

**ORDINANCE NO. 2024-02
BOROUGH OF WEST CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF WEST CONSHOHOCKEN,
MONTGOMERY COUNTY, PENNSYLVANIA, VACATING AN
UNIMPROVED AND UNOPENED PORTION OF MERION AVENUE,
WHICH TERMINATES THE PUBLIC RIGHT TO SAID PORTION, AND
PROVIDES THE PROPERTY RIGHTS OF THE VACATED PORTION TO
THE ABUTTING PROPERTY OWNERS, PURSUANT TO SECTIONS 1731
AND 1732 OF THE BOROUGH CODE**

RECITALS

WHEREAS, the Pennsylvania Borough Code authorizes the Council of the Borough of West Conshohocken ("Council") to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough of West Conshohocken ("Borough") and its citizens;

WHEREAS, the Borough Code, 8 Pa. C.S.A. § 1731 *et seq.*, authorizes Council to vacate a portion of a street, thereby terminating the public right in or to the portion of the street, upon petition by any person or persons constituting a majority in number and interest of the owners of the real estate abutting the street or portion of the street in question;

WHEREAS, Jeffrey M. Stanley and Elizabeth A. Stanley ("Petitioners") submitted a Petition to Vacate a Portion of Merion Avenue ("Petition"), pursuant to Section 1732 of the Borough Code;

WHEREAS, Petitioners constitute 100% of the ownership of the real estate abutting that portion of Merion Avenue which Petitioners are requesting to be vacated;

WHEREAS, the requested portion of Merion Avenue to be vacated consists of approximately 6,146 square feet, more or less, and is an unimproved and previously laid out, but unopened, portion of Merion Avenue;

WHEREAS, Council has met the procedural requirements of the Borough Code for the adoption of the proposed ordinance, including advertising and holding a public hearing;

WHEREAS, Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of the Borough of West Conshohocken will be served by this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of West Conshohocken, Montgomery County, Pennsylvania, it is hereby ordained and enacted by the authority of the same, as follows:

§I. RECITALS.

The recitals stated above are incorporated herein as if set forth in full.

§II. VACATION OF A PORTION OF MERION AVENUE.

That unimproved and unopened portion of Merion Avenue in the Borough of West Conshohocken consisting of approximately 6,146 square feet, as more fully described in the legal description prepared by OTM, LLC, attached hereto and made a part hereof as **Exhibit "A"** ("Legal Description"), and depicted on the plan prepared by OTM, LLC, dated August 23, 2023, attached hereto and incorporated herein as **Exhibit "B"** ("Plan") ("Vacated Portion"), is hereby vacated as a public street, and the public right in or to the street is thereby terminated. Petitioners hereby acquire the rights to the Vacated Portion, which portion is incorporated into the following parcels: 24-00-01896-00-6 and 24-00-01840-00-8.

§III. RELEASE.

Petitioners release the Borough of and from any and all liability, responsibility or damages from the vacating of the Vacated Portion, pursuant to Section 1732(c) of the Borough Code.

§IV. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all ordinances within the Code of the Borough of West Conshohocken, such as are not otherwise specifically in conflict or inconsistent with this ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

§V. REVISIONS.

The Council of the Borough of West Conshohocken does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinances, including this provision.

§VI. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this ordinance.

§VII. FAILURE TO ENFORCE NOT A WAIVER.

The failure of the Borough to enforce any provision of this ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

§VIII. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its enactment.

§IX. ENACTMENT.


Under the authority conferred by the Borough Code and other relevant statutory law, the Council of the Borough of West Conshohocken, Montgomery County, Pennsylvania does hereby enact and ordain this ordinance to the Code of the Borough of West Conshohocken this 12th day of March, 2024.

ORDAINED AND ENACTED by the Council of the Borough of West Conshohocken, Montgomery County, Pennsylvania, this 12th day of March, 2024.

ATTEST:

BOROUGH OF WEST CONSHOHOCKEN:

By: 
Michael English, Manager

By: 
Stephen Blumenthal, President

Approved by the Mayor of the Borough of West Conshohocken, this 12th day of MARCH, 2024.

