where same abuts the unnamed alleyway; thence, along the line of said alleyway North $89^{\circ} 47'$ East a distance of approximately 15' to a point being the Northwesterly corner of Lot No. 1 in the aforesaid E. M. Gross Plan; thence South $12^{\circ} 55'$ West a distance of 28' to the point of beginning.



2. This Ordinance acknowledges that the metes and bounds description of the portion of the alleyway to be vacated as set forth above is premised upon the survey of Arthur Kromel Surveying attached hereto and that an exact description of the alleyway to be vacated may not be consistent with the metes and bounds description set forth above. It is, however, the intention of this Ordinance to vacate for public street purposes the entire width of the aforesaid alleyway as same exists between Lot No. 1 and Lot No. 12 in the E.M. Gross Plan of Lots.

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 a vacation of any rights-of-way or easements that may be maintained by Sewerage Authorities, Water Authorities, Municipal Authorities or any other person or entity that may exist either of record or by adverse possession, implication or otherwise with respect to the portion of the alleyway so vacated.

5. This Ordinance is duly ordained and enacted by the City of Jeannette this 20th day of December, 1995 and shall take effect immediately upon final passage.

IN WITNESS WHEREOF, we have hereunto set our hands and seals
this 20th day of December, 1995.

ATTEST:

Mary A. Sever
City Clerk

THE CITY OF JEANNETTE

Glenn D. Hoak
Glenn D. Hoak, Mayor

