

BILL NO. 96-10

ORDINANCE NO. 96-13

**AN ORDINANCE OF THE CITY OF JEANNETTE
VACATING A TWENTY (20') FOOT ALLEYWAY EXTENDING
FROM THE NORTHEASTERLY SIDE OF ECKENROD STREET
ALONG THE LINES OF PROPERTIES OWNED BY
VINCENT AND VALENTINA MIANO AND
GERALD AND ROSE MARIE GAUDI**

WHEREAS, the City of Jeannette has received a Petition to Vacate portions of an unnamed alleyway extending approximately 168.2 feet Northeast from the Easterly side of Eckenrod Street in the City of Jeannette from Vincent A. Miano and Valentina A. Miano, his wife, and Gerald Gaudi and Rose Marie Gaudi, his wife, property owners comprising 100% of the ownership in interest and frontage along the aforesaid alleyway, a copy of the Petition to Vacate being attached hereto, made a part hereof and marked Exhibit "A"; and

WHEREAS, the Petitioners have executed a Waiver/Release to accompany the Petition to Vacate, copies of said Waiver/Release for each property owner abutting the portion of the alleyway requested to be vacated being attached hereto, made a part hereof and marked Exhibit "B"; and

WHEREAS, pursuant to the procedure adopted by the City of Jeannette for vacating roadways within its boundaries, the within Petition to Vacate has been referred to and reviewed by the City Engineer, Fire Chief/Fire Marshall, Chief of Police,

Community Development Coordinator and City Solicitor, with written reports from each of the staff members being attached hereto, made a part hereof and marked collectively as Exhibit "C"; and

WHEREAS, the Petitioner have submitted a copy of a Tax Map showing those portions of the aforesaid unnamed alleyway to be vacated and the parcels which they own, a copy of the aforesaid Tax Map being attached hereto, made a part hereof and marked Exhibit "D"; and

WHEREAS, the owners of abutting property in accordance with the records maintained in the Office of the Recorder of Deeds of Westmoreland County and the Westmoreland County Tax Claim Bureau indicate that Parcel Nos. 387 and 388 are owned by Vincent A. Miano and Valentina A. Miano, his wife, both Petitioners herein, and Parcel No. 385 is owned by Gerald Gaudi and Rose Marie Gaudi, his wife, also Petitioners herein; and

WHEREAS, an unimproved alleyway twenty (20') feet in width, unopened for public access, extends from Eckenrod Street, with the properties owned by Mianos on the Southeasterly side of said unopened alleyway and the property owned by Gaudi on the Northwestern side of same.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN, THE COUNCIL OF THE CITY OF JEANNETTE DOES HEREBY ORDAIN AND ENACT THE FOLLOWING ORDINANCE:

1. That certain twenty (20') foot unopened and unimproved alleyway as indicated by the letter "A" on the Tax Map affixed hereto as Exhibit "D" is hereby vacated for purposes of opening and improving same as a public accessway or thoroughfare. The aforesaid vacated Parcel being more particularly described as follows:

BEGINNING at the Northwesterly corner of property now or formerly of Vincent A. and Valentina A. Miano, such lot being known and designated as Lot No. 14 in the Dominic Evangeliste Plan which Plan is found of record in the Office of the Register of Wills of Westmoreland County, Pennsylvania, as part of the Last Will of Maria Fanelli Evangeliste at No. 282 of 1947, said Plan being surveyed January 6, 1946 by L. J. Schnupp, R.E. where same intersects with the Westerly side of Eckenrod Street and the aforesaid unopened alleyway, thence, along the line of lands of Miano, North 42° East a distance of approximately 168.2 feet to a point on lands now or formerly of Elsie Albertoletti; thence, along the line of lands now or formerly of Elsie Albertoletti, North 55° 42' East a distance of approximately 20 feet to a point on the Southeast corner of lines of Gaudi; thence, along the line of lands of Gaudi, South 42° West a distance of approximately 117.7 feet to a point; thence, by a line curbing to the right with a radius of 14 feet to a point on the Westerly side of Eckenrod Street; thence, South 07° 11' East an unspecified distance to the point upon the lands of my Miano which is the place of beginning.

This description is prepared in accordance with those materials supplied by the Petitioners herein and no separate survey was prepared for purposes of providing a specific description of the portion of the alleyway herein vacated.

Accordingly, this description is general in nature and intended to vacate that general portion of alleyway indicated on the Tax Map attached hereto.

2. Nothing in this Ordinance shall be deemed or construed as a vacation of any easement or right-of-way relating to storm sewers, sanitary sewers or any other municipal utility either of record or not of record on behalf of the City of Jeannette, any duly established Authority of the City of Jeannette or any other public utility provider, and, to the extent necessary, the City of Jeannette reserves for itself and any other duly constituted Authority or utility providing entity, any necessary easement or right-of-way to maintain, improve, remove or construct any storm sewer, sanitary sewer, or other utility located within the alleyway so vacated.

