

## ORDINANCE NO. 865

### AN ORDINANCE OF THE BOROUGH OF SELINGROVE, SNYDER COUNTY, PENNSYLVANIA, VACATING AN UNNAMED AND UNOPENED ALLEY LOCATED BETWEEN UNION ALLEY AND NORTH HIGH STREET.

The Council of Selingsrove Borough, Snyder County, Pennsylvania, ordains as follows:

**SECTION 1. Authority For Ordinance.** This Ordinance is adopted in conformance with and pursuant to authority granted by Sections 1006 and 1731 of the Pennsylvania Borough Code, as amended (53 P.S. §§ 46006 and 46731).

**SECTION 2. Intent.** The intent of this Ordinance is to promote the welfare of the community by discontinuing the expense of maintaining certain unnecessary public streets and/or ways within the Borough. The proposed Ordinance will vacate the unnamed and unopened alley from the eastern right-of-way line of North High Street east to the western right-of-way line of Union Alley.

#### **SECTION 3. Definitions.**

The following terms shall have the meanings set forth in this section unless specifically designated otherwise in the text of this Ordinance:

**Borough** - The Borough of Selingsrove, Snyder County, Pennsylvania.

**Council** - The duly elected Council of the Borough of Selingsrove, Snyder County, Pennsylvania.

**Notice** - Any and all personal notice required by Section 1731 of the Pennsylvania Borough Code with regard to this Ordinance may occur either by publication in a newspaper of general circulation or by certified mail, return receipt requested, if to an individual landowner.

**Unnamed and Unopened Alley** - All that certain street designated by the Borough as an alley located between the eastern right-of-way line of North High Street and the western right-of-way line of Union Alley.

#### **SECTION 4. Landowners Affected And Notices.**

**A.** The following landowners shall be affected by the vacation of the unnamed and unopened alley from the eastern right-of-way line of North High Street east to the western right-of-way line of Union Alley:

Savidge Rental Group, Inc., owner of real property located at 111 North High Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 126 and described in Snyder County Record Book 1327 at Page 335;

Nathan A. Long and Jessica C. Lenig, owners of real property located at 109 North High Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 127 and described in Snyder County Record Book 887 at Page 599;

William A. Moore and Carol A. Moore, owners of real property located at 107 North High Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 128, and described in Snyder County Record Book 699 at Page 934;

Christopher M. O'Brien and Angela J. O'Brien, owners of real property located at 8 West Chestnut Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcels 130 and 130A and described in Snyder County Record Book 994 at Page 722;

Palmer W. Simpson, III, and Lisa S. Simpson, owners of real property located at 12-14 West Chestnut Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 129 and described in Snyder County Record Book 1066 at Page 122;

Kenneth H. Smith, Carol L. Smith, K. Corrine Soper, and Jerry A. Soper, owners of real property located at 118-120 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 202 and described in Snyder County Deed Book 117 at Page 388;

116 N Market Street, LLC, owner of real property located at 116 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 201 and described in Snyder County Record Book 1300 at Page 754;

Charles M. McCuen and Sharon D. Cressinger McCuen, owners of real property located at 114 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 200 and described in Snyder County Record Book 780 at Page 719;

Orange Street Selinsgrove, LLC, owner of real property located at 112 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 199 and described in Snyder County Record Book 1246 at Page 161;

Orange Street Selinsgrove, LLC, owner of real property located at 110 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 198 and described in Snyder County Record Book 1246 at Page 157;

Alisha H. Peffer and Leonard Paul Peffer, owners of real property located at 106-108 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 197 and described in Snyder County Record Book 1230 at Page 123;

JB Ventures, LLC, owner of real property located at 102 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 196 and described in Snyder County Record Book 1318 at Page 919;

Breckson Two, LLC, owner of real property located at 100 North Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 07 for Selinsgrove Borough as Parcel 195 and described in Snyder County Record Book 1154 at Page 89;

Generally to all other owners of real property within Selinsgrove Borough, Snyder County, Pennsylvania, appearing on any recorded plan on which the unnamed and unopened alley might appear. A copy of the Snyder County Tax Map for the unnamed and unopened alley is attached hereto and incorporated herein by this reference.

**B.** In accordance with Section 1731 of the Borough Code, the Borough shall give two (2) notices one week apart in a newspaper of general circulation within the Borough of the vacation of the public land and alley to be affected by this Ordinance and directed generally to all owners of real property appearing on any recorded plan on which the unnamed and unopened might appear and shall notify in writing all of the owners of real property abutting the unnamed and unopened alley intended to be vacated. The Borough shall give written notice by United States certified mail, return receipt requested, to the personal address of the owners of all real property abutting on the unnamed and unopened alley to be vacated by this Ordinance. In the event any owners of real property abutting on the unnamed and unopened alley cannot be found, a copy of this Ordinance and the written notice shall be posted on the premises of such real property.

**C.** Within ten (10) days after the second publication, any interested party may petition the Council for a hearing, which Council shall hold within sixty (60) days after the date of the petition and of which the Council shall give at least 15-days' prior notice in a newspaper of general circulation in the Borough and shall notify in writing the persons listed in Section A above. Any such petition shall serve to stay the effective date of this Ordinance until the Council shall have held such hearing and shall have acted upon such petition by motion duly made and voted upon by Council.

