

ORDINANCE No. 1184

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, VACATING ANY INTEREST HELD BY THE BOROUGH IN THE PORTION OF HESS AVENUE CONSISTING OF APPROXIMATELY 538.47 FEET IN LENGTH

WHEREAS, Section 1731(a)(2) of the Borough Code, 8 Pa.C.S.A. §1731(a)(2), provides the Borough of Waynesboro (the "Borough") with the authority to vacate streets or a portion of a street by ordinance; and

WHEREAS, Hess Avenue is a Borough-owned public street depicted on the historic maps of the Borough of Waynesboro, Franklin County, Pennsylvania; and

WHEREAS, on March 1, 2021, a duly advertised public hearing was held on the proposed ordinance which would vacate any interest held by the Borough in Hess Avenue which is approximately 538.47 feet in length; and

WHEREAS, the adjoining property owners to Hess Avenue are Harry and Louise Morningstar having an address of 8359 Morningstar Lane, Waynesboro, Pennsylvania 17268; Revelations Rentals, LLC, a Pennsylvania limited liability company with an address of 14844 Honodel Road, Waynesboro Pennsylvania 17268; Lido Partners, LLP, a limited liability partnership with an address of 1367 Stoneybreak Road, Warfordsburg, Pennsylvania 17267; and the Burgess and Town Council of the Borough of Waynesboro, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania with an address of 55-57 East Main Street, Waynesboro, Pennsylvania ("Owners"); and

WHEREAS, the Owners were provided individual notice of said hearing or waived notice of said hearing, in accordance with 8 Pa.C.S. § 1731; and

WHEREAS, the Owners have also waived the formality of a view and any right to compensation or damages which result from the Borough's vacation of any interest held in said portion of Hess Avenue; and

WHEREAS, Borough Council of the Borough of Waynesboro has deemed it in the best interest of the Owners adjacent to Hess Avenue and in the best interest of the Borough's citizens and the general public that the Borough vacate any interest held by the Borough in the portion of Hess Avenue as set forth more fully herein; and

WHEREAS, the portion of Hess Avenue, which is approximately 538.47 feet in length, will revert back to the adjoining Owners as depicted on the attached drawing prepared by the Borough of Waynesboro dated February 24, 2021 and titled, "Abandonment of Hess Avenue West Fifth Street to 20' Alley" attached hereto and incorporated herein by referenced as Exhibit A.

NOW, THEREFORE, be it ordained and enacted by Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, pursuant to the Pennsylvania Borough Code, as amended, as follows:

SECTION 1: Borough Council for the Borough of Waynesboro hereby vacates any and all interest held by the Borough in a portion of the public street known as Hess Avenue, which is approximately 538.47 feet in length, as set forth in Exhibit A attached hereto and made a part hereof, and said portion of Hess Avenue shall be vacated as a public road, street, alley or thoroughfare, and shall be closed to all public use and traffic.

SECTION 2: Repealer. All provisions of previous ordinances of the Borough of Waynesboro, or parts thereof, which are contrary or inconsistent to this ordinance, are expressly repealed.

SECTION 3: Savings Clause. In all other respects, all ordinances of the Borough of Waynesboro shall remain as previously enacted and ordained.

SECTION 4: Severability. In any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

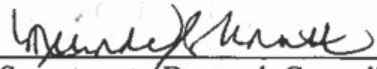
SECTION 5: Effective Date. This ordinance shall take effect immediately.

ENACTED AND ORDAINED this 1st day of March, 2021 by Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania.



President of Borough Council

Attest:

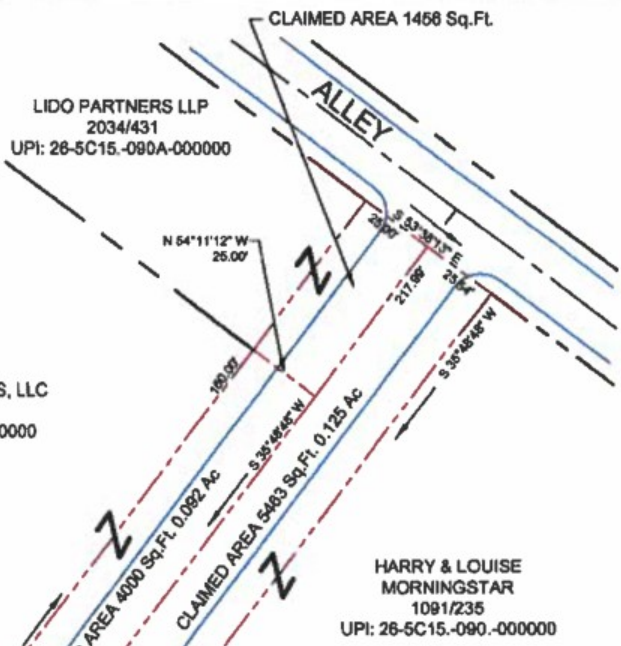
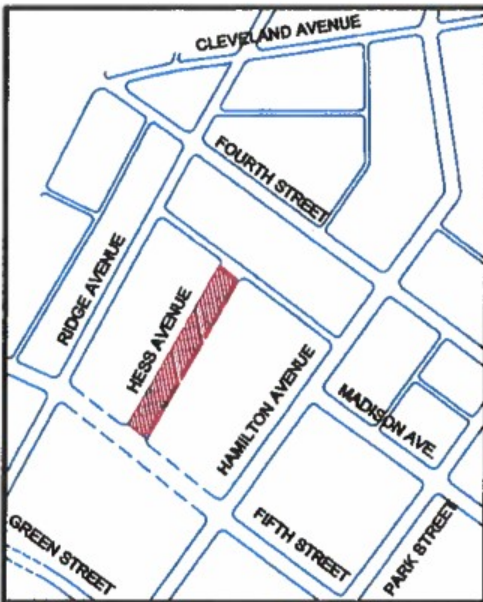


Secretary to Borough Council

Approved this 1st day of March, 2021.



Mayor



LIDO PARTNERS LLP
2034/431
UPI: 28-5C15-090A-000000

REVELATION RENTALS, LLC
DEED 201905711
UPI: 28-5C15.091A-000000

HARRY & LOUISE
MORNINGSTAR
1091/235
UPI: 26-5C15-090-000000

THE BURGESS AND TOWN COUNCIL OF
THE BOROUGH OF WAYNESBORO
385/249
UPI: 28-5C14-.084-.000000

THE BURGESS AND TOWN COUNCIL OF
THE BOROUGH OF WAYNESBORO
385/249
UPI: 28-5C15-.091B-000000

CLAIMED AREA 13,823.90 Sq. Ft. 0.32 Ac
HESS AVENUE (UNIMPROVED)

NOTES:

- Bearings and Distances shown are from plats dated January 7, 2021 by R. Lee Royer and Assoc.
- Centerline of Hess Avenue from the center of West Fifth Street to the centerline of the Alley is 538.47' as shown on a draft of property of the Hess Stone & Supply Co. 12/19/1946

BOROUGH OF WAYNESBORO

**ABANDONMENT OF HESS AVENUE
WEST FIFTH STREET TO 20' ALLEY**

REVISIONS	SCALE:	DWN BY:
	1" = 60'	S.A.C.
	DATE:	CHKD BY:
	February 24, 2021	K.D.G.

EXHIBIT "A"

