

OFFICIAL

BOROUGH OF DRAVOSBURG

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BOROUGH OF DRAVOSBURG, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, VACATING A PORTION OF MONONGAHELA AVENUE IN THE BOROUGH OF DRAVOSBURG, 40' WIDE, BETWEEN RAYMOND STREET IN THE BOROUGH OF DRAVOSBURG AND EXTENDING 90' IN A NORTHEASTERLY DIRECTION TO THE INTERSECTION OF BLOCK/LOT NUMBER 309-H-42 IN THE DEED REGISTRY OFFICE OF ALLEGHENY COUNTY, AND OWNED BY WILLIAM JAMES SNODGRASS, JR. and JUDITH L. SNODGRASS, AND BLOCK/LOT NUMBER 309-H-38 IN THE DEED REGISTRY OFFICE OF ALLEGHENY COUNTY, AND OWNED BY GILBERT OBRINGER, AND PARALLEL TO LOCUST ALLEY, PURSUANT TO THE WRITTEN REQUEST OF A MAJORITY IN NUMBER AND INTEREST OF THE OWNERS OF REAL ESTATE ABUTTING SUCH PORTION OF MONONGAHELA AVENUE TO BE VACATED, AND RESERVING TO THE BOROUGH OF DRAVOSBURG ALL NECESSARY EASEMENTS FOR INSTALLATION, REPAIR, MAINTENANCE AND REMOVAL OF UTILITY LINES.

WHEREAS, a majority in number and interest of the owners of real estate abutting a portion of Monongahela Avenue in the Borough of Dravosburg, 40' Wide, between Raymond Street in the Borough of Dravosburg, and extending 90' in a Northeasterly direction to the intersection of Block/Lot Number 309-H-42 in the Deed Registry Office of Allegheny County, and owned by William James Snodgrass, Jr. and Judith L. Snodgrass, and Block/Lot Number 309-H-38 in the Deed Registry Office of Allegheny County, and owned by Gilbert Obringer, and parallel to Locust Alley, and identified as William J. Snodgrass, Ruth K. Snodgrass, William James Snodgrass, Jr. and Judith L. Snodgrass have requested in writing that the Borough of Dravosburg vacate such portion of Monongahela Avenue, and with their written request being attached hereto as Exhibit "A;" and

WHEREAS, that portion of Monongahela Avenue, 40' Wide, between Raymond Street in the Borough of Dravosburg and extending 90' in a Northeasterly direction to the intersection of Block/Lot Number 309-H-42 in the Deed Registry Office of Allegheny County, and owned by William James Snodgrass, Jr. and Judith L. Snodgrass, and Block/Lot Number 309-H-38 in the Deed Registry Office of Allegheny County, and owned by Gilbert Obringer, and parallel to Locust Alley, in the Borough of Dravosburg has heretofore been merely a paper street for the Borough of Dravosburg, and has not been used as a public thoroughfare or highway for a period in excess of at least twenty-one (21) years; and

WHEREAS, the relevant provisions of the Borough Code of the Commonwealth of Pennsylvania, 2014, April 18, P.L. 432, No. 37, and specifically referenced as 8 Pa.C.S.A. Sections 1731 and 1732, as amended, provide legal authority for a Borough to vacate a Borough Street, or any portion thereof, by Ordinance as more fully set forth in said Sections 1731 and 1732; and

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WHEREAS, pursuant to the written request of a majority in number and interest of the owners of real estate abutting that portion of Monongahela Avenue, 40' Wide, between Raymond Street in the Borough of Dravosburg and extending 90' in a Northeasterly direction to the intersection of Block/Lot Number 309-H-42 in the Deed Registry Office of Allegheny County, and owned by William James Snodgrass, Jr. and Judith L. Snodgrass, and Block/Lot Number 309-H-38 in the Deed Registry Office of Allegheny County, and owned by Gilbert Obringer, and parallel to Locust Alley, to vacate said portion of Monongahela Avenue in the Borough of Dravosburg; with said roadway having served no municipal purpose or function for a period in excess of twenty-one (21) years to the Borough of Dravosburg; and with the Borough of Dravosburg not anticipating any municipal function for said roadway into the foreseeable future, the Borough of Dravosburg desires to vacate said portion of Monongahela Avenue in the Borough of Dravosburg, as shown on attached Exhibit B hereto, and with the metes and bounds description of that portion of Monongahela Avenue to be vacated shown on attached Exhibit C hereto, but reserving to the Borough of Dravosburg all necessary easements for installation, repair, maintenance and removal of utility lines.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Dravosburg, County of Allegheny, Commonwealth of Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by authority of the same, that:

Section 1. Upon the written request of a majority in number and interest of the owners of real estate abutting a portion of Monongahela Avenue in the Borough of Dravosburg, 40' Wide, between Raymond Street in the Borough of Dravosburg, and extending 90' in a Northeasterly direction to the intersection of Block/Lot Number 309-H-42 in the Deed Registry Office of Allegheny County, and owned by William James Snodgrass, Jr. and Judith L. Snodgrass, and Block/Lot Number 309-H-38 in the Deed Registry Office of Allegheny County, and owned by Gilbert Obringer, parallel to Locust Alley, and with such owners of real estate being identified as William J. Snodgrass, Ruth K. Snodgrass, William James Snodgrass, Jr. and Judith L. Snodgrass, the Borough of Dravosburg herewith vacates said portion of Monongahela Avenue in the Borough of Dravosburg as shown on attached Exhibit "B" hereto, which contains a map or survey sufficient to apprise the public of the proposed location, profile and dimensions of that portion of Monongahela Avenue to be vacated, and with the metes and bounds description of that portion of Monongahela Avenue to be vacated shown on attached Exhibit C hereto, but reserving to the Borough of Dravosburg all necessary easements for installation, repair, maintenance and removal of utility lines.