#### **SECTION 5. Vacation Of The Unnamed and Unopened Alley.**

All of the unnamed and unopened alley from the eastern right-of-way line of North High Street to the western right-of-way line of Union Alley is hereby vacated as a public street and/or roadway and shall no longer be cared for or maintained by Selinsgrove Borough but shall remain a private road for the use of those property owners whose lands abut them and those persons who otherwise have a legal right to the use of said lane and alley. All portions of North High Street and Union Alley not hereby vacated shall remain a public roadway.

**SECTION 6. Appeal.** Within thirty (30) days after the decision by the Council on any petition filed, or if no petition is filed then within thirty (30) days following enactment of this Ordinance, any party aggrieved by the Council's action may appeal such decision or other action of the Council regarding the enactment of this Ordinance to the Court of Common Pleas for Snyder County, Pennsylvania.

**SECTION 7. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 8. Repealer.** Any and all other ordinances or parts thereof inconsistent herewith are, hereby, repealed.

**SECTION 9. Effective Date.** This Ordinance shall become effective immediately upon its enactment, unless stayed as provided in Section 4 above.

**ADOPTED** this 1st day of May, 2023, by the Council of Selinsgrove Borough, Snyder County, Pennsylvania, in lawful session duly assembled after proper notice having been given.

SELINGSGROVE BOROUGH,  
SNYDER COUNTY, PENNSYLVANIA


ATTEST:

  
Borough Secretary

  
President of Council

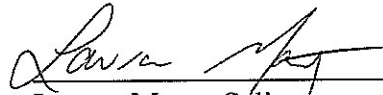
(Selinsgrove Borough Seal)

Approved Selinsgrove Borough Ordinance No. 865 this 1st day of May, 2023.

  
Mayor

## CERTIFICATION

I, Lauren Martz, Secretary of the Council of the Borough of Selinsgrove, Snyder County, Pennsylvania, hereby attest and certify that the foregoing is a true and correct copy of Selinsgrove Borough Ordinance No. 865, which was duly adopted at a regular meeting of the Selinsgrove Borough Council on the 1st day of May, 2023, and approved by the Mayor of the Borough of Selinsgrove on, and hence enacted on, the 1st day of May, 2023.



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Lauren Martz, Selinsgrove Borough Secretary

*(Selinsgrove Borough Seal)*



305 ORANGE STREET

197 W SPRUCE STREET

301 ORANGE STREET

225 ORANGE STREET

223 ORANGE STREET

219 ORANGE STREET

215 ORANGE STREET

211 ORANGE STREET

207 ORANGE STREET

205 ORANGE STREET

203 ORANGE STREET

201 ORANGE STREET

121 ORANGE STREET

119 ORANGE STREET

121 DAVID STREET

101 DAVID STREET

81 DAVID STREET

8 W SNYDER STREET

W SNYDER & HIGH STREETS

W SNYDER & HIGH STREETS

106 N MARKET STREET

111 N HIGH STREET

8 E SNYDER STREET

118 N MARKET STREET

109 N HIGH STREET

129 N MARKET STREET

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STRAWBERRY

CRAVITZ LAW OFFICE

503 NORTH MARKET STREET  
SELINGSGROVE, PENNSYLVANIA 17870

TELEPHONE (570) 374-5070  
FAX (570) 374-4127  
E-Mail: [clawoff@hotmail.com](mailto:clawoff@hotmail.com)  
WEBSITE: [cravitzlaw.com](http://cravitzlaw.com)

Attorneys:

Robert M. Cravitz  
Matthew R. Cravitz

Paralegals:

Monica L. Kline  
Beth A. Novinger

March 30, 2023

RE: Selingsgrove Borough Ordinance No. 865 -  
Vacation Of An Unnamed and Unopened  
Alley Between North High Street and Union  
Alley

Dear

I am the Solicitor for the Borough of Selingsgrove, Snyder County, Pennsylvania. I am writing this letter to you on behalf of the Borough to give you notice that it intends to enact Selingsgrove Borough Ordinance No. 865, a copy of which is enclosed herewith, to vacate the unnamed and unopened alley from the eastern right-of-way line of High Street east to the western right-of-way line of Union Alley. The Borough Council intends to discuss and enact such Ordinance at its regular meeting on Monday, May 1, 2023, at 7:00 P.M., or as soon thereafter as it may consider it.

In accordance with Section 1731 of the Pennsylvania Borough Code, the Borough Council will publish a notice to you in a local newspaper of general circulation once per week for two (2) consecutive weeks starting April 7, 2023, of its intention to vacate the unnamed and unopened alley. Within ten (10) days of the second publication of the notice on April 14, 2023, you have the right to file a written petition with the Borough Council at One North High Street, Selingsgrove, Pennsylvania 17870, and request a hearing. The Borough Council will hold a hearing on any petition within 60 days of its filing date. The Borough Council will give at least 15-days' notice of the date, time and place of the hearing to you and other landowners affected by the Ordinance in writing and will publish such notice in a newspaper of general circulation within the Borough. Filing such a request shall stay the effective date of the Ordinance until after the hearing. Within 30 days after the decision on any petition or, if no petition is filed, within 30 days following enactment of this Ordinance, any party aggrieved by the Council's action may appeal to the Snyder County Court of Common Pleas.

The action of the Borough Council in vacating the unnamed and unopened alley results in that alley no longer being public. That alley however shall remain a private right-of-way for the use of those property owners whose lands abut them and those persons who otherwise have a legal right to use them as a roadway.

Sincerely,

Robert M. Cravitz  
Selinsgrove Borough Solicitor

cc. Selinsgrove Borough Secretary

Enc. 1

Certified Mail, Return Receipt Requested