

ORDINANCE NO. 868

AN ORDINANCE OF THE BOROUGH OF SELINGSGROVE, SNYDER COUNTY, PENNSYLVANIA, VACATING THE UNOPENED PORTION OF STAUFFER AVENUE LOCATED BETWEEN THE WESTERN RIGHT-OF-WAY LINE OF SOUTH HIGH STREET WEST TO AN UNNAMED TRIBUTARY OF PENNS CREEK

The Council of Selingsgrove 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 unopened portion of Stauffer Avenue from the western right-of-way line of south High Street west to an unnamed tributary of Penns Creek.

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 Selingsgrove, Snyder County, Pennsylvania.

Council - The duly elected Council of the Borough of Selingsgrove, 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.

Stauffer Avenue - All that certain unopened portion of street/avenue designated by the Borough as Stauffer Avenue between the western right-of-way line of South High Street and an unnamed tributary of Penns Creek.

SECTION 4. Landowners Affected And Notices.

A. The following landowners shall be affected by the vacation of the unopened portion of Stauffer Avenue from the western right-of-way line of south High Street west to an unnamed tributary of Penns Creek:

L/B Water Properties, LLC, owner of real property located at 550 and 570 South High Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 033 and described in Snyder County Record Book 1139 at Page 85;

My Storage Depot, LLC, owner of real property located at 616 South High Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 024 and described in Snyder County Record Book 871 at Page 709;

Commonwealth of Pennsylvania, Department of Transportation, owner of real property located at 45 Industrial Park Road, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 022 and Parcel 022A, and described in Snyder County Record Book 150 at Page 956;

Middleburg Yarn Processing Co., Inc., owner of real property located at 30 Industrial Park Road, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcels 130 and 130A and described in Snyder County Record Book 757 at Page 455;

JRZ Dairy Products, Inc., owner of real property located at 21 Industrial Park Road, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 035 and described in Snyder County Record Book 1025 at Page 851;

Selmax Property, LLC, owner of real property located at 599 South High Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 025 and Parcel 038 and described in Snyder County Record Book 1036 at Page 631;

Justin D. Culp, owner of real property located at 538 South Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 110 and described in Snyder County Record Book 1295 at Page 680;

Ramon C. Vazquez and Luz E. Vazquez, owners of real property located at 600 South Market Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 009 and described in Snyder County Record Book 1012 at Page 997;

Michael D. Savidge, LLC owner of real property located at 601, 625 and 627 South High Street, Selinsgrove, Pennsylvania, designated on Snyder County Tax Assessment Map No. 11 for Selinsgrove Borough as Parcel 029 and described in Snyder County Record Book 631 at Page 621; and

Generally to all other owners of real property within Selinsgrove Borough, Snyder County, Pennsylvania, appearing on any recorded plan on which the unopened portion of Stauffer Avenue might appear. A copy of the Snyder County Tax Map for the unopened portion of Stauffer Avenue 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 avenue to be affected by this Ordinance and directed generally to all owners of real property appearing on any recorded plan on which the unopened portion of Stauffer Avenue might appear and shall notify in writing all of the owners of real property abutting the unopened portion of Stauffer Avenue 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 unopened portion of Stauffer Avenue to be vacated by this Ordinance. In the event any owners of real property abutting on the unopened portion of Stauffer Avenue 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 Unopened Portion of Stauffer Avenue.

All of the unopened portion of Stauffer Avenue from the western right-of-way line of south High Street to the unnamed tributary of Penns Creek 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 avenue. All portions of south High Street and Stauffer Avenue 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 ^{60 days of} ~~immediately upon~~ its enactment, unless stayed as provided in Section 4 above.

ADOPTED this 4th day of December, 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:

Sharon M. Bedman
Assist. Borough Secretary

Richard J. Mease
President of Council

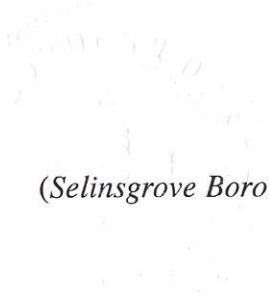
(Selinsgrove Borough Seal)

Approved Selinsgrove Borough Ordinance No. 868 this 4th day of December, 2023.

Jeff W. Reed
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. 868, which was duly adopted at a regular meeting of the Selinsgrove Borough Council on the 4th day of December, 2023, and approved by the Mayor of the Borough of Selinsgrove on, and hence enacted on, the 4th day of December, 2023.



(Selinsgrove Borough Seal)

Sharon Bedman
Lauren Martz, Selinsgrove Borough Secretary
Sharon Bedman, Assist.