

CITY OF JEANNETTE  
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022- 05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JEANNETTE, PENNSYLVANIA, APPROVING THE VACATION OF A PORTION OF NORTH FIFTH STREET AND A PORTION OF AN UNNAMED 30-FOOT ALLEY LOCATED IN THE CITY OF JEANNETTE, COUNTY OF WESTMORELAND, UPON THE PETITION OF THE UNDERLYING PROPERTY OWNER AND ALL AFFECTED PERSONS.

**WHEREAS**, 101 N 4<sup>TH</sup> ST, LLC, as the adjacent property owner and only affected person (as a result of those two certain deeds recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, as Instrument Number 202104230016402 and Instrument Number 202207010023608) has petitioned and requested that an unopened portion of Fifth Street and an unopened portion of an unnamed thirty (30) foot alley right-of-way adjacent to and abutting its property be vacated; and

**WHEREAS**, said portions of the street and the alley were not opened by the City of Jeannette or used by the public for purposes of travel; and

**WHEREAS**, the City of Jeannette does not maintain said portions of the street and the alley;

**WHEREAS**, there are no utilities, including, without limitation, stormwater management facilities, lying within said portions of the street and the alley;

**WHEREAS**, the City Engineer has reviewed and approved this request; and

**WHEREAS**, the Third Class City Code, 11 Pa.C.S.A. § 12919 requires any street or alley vacation ordinance to be advertised once a week for three consecutive weeks prior to consideration and final passage; and

**WHEREAS**, a public hearing, after due advertisement and public notice in accordance with the Third Class City Code and applicable law, was held before the City Council on June 9, 2022; and

**WHEREAS**, the only affected property, identified as Tax Map Number 14-01-12-0-452 and Tax Map Number 14-01-12-0-470, of which said portions of the street and the alley would become a part, is owned by the petitioner; and

**WHEREAS**, the petitioner has agreed to meet certain conditions, including, without limitation, the release and waiving of any and all damages as the adjacent property owner and an affected person against the City of Jeannette.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JEANNETTE, PENNSYLVANIA, DOES ORDAIN AS FOLLOWS:

**SECTION 1: Alley Identification and Vacation.** That the following described Fifth Street and the unnamed thirty (30) foot alley and public right-of-way, or portions thereof, are hereby vacated, except as may be expressly provided in this Ordinance:

**Fifth Street**

ALL THAT CERTAIN tract of land situated in City of Jeannette, County of Westmoreland, Commonwealth of Pennsylvania, being a portion of Fifth Street, more particularly bounded and described as follows:

BEGINNING at the southerly right of way line of Gaskill Avenue and extending southwestwardly for a distance of approximately one hundred thirty-eight (138) feet to the southwestern terminus along an existing railroad right of way.

A plan of said vacated street and right-of-way is hereto attached and titled Survey of Property (EXHIBIT A), as prepared by All State Mapping, Inc., and dated August 10, 2021.

**Thirty (30) Foot Unnamed Alley**

ALL THAT CERTAIN tract of land situated in City of Jeannette, County of Westmoreland, Commonwealth of Pennsylvania, being a portion of an unnamed thirty (30)-foot, more particularly bounded and described as follows:

BEGINNING at the westerly right of way line of Fifth Street and extending northwestwardly for a distance of approximately one hundred (100) feet to the northwestwardly terminus of the unnamed alley along an existing railroad right of way.

A plan of said vacated alley and right-of-way is hereto attached and titled Survey of Property (EXHIBIT A), as prepared by All State Mapping, Inc., and dated August 10, 2021.

**SECTION 2: Conditions of Vacation.** That such vacation is contingent on the Petitioner reimbursing the City for all costs associated with these street and alley vacation proceedings.

**SECTION 3: Constitutionality or Invalidity.** That if any section, subsection, clause, phrase, or sentence, of this Ordinance, is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality of the remaining portions of this ordinance, as it is being hereby expressly declared that this ordinance and each section, subsections, clause, phrase, or sentence, hereof would have been prepared, proposed, adopted, and approved and ratified irrespective of the fact that any one or more section, subsection, clause, phase, or sentence, be declared invalid or unconstitutional.

**SECTION 4: Effective Date.** This Ordinance shall be in full force and effect ten (10) days from and after passage, and publication as provided by law, and upon full completion of the conditions provided herein.

**SECTION 5: Recordation.** The City Clerk is authorized and Petitioner is directed to file this ordinance with the Clerk of Courts, Westmoreland County, Pennsylvania, and to record this ordinance with the Office of the Recorder of Deeds, Westmoreland County, Pennsylvania.

**SECTION 6: Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this ordinance.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 26<sup>th</sup> day of July, 2022.