3. Nothing in this Ordinance shall be deemed or construed as a condemnation or vacation of any private rights-of-way in, over or through the aforesaid alleyway hereinabove vacated.


4. The City Solicitor is hereby directed to advertise the adoption of the within Ordinance pursuant to the terms of the Third Class City Code and in accordance with the law of the Commonwealth of Pennsylvania with respect to same.

5. This Ordinance shall become effective immediately upon enactment.

ATTEST:


12-31-96
Ronald Dinsmore,
City Clerk

THE CITY OF JEANNETTE:

BY 
Michael J. Salvatore,
Mayor and 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 _____ and _____, (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

Exhibit "A"

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>10/18/95</u>	<u>Vincent Miano</u>	<u>100 Lara Rd Jct</u>	<u> </u>
<u>10/18/95</u>	<u>Valentina Miano</u>	<u>100 Lara Rd Jct</u>	<u> </u>
<u>10/23/95</u>	<u>Rose Marie Gaudi</u>	<u>807 Lewis Ave Jct.</u>	<u> </u>
<u>10/24/95</u>	<u>R. V.</u>	<u>801 Lewis Ave - Seaside, Pa</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </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.

In lieu of a survey after consultation with the City Solicitor, the deeds of the two parcels involved on either side of an alley are herewith attached, both of which describe by meets and bounds the location of the alley to be vacated,

The tax map and the parcel are set forth on the attachment which is included with this Petition.

The Petitioners herein own a 100% of the property affected with the Gaudi's owning parcel 385 and the Miano's owning 387 and 388 which abut the 20 foot alley sought to be vacated. Both parties retain access to Eckenrod Street.

WAIVER/RELEASE ACCOMPANYING PETITION TO VACATE

I/WE, the undersigned, being duly sworn and deposed according to law do hereby set forth and affirm that:

1. I/We am/are the owner(s) of property located at Eckenrod Street, City of (street address) Jeannette, Westmoreland County, Commonwealth of Pennsylvania, bearing Westmoreland County/City of Jeannette Tax Map Parcel No. 14-03-04-0-387 and, and 14-03-04-0-388 no other person has an interest therein;
2. I/We have reviewed the Petition to Vacate Roadways to be filed with the City Clerk of the City of Jeannette, and its Exhibits, and am/are requesting the Council of the City of Jeannette to vacate the roadway, alleyway or accessway described therein;
3. I/We have executed the Petition to Vacate and I/we hereby certify that my/our signatures as same appear on the Petition are true and correct; and
4. In consideration of the request to vacate, I/we, the undersigned, for myself/ourselves, my/our heirs, executors, administrators and assigns, do by these presents release, quitclaim and forever discharge the City of Jeannette from any and all liability or claims for damages, including, but not limited to, those arising

EXHIBIT

Exhibit "B"

from condemnation, eminent domain or other such damages, of whatsoever nature or kind, which may be occasioned to my/our property by virtue of the vacating requested herein.

5. I/We, by execution of this Waiver/Release, do hereby acknowledge and agree that the vacating of the roadway described in the Petition to Vacate Roadways shall not act as a condemnation of or otherwise affect any private easements or rights-of-way in, over, on or through the alleyway, roadway or accessway which is the subject of this Petition.

Sincent Meano

Valentina Meano

Rev. Marie Gaudi

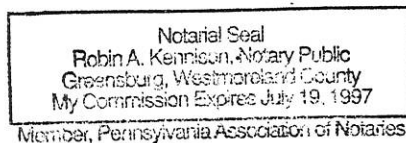
[Signature]

Gerald Gaudi

SWORN TO, and subscribed
before me, this 24th day
of October, 1995.

[Signature]
Notary Public

My Commission Expires:



CITY
of JEANNETTE

MUNICIPAL BUILDING • JEANNETTE, PENNSYLVANIA 15644

OFFICE OF THE CITY ENGINEER

June 6, 1996

Fisher, Long & Rigone
Gary A. Falatovich
101 W. Pittsburgh Street
Greensburg, Pa. 15601

Dear Gary:

City tax maps indicate that there is a storm sewer passing through the alley to be vacated to the Gaudi's and Miano's.

I have not been able to verify their existence. However, if you could incorporate the thought in your Ordinance, it would save me some time digging test holes on this property.

Sincerely,


Edward L. Antonacci
City Engineer

ELA:mp

Exhibit "C"

14-03-04-0-387

VINCENT A. & VALENTINA A. Miano
100 Lora Road
JUL 15 644

HSE LOTS 11 & 12 GARAGE
D 1771/0135

14-03-04-0-388

VINCENT A. & VALENTINA A. Miano
100 Lora Road
JUL 15 644

LOTS 13 & 14
D 2179/0848

Gaudi
parcels 381 & 385

GAUDI

MIANO