By: 
Danelle Fournier, Mayor

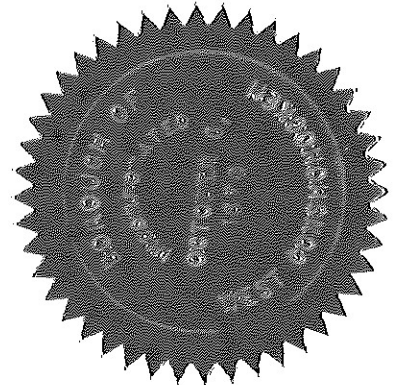


EXHIBIT "A"

Legal Description

OTM, LLC

Surveying, Land Planning & Design Services

200 Spring Ridge Drive, Suite 201, Wyomissing, Pa. 19610
(484) 336-6454; www.otm-surveying.com

**DEED DESCRIPTION
PORTION OF MERION AVENUE TO BE VACATED
BOROUGH OF WEST CONSHOHOCKEN**

ALL THAT CERTAIN 50 ft. wide rectangular shaped tract of vacant land situate at the northern terminus of Merion Avenue, 60 ft. wide in the Borough of West Conshohocken, Montgomery County, Pennsylvania being known and more fully depicted as a portion of Merion Avenue to be vacated by the Borough of West Conshohocken on Exhibit plan A attached hereto and being more fully bounded and described as follows To Wit:

BEGINNING at a point, a common corner of lands of Jeffrey M. and Elizabeth A. Stanley and lands of Balligomingo Mountain, LP, and being the northwestern most corner of the herein described premises;

Thence along lands of Balligomingo Mountain, LP, North 54 degrees, 20 minutes, 34 seconds East, 50.00 ft. to a point, a corner of other lands of Jeffrey M. and Elizabeth A. Stanley;

Thence leaving lands of Balligomingo Mountain, LP and along lands of Stanley, South 36 degrees, 28 minutes, 43 seconds East, 132.51 ft. to a point;

Thence leaving lands of Stanley and passing through the public roadway known as Merion Avenue, the three following courses and distances:

- 1) South 53 degrees, 32 minutes, 26 seconds West, 25.04 ft. to a point;
- 2) North 36 degrees, 27 minutes, 35 seconds West, 20.01 ft. to a point;
- 3) South 53 degrees, 32 minutes, 26 seconds West, 25.00 ft. to a point, a corner of lands of Jeffrey M. and Elizabeth A. Stanley;

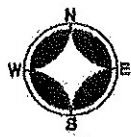
Thence along lands of Stanley, North 36 degrees, 27 minutes, 35 seconds West, 113.21 ft. to the Point of Beginning.

CONTAINING: 6,146 Square Feet

EXHIBIT "B"

Plan

PROPERTY OF
BALLBOUNTING MOUNTAIN, LP
PARID 240000234309
DEED BOOK 5530, PAGE 2553



SCALE: 1" = 40'

PROPERTY OF
JEFFREY M. AND
ELIZABETH A. STANLEY
PARID 240001840008

PORTION OF MERION AVENUE
TO BE VACATED

PROPERTY OF
JEFFREY M. AND
ELIZABETH A. STANLEY
PARID 240001836006

PROPERTY OF
FRANCES RUFF
212 MERION AVENUE
PARID 240001836003

PROPERTY OF
WEST CONSHOHOCKEN BOROUGH
DEED BOOK 5530, PAGE 2379

MERION AVENUE
50 FT. WIDE

END OF IMPROVED
STREET

LINE DIMENSIONS

- (A) N54°20'34"E 50.00'
- (B) S36°28'43"E 132.51'
- (C) S53°32'26"W 25.04'
- (D) N36°27'35"W 20.01'
- (E) S53°32'26"W 25.00'
- (F) N36°27'35"W 113.21'

TOTAL AREA OF VACATION: 6,146 SQ. FT.

EXHIBIT A
 PLAN OF PROPOSED STREET VACATION
 UNOPENED PORTION OF MERION AVENUE
 SITUATE IN
 THE BOROUGH OF WEST CONSHOHOCKEN
 MONTGOMERY COUNTY, PENNSYLVANIA

PREPARED BY:
 OTM, LLC
 SURVEYING, LAND PLANNING & DESIGN SERVICES
 200 SPRING RIDGE DRIVE, SUITE 201
 WYOMISSING, PA. 19610
 (484) 336-6454

DRAWN: BR GRAUEL, PLS 08/23/2023
 PROJECT NO. 21-109

