

ORDINANCE 2024-05

**BOROUGH OF DOWNINGTOWN
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE PURSUANT TO SECTION 1731 OF THE
PENNSYLVANIA BOROUGH CODE (8 Pa.C.S.A §1731)
FORMALLY OPENING KEENE LANE AND TALUCCI DRIVE**

WHEREAS, on October 24, 2003, P&B Developers signed a “Deed of Dedication of Public Roads Located in the Borough of Downingtown, Chester County, Pennsylvania” (the “Deed of Dedication”, attached hereto as Exhibit “A”), wherein P&B Developers formally expressed and memorialized its desire and intent to dedicate certain roads to Downingtown Borough, described in a plan sheet referenced in the Deed of Dedication (the “Plan Sheet”, attached hereto as Exhibit “B”) as “Proposed Road A” and “Proposed Road B”; and

WHEREAS, “Proposed Road A” is now commonly known and referred to as Keene Lane and “Proposed Road B” is now commonly known and referred to as Talucci Drive (collectively, the “Streets”); and

WHEREAS, the Streets appear and are identified in a recorded subdivision plan that was recorded with the Chester County Office of Recorder of Deeds as Plan No. 10711, and thus have been laid out under Section 1721.2 of the Pennsylvania Borough Code, 8 Pa.C.S.A §1721.2.

WHEREAS, the Streets have been in constant use by the public for over 21 years; and

WHEREAS, the Borough of Downingtown (the “Borough”) has plowed and salted the Streets, and treated them as Borough-owned, streets since at least 1994.

NOW THEREFORE, The Borough Council of the Borough of Downingtown, County of Chester, Pennsylvania, pursuant to 8 Pa.C.S.A §1731, hereby **ENACTS AND ORDAINS** the following:

Section 1. In accordance with, and under the authority of, Section 1731 of the Pennsylvania Borough Code, the Borough of Downingtown hereby opens and formally accepts dedication of Keene Lane and Talucci Drive, respectively identified on the Plan attached hereto as “Proposed Road A” and “Proposed Road B”.

Section 2. In accordance with Section 1731 of the Pennsylvania Borough Code, the names of the owners of those properties abutting the Streets to be opened are contained in a list attached hereto as Exhibit “C”.

Section 3. This Ordinance shall be effective five (5) days from the date of enactment.

Section 4. The provisions of this ordinance are severable, and if any section, sentence clause, part, or provision shall be held illegal, invalid, or unconstitutional by any court of

competent jurisdiction, such decision of such court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of the ordinance. It is hereby declared to be the intent of the Borough Council that the ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence clause, part or provision had not been included.

ENACTED AND ORDAINED this 10th day of July, 2024 by the Borough Council of Downingtown.

BOROUGH OF DOWNINGTOWN

ATTEST:

By: _____
Jeff Smith , Manager

By: _____
Alex Rakoff, Council President

APPROVED by the Mayor on the 10th day of July, 2024.

SEAL

Phil Dague, Mayor