

ORDINANCE NUMBER 13 OF 2006

**ABANDONING ERIE STREET AT 813 AND 904 CENTER STREET
(A/K/A NORTHERLY EXTENSION OF ERIE STREET)**

WHEREAS, Borough Code Section 1741 grants authority to Council to vacate or close any street previously opened or laid out by ordinance; and

WHEREAS, Borough Council has determined that it is in the best interest of Throop Borough to vacate Erie Street which was never opened, between 813 and 904 Center Street (a/k/a Northerly Extension of Erie Street); and

NOW THEREFORE, be it Ordained and Enacted as follows:

- 1. Erie Street between 813 and 904 Center Street (a/k/a Northerly Extension of Erie Street), which was previously laid out but never opened, shall be vacated pursuant to Borough Code Section 1741.*
- 2. Within ten (10) days after the enactment of this Ordinance, the Borough shall give written notice by United States certified mail, return receipt requested, to the personal address of the owners of all property abutting on the portion proposed to be vacated.*
- 3. If the portion proposed to be vacated is on a recorded plan, the Borough shall also give thirty (30) days notice in a newspaper of general circulation in the Borough of the proposed vacation directed to all the owners of property abutting on the street or portion thereof to be vacated by name and street and directed generally to all other owners of property abutting on such plan.*
- 4. During such forty (40) day period between the enactment and taking effect of such ordinance, any interested party may petition council for hearing, which council shall hold within thirty (30) days after the date of such petition and of which the Borough shall give at least fifteen (15) days notice of a newspaper of general circulation in the Borough.*
- 5. After such hearing and within thirty (30) days after action by council upon such petition, any party aggrieved by Council's action thereupon may appeal to the Court of Common Pleas.*
- 6. When the ordinance takes effect all public right in or to such street or portion thereof shall cease, but such vacation shall not affect any private rights acquired by any of the owners of abutting property.*
- 7. Vacating Erie Street between 813 and 904 Center Street shall not transfer property rights from the Borough of Throop to any property owners abutting on the street or portion thereof unless agreed to in writing as evidenced by a deed of transfer from the Borough of Throop to any property owner.*

SECTION I.

If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the valid portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

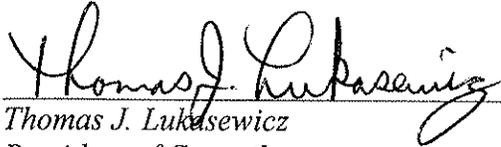
SECTION 2.

This Ordinance shall become effective immediately upon approval.

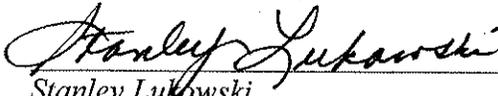
SECTION 3.

This Ordinance is enacted by the Council of the Borough of Throop under the authority of the Act of the Legislative, as amended, December 12, 1990, P.L. 1994, No. 220, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 14th day of December, 2006.



Thomas J. Lukasewicz
President of Council



Stanley Lukowski
Mayor

Attest:



Christina Sullivan
Secretary