

ORDINANCE NO. 263

ORDINANCE PROVIDING FOR THE ACCEPTANCE OF A PORTION OF DIAMOND BOULEVARD BETWEEN OLIVE STREET AND MILTON STREET, HERETOFORE UNIMPROVED, FOR THE ACCEPTANCE OF PEARL STREET AND FOR THE ACCEPTANCE OF A PORTION OF LONG ALLEY, AS PUBLIC HIGHWAYS FOR PUBLIC USE AND FURTHER PROVIDING FOR THE GRADING, DRAINING, CURBING, AND PAVING OF SAID PORTION OF DIAMOND BOULEVARD, OR PEARL STREET AND A PORTION OF LONG ALLEY, AND FOR THE ASSESSMENT AND THE COLLECTION OF THE COSTS THEREOF FROM THE OWNERS OF THE REAL ESTATE ABUTTING ON THE IMPROVEMENTS ON THE FOOT FRONT PLAN.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Southmont, Cambria County, Pennsylvania, as follows:

A PORTION OF DIAMOND BOULEVARD

SECTION 1. The following portion of Diamond Boulevard shall be accepted as a public highway for public use and shall be graded, drained, curbed and paved with paving material and storm sewers, drains, inlets and manholes and other work incidentals thereto in accordance with the plans and specifications therefor as submitted to the Borough Council by the Borough Engineer.

The unpaved portion of Diamond Boulevard, formerly Johnstown Traction Company Right-of Way, beginning at the Easterly side of Olive Street and continuing in Diamond Boulevard by various courses and distances and curves, to the Southerly side of Milton Street.

Diamond Boulevard being 36 feet in width from curb to curb and the unpaved portion being 17 feet in width, and the brick portion being 19 feet in width.

The centerline grade is hereby established as follows: Being 2 1/2" above the existing grade of the brick pavement.

PEARL STREET

SECTION 2. The following street shall be accepted as a public highway for public use and shall be graded, drained, curbed and paved with paving material and storm sewers, drains, inlets and manholes and other work incidental thereto in accordance with the plans and specifications therefor as submitted to the Borough Council by the Borough Engineer.

Beginning at Station 0 plus 0 at the intersection of the centerline of Orchard Street, thence by the centerline of Pearl Street North 49 degrees 45' East a distance of 376.0 feet to Station 3 plus 76 at the intersection of the centerline of Diamond Boulevard, the place of ending.

The centerline grade is hereby established as follows:

Beginning at Station 0 plus 20 at an elevation of 1624.10, thence ascending at the rate of 5.036 feet per hundred feet, a distance of 168 feet to Station 1 plus 88 at an elevation of 1632.56, thence ascending at the rate of 1.804 feet per 100 feet, a distance of 158 feet to Station 3 plus 46 at an elevation of 1635.41, thence ascending at the rate of 2.45 feet per hundred feet a distance of

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30 feet to Station 3 plus 76 at an elevation of 1636.12

Pearl Street being 60 feet in width and paving to be 24 feet in width, between curbs.

Being shown on the Plan and Profile of Pearl Street, prepared T. L. Locher, April 23, 1970.

A PORTION OF LONG ALLEY

SECTION 3. The following portion of Long Alley shall be accepted as a public highway for public use and shall be graded, drained and paved with paving material and storm sewers, drains, inlets and manholes and other work incidental thereto in accordance with the plans and specifications therefor as submitted to the Borough Council by the Borough Engineer.

Beginning at Station 0 plus 0 at the intersection of the centerline of Thoburn Street, thence by the centerline of Long Alley South 86 degrees 59' East a distance of 327.02 feet to Station 3 plus 27.02 to line dividing lots No. 783 and 784 and lots No. 725 and 726, the place of ending.

The centerline grade is hereby established as follows:

Beginning at Station 0 plus 30.86 at an elevation of 1561.70, thence by a vertical curve a distance of 119.14 feet to Station 1 plus 50, at an elevation of 1558.20, thence ascending at the rate of 1.30 feet per hundred feet a distance of 100 feet to Station 2 plus 50 at an elevation of 1559.50, thence by a vertical curve a distance of 77.02 feet to Station 3 plus 27.02, at an elevation of 1560.45.

Being shown on the Plan and Profile of Long Alley prepared by T. L. Locher, April 11, 1969.

SECTION 4. The President of Council and the Borough Secretary are hereby authorized to enter into a proper contract or contracts in the name of the Borough after proper advertisement for bids, for the whole or any part of said work, or for materials or labor connected therewith, with such parties and upon such terms as the Council may determine. Any and all action already taken in connection with the improvements of said street is hereby ratified and confirmed.

SECTION 5. The Borough Engineer is hereby designated as the person in charge of said improvements with full power to act for the Borough in all engineering matters connected with said work and also to estimate and determine the amount of assessments therefor in accordance with law.

SECTION 6. The costs and expenses of the entire work hereby authorized shall be paid by the Borough of Southmont and the owners of the real estate abutting or bounding on said street and alley in accordance with the Acts of Assembly in such cases made and provided, including the Act of February 1, 1966 P. L. (1965) No. 581,

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as amended, so that 1/3 of said costs and expenses shall be paid by the Borough and the same is hereby appropriated therefor out of the funds now or hereafter in the treasury, and 2/3 of said costs and expenses shall be paid by the owners of the real estate abutting or abounding of said streets or alley improved, and the same is hereby assessed against them according to the foot-front plan, and said assessments are hereby appropriated therefor. As to the assessments for Diamond Boulevard, it is specifically provided that the assessments shall be only for the costs of improving the heretofore unimproved part thereof, formerly the Right-of-Way, now abandoned of the Johnstown Traction Company, as the same is described herein.

SECTION 7. Whenever curbing or guttering or both shall be necessary in the opinion of the Borough Engineer, or as set forth in said plans and specifications, to make a complete job, the same shall be constructed as authorized above, but the entire costs thereof shall be and is hereby assessed against the real estate abutting or bounding the same according to the foot-front rule.

SECTION 8. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same hereby are repealed.

Passes finally in Council this 25th day of May, 1970.

By Thomas L. Carroll
President of Council

ATTEST:

Wesley E. Harmon
Secretary

APPROVED:

Robert Moors
Mayor