

BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NUMBER - 1990 - 3

AN ORDINANCE VACATING AN UNNAMED ALLEY TWELVE (12) FEET IN WIDTH SITUATE IN JACOB BAUGHMAN'S SOUTHERN EXTENSION PLAN OF LOTS LOCATED IN THE FIRST WARD OF THE BOROUGH OF WEST NEWTON, WESTMORELAND COUNTY, PENNSYLVANIA.

WHEREAS, all of the owners of the real estate abutting on the unnamed alley hereinafter described have on June 1, 1979 petitioned the Borough of West Newton to vacate said alley, and in said Petition have released the Borough from all damages sustained as a result of said vacation; and

WHEREAS, Borough Council of the Borough of West Newton held a Public Hearing on June 25, 1979 to review said Petition and receive comments from residents of the Borough of West Newton with respect to said Petition; and

WHEREAS, subsequent to the aforementioned Public Hearing, Borough Council of the Borough of West Newton at its Regular Meeting held on July 6, 1979, adopted a motion by unanimous roll call vote to close the aforesaid twelve (12) foot alley running along the Herrle property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Borough of West Newton, Westmoreland County, Pennsylvania and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: That the certain unnamed alley twelve (12) feet in width situate in Jacob Baughman's Southern Extension Plan of Lots located in the First Ward of the Borough of West Newton, and more particularly bounded and described as follows:

BEGINNING at a Hub on the westerly side of South Eighth Street, said Hub being common to tract herein described and land now of Harriet E. Herrle, formerly Harriet E. Johnston; thence along line of land of said Harriet E. Herrle, formerly Harriet E. Johnston, North 54° 35' 00" West, 132 feet to a Hub on the easterly side of South Seventh Street; thence along the easterly side of South Seventh Street and across a certain unnamed twelve foot alley, North 35° 25' 00" East, 12 feet to a Hub on line of land now of Kenneth R. Myers and Audrey Y. Myers, his wife; thence along line of land of said Kenneth R. Myers and Audrey Y. Myers, his wife, South 54° 35' 00" East, 132 feet to a Hub on the westerly side of South Eighth Street; thence along the westerly side of South Eighth Street South 35° 25' 00" West, 12 feet to a Hub at the place of beginning.

CONTAINING 1584 square feet.

be and the same is hereby vacated;

SECTION 2: If any one or more sections, subsections, sentences, clauses or phrases of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not effect the constitutionality, legality or validity of the remaining portions of this ordinance. The Council of the Borough of West Newton declares that it would have passed this ordinance or any one or more remaining sections, subsections, sentences, clauses and phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, unlawful or invalid.

SECTION 3: All Ordinances, or parts of Ordinances, are repealed insofar as they are inconsistent with this Ordinance.

SECTION 4: This Ordinance shall become effective forty (40) days from the enactment hereof, and, during such forty (40) day period between the enactment and the taking effect of this Ordinance, any interested party may petition Council for a hearing, which Council shall hold within thirty (30) days after the date of such petition, and of which the Borough shall give at least fifteen (15) days' notice in a newspaper of general circulation in the Borough. Any such petition shall serve to stay the effective date of this Ordinance, until Council shall have held such hearing and shall have acted upon such petition by motion, or, in case of further appeal, until the Court shall have finally disposed of the matter.

After such hearing and within thirty (30) days after action by Council upon such petition, any party aggrieved by Council's action thereupon may appeal to the Court of Common Pleas.

ORDAINED AND ENACTED THIS 13th day of August, 1990.

BY Armand N. Luzi
Armand N. Luzi, Vice President

ATTEST:

Mary K. Willis
Mary K. Willis, Secretary

EXAMINED AND APPROVED by me this 13th day of August, 1990.

George J. Thuransky
George J. Thuransky, Mayor