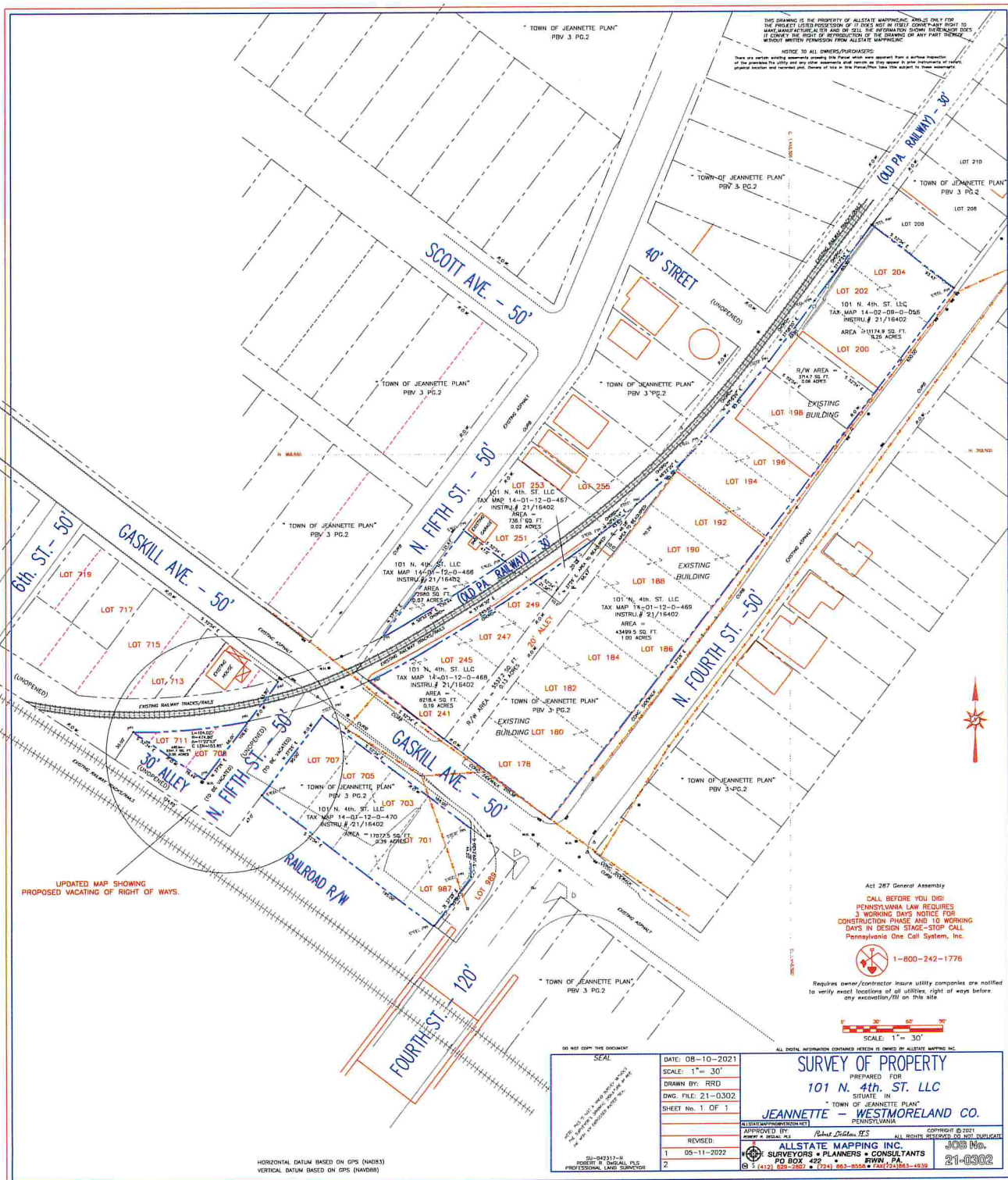


CITY OF JEANNETTE

By: Curtis J. Antonjak  
Curtis J. Antonjak  
Mayor and President of Council

ATTEST: (SEAL)

Ben Walker  
Benjamin Walker  
City Clerk



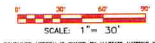
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NOTICE TO ALL OWNERS/PURCHASERS: This is a preliminary survey drawing. It does not constitute a contract or a representation of the project to be undertaken and shall not be used as a basis for any construction or other action without the written consent of Allesty Mapping, Inc. All dimensions and bearings are given in feet and inches unless otherwise noted.

UPDATED MAP SHOWING PROPOSED VACATING OF RIGHT OF WAYS.

Act 287 General Assembly  
 CALL BEFORE YOU DIG!  
 PENNSYLVANIA LAW REQUIRES  
 3 WORKING DAYS NOTICE FOR  
 CONSTRUCTION PHASE AND 10 WORKING  
 DAYS IN DESIGN STAGE - STOP CALL  
 Pennsylvania One Call System, Inc.  
 1-800-242-1776

Requires owner/contractor insure utility companies are notified to verify exact locations of all utilities right of ways before any excavation/dig on this site.



SEAL ALL INFORMATION CONTAINED HEREIN IS OWNED BY ALLESTY MAPPING, INC. DATE: 08-10-2021 SCALE: 1" = 30' DRAWN BY: RRD DWG. FILE: 21-0302 SHEET No. 1 OF 1	DATE: 08-10-2021 SCALE: 1" = 30' DRAWN BY: RRD DWG. FILE: 21-0302 SHEET No. 1 OF 1	<b>SURVEY OF PROPERTY</b> PREPARED FOR <b>101 N. 4th. ST. LLC</b> SITUATE IN "TOWN OF JEANNETTE PLAN" <b>JEANNETTE - WESTMORELAND CO.</b> PENNSYLVANIA	
	REVISIONS: 1 05-11-2022 2 08-10-2021		APPROVED BY: Robert D. B. B.S. ALLSTATE MAPPING INC. SURVEYORS • PLANNERS • CONSULTANTS PD BOX 429 IRWIN, PA 15330
	HORIZONTAL DATUM BASED ON EPS (NAD83) VERTICAL DATUM BASED ON GPS (NAVD83)		ALL RIGHTS RESERVED. DO NOT DUPLICATE. 21-0302
	PROFESSIONAL LAND SURVEYOR		21-0302
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