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Section 2. The abutting property owners of record of that portion of Monongahela Avenue in the Borough of Dravosburg to be vacated under the provisions of this Ordinance are identified as follows:

William J. Snodgrass and
Ruth K. Snodgrass
105 Monongahela Avenue
Dravosburg, PA 15034

William James Snodgrass, Jr.
Judith L. Snodgrass
109 Monongahela Avenue
Dravosburg, PA 15034

Pennsylvania Railroad Company
Centre City Towers
650 Smithfield Street
Pittsburgh, PA 15222

Section 3. This Ordinance shall become effective forty (40) days after enactment.

ORDAINED AND ADOPTED by the Council of the Borough of Dravosburg, County of Allegheny and Commonwealth of Pennsylvania, meeting in regular and public session, this 21st day of December, 2021.

ATTEST:

BOROUGH OF DRAVOSBURG

Brenda Honick
Brenda Honick, Secretary

By: Jay McKelvey
Jay McKelvey
President of Council

EXAMINED AND APPROVED this _____ day of _____, 2021.

Kevin McKelvey, Mayor

Effective and Enactment date of Ordinance: January 3, 2022, pursuant to Pennsylvania Consolidated Statutes, Title 8, Pa.C.S.A. Section 3301.3(b)(3) which states that, for an Ordinance not returned by the Mayor at the next scheduled meeting of Council occurring at least 10 days after the meeting at which the Ordinance was enacted by the Council, the date of the succeeding meeting of Council shall be the effective date. With regard to the within Ordinance, Council approved and adopted the Ordinance at its regular and public meeting on December 21, 2021, and the Ordinance was then presented to the Mayor; the Mayor did not sign and approve the Ordinance; neither did the Mayor veto the Ordinance; and neither did the Mayor return the Ordinance to Council at its next scheduled meeting on January 3, 2022, which occurred at least ten (10) days after the Council meeting of December 21, 2021. Accordingly, the Ordinance becomes effective and enacted as of January 3, 2022.

October 28, 2021

Borough of Dravosburg
226 Maple Avenue
Dravosburg, PA 15034

ATTN: Dravosburg Borough Council

RE: PETITION/REQUEST AND CONSENT TO VACATE A PORTION OF MONONGAHELA AVENUE IN THE BOROUGH OF DRAVOSBURG, 40' WIDE, BETWEEN RAYMOND STREET IN THE BOROUGH OF DRAVOSBURG AND EXTENDING 90 FEET IN A NORTHEASTERLY DIRECTION TO THE INTERSECTION OF BLOCK/LOT NUMBER 309-H-42 IN THE DEED REGISTRY OFFICE OF ALLEGHENY COUNTY, AND OWNED BY WILLIAM JAMES SNODGRASS, JR. AND JUDITH L. SNODGRASS, AND BLOCK/LOT NUMBER 309-H-38 IN THE DEED REGISTRY OFFICE OF ALLEGHENY COUNTY, AND OWNED BY GILBERT OBRINGER, AND PARALLEL TO LOCUST ALLEY

We, the undersigned, being a majority in number and interest of the owners of real estate abutting that portion of Monongahela Avenue in the Borough of Dravosburg, 40' Wide, between Raymond Street in the Borough of Dravosburg and extending 90 feet in a Northeasterly direction to the intersection of Block/Lot Number 309-H-42 in the Deed Registry Office of Allegheny County, and owned by William James Snodgrass, Jr. and Judith L. Snodgrass, and Block/Lot Number 309-H-38 in the Deed Registry Office of Allegheny County, and owned by Gilbert Obringer, and parallel to Locust Alley, hereby request the Council of the Borough of Dravosburg to vacate said portion of Monongahela Avenue.

As part of this Petition/Request and Consent to vacate a portion of Monongahela Avenue in the Borough of Dravosburg, 40' Wide, between Raymond Street in the Borough of Dravosburg and extending 90 feet in a Northeasterly direction to the intersection of Block/Lot Number 309-H-42 in the Deed Registry Office of Allegheny County, and owned by William James Snodgrass, Jr. and Judith L. Snodgrass, and Block/Lot Number 309-H-38 in the Deed Registry Office of Allegheny County, and owned by Gilbert Obringer, and parallel to Locust Alley, we hereby release the Borough of Dravosburg from all damages sustained or that might be sustained as a result of the vacation of said portion of Monongahela Avenue and, since such release in favor of the Borough of Dravosburg is included in this Petition, we understand that no proceedings for award of damages may be filed as a result of this vacation and no damages may be awarded as a result of this vacation to any abutting property owner, including ourselves.

This Petition/Request and Release is submitted by us pursuant to Section 1732 of the Borough Code of the Commonwealth of Pennsylvania, as amended.

William J. Snodgrass *WJS*
William J. Snodgrass

Ruth K. Snodgrass
Ruth K. Snodgrass

William James Snodgrass, Jr.
William James Snodgrass, Jr.

Judith L. Snodgrass
Judith L. Snodgrass

EXHIBIT "A"

Legal Description for the Vacation of Monongahela Avenue in Dravosburg Borough

Beginning at a point being the Northerly corner of Monongahela Avenue and Raymond Street in the Risher Plan of Lots, First Addition recorded in Plan Book Volume 17 Page 138; thence N 55° 42' E a distance of 90.00 feet to a point; thence S 34° 18' E a distance of 40.00 feet to a point; thence S 55° 42' W a distance of 90.00 feet to a point; thence N 34° 18' W a distance of 40.00 feet to the point of beginning.

EXHIBIT "C"