



**ORDINANCE NO. 2023-236**

An Ordinance to vacate certain undeveloped roadway within the Vista Hill Subdivision, more specifically, a portion of Filley Drive, which was to be opened between Lots 7 and 8 if the Vista Hill Subdivision in the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania.

**WHEREAS**, the owners of Lots in Vista Hill Subdivision abutting what was identified as Filley Drive on the recorded subdivision map have requested that the Board of Supervisors of Harborcreek Township vacate any rights of way it may have had, or may now have, in regard to the section of Filley Drive plotted on the subdivision plot map, an excerpt of what is attached hereto and marked as Exhibit A; and

**WHEREAS**, the section of Filley Drive has not been developed for a period in excess of twenty-one (21) years, nor has it been used, opened, accepted or maintained by Harborcreek Township as a public street since originally laid out as part of the Vista Hill Subdivision; and

**WHEREAS**, the Board of Supervisors finds that the said roadway, identified herein, was never developed, opened, or accepted as a public street by the Township of Harborcreek within twenty-one (21) years of its dedication in May of 1961.

**BE IT ENACTED AND ORDAINED BY THE SUPERVISORS OF HARBORCREEK TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED AS FOLLOWS:**

**SECTION ONE.** That proposed roadway, originally named or designated as Filley Drive, as depicted on the excerpt of the Vista Hill Subdivision attached hereto, marked as Exhibit A and incorporated herein by reference, never having been opened, developed, constructed, maintained, or accepted into the road system by the Township, is hereby formally vacated.

**SECTION TWO.** That portion of the undeveloped road, being vacated herein, is approximately 50 feet wide and 190 feet long, consists of approximately 9,500 square feet, more or less.

**SECTION THREE.** The Township of Harborcreek specifically waives, remises and quit claims any rights it may have had to any portion of the road hereby vacated.

**SECTION FOUR.** The individual petitioners, who are the owners of property abutting the section of Filley Drive being vacated herein include Robert G. Ore and Patricia A. Ore, his wife, 5387 Luxury Drive Erie PA 16510, Kristen E. Bross, 11257 Sherwood Drive, Erie PA 16510, and Mary S. Turowski, 5419 Luxury Drive, Erie PA 16510 (hereafter, "the Petitioners").

**SECTION FIVE.** The Secretary of the Township of Harborcreek is hereby authorized and directed to deliver to the Petitioners a certified copy of this Ordinance duly certified by the Secretary, whereupon the Petitioners shall promptly cause the said certified copy of the Ordinance to be duly recorded in the office of the Erie County Recorder of Deeds at their cost. After recording is complete, the Petitioners shall then deliver, to the Secretary of Harborcreek Township, a copy of the said Ordinance so recorded.

**BE IT ENACTED THIS 2<sup>nd</sup> DAY OF AUGUST 2023.**

HARBORCREEK TOWNSHIP SUPERVISORS

\_\_\_\_\_  
Dean S. Pepicello, Chairperson

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Timothy J. May, Supervisor

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Stephen S. Oler, Supervisor

ATTEST:

\_\_\_\_\_  
Shelley Hull, Assistant Secretary

I hereby certify that the foregoing ordinance was advertised in the Erie Times on July 11, 2023 a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the Harborcreek Township Board of Supervisors held on August 2, 2023.

