

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 18-18

ORDINANCE NO. 18-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JEANNETTE, PENNSYLVANIA, APPROVING THE VACATION OF AN UNNAMED 15-FOOT ALLEY LOCATED IN THE CITY OF JEANNETTE, COUNTY OF WESTMORELAND, UPON THE PETITION OF THE UNDERLYING PROPERTY OWNER AND ALL AFFECTED PERSONS.

WHEREAS, William Joseph Ponzetti, 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 201203080009570 and Instrument Number 201301230002978) has petitioned and requested that the fifteen (15) foot alley right-of-way underlying his property and over which a residential dwelling was constructed be vacated; and

WHEREAS, said alley was 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 alley;

WHEREAS, there are no utilities, including, without limitation, stormwater management facilities, lying within said 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 November 6, 2018; and

WHEREAS, the only affected property, identified as Tax Map Number 14-01-16-0-004, of which said 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 alley and public right-of-way, or portions thereof, are hereby vacated, except as may be expressly provided in this Ordinance:

Fifteen (15) Foot Unnamed Alley

ALL THAT CERTAIN tract of land situated in City of Jeannette, County of Westmoreland, Commonwealth of Pennsylvania, being shown as a fifteen (15)-foot alley on Plan of Survey prepared by Allegheny Land Surveying and dated August 9, 2007, more particularly bounded and described as follows:

BEGINNING at a point on the line of land now or formerly of the Redevelopment Authority of Westmoreland County (tax parcel no. 14-01-16-0-008) at the southeasterly corner of property now of William J. Ponzetti (tax parcel no. 14-01-16-0-004); thence South 28 degrees 15 minutes West, a distance of 15.02 feet to a point at the northeasterly corner of property now or formerly of Audrey Helmetzi; thence along the northerly line of the property now or formerly of Audrey Helmetzi and Joseph V. Ponzetti, Jr., and Kathleen Jane Ponzetti, his wife, North 58 degrees 45 minutes West, a distance of 83.22 feet, more or less, to a point at the northwesterly corner of property now or formerly of said Joseph V. Ponzetti, Jr., et ux., on the easterly line of an unnamed 13 foot alley; thence along the easterly line of said unnamed 13 foot alley, North 31 degrees 15 minutes East, a distance of 15.00 feet to a point at the southwesterly corner of property now of William Joseph Ponzetti; thence along the southerly line of property now of said William Joseph Ponzetti, South 58 degrees 45 minutes East, a distance of 82.43 feet to a point, the place of beginning.

A plan of said vacated alley and right-of-way is hereto attached and titled Plan of Survey (EXHIBIT A), as prepared by Allegheny Land Surveying, and dated August 9, 2007.

SECTION 2: Conditions of Vacation. That such vacation is contingent on the Petitioner reimbursing the City for all costs associated with these 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 8th day of November, 2018.



CITY OF JEANNETTE

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

ATTEST: (SEAL)

Michelle A. Langdon
Michelle A. Langdon
City Clerk