

ORDINANCE NO. 260

ORDINANCE PROVIDING FOR THE ACCEPTANCE OF A PORTION OF DIAMOND BOULEVARD BETWEEN MENOHER BOULEVARD, FORMERLY MILLCREEK ROAD AND MILTON STREET, HERETOFORE UNIMPROVED, AS A PUBLIC HIGHWAY FOR PUBLIC USE AND FURTHER PROVIDING FOR THE GRADING, DRAINING, CURBING AND PAVING OF SAID PORTION OF SAID STREET AND FOR THE ASSESSMENT AND COLLECTION OF THE COSTS THEREOF FROM THE OWNERS OF THE REAL ESTATE ABUTTING ON THE IMPROVEMENT 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:

SECTION 1. 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.

A PORTION OF DIAMOND BOULEVARD

That portion of Diamond Boulevard theretofore unimproved and formerly the right-of way, now abandoned of the Johnstown Traction Company, and being approximately 17 feet in width, situate on the westerly portion of Diamond Boulevard, the center line of which is described as follows:

BEGINNING at the Northerly property line extended, of Milton Street; thence North 6° 03' West, a distance of 7.67 feet to a point; then North 10° 03' East, a distance of 308.63 feet to the Southerly property line of Menoher Boulevard, formerly Millcreek Road, the place of ending.

SECTION 2: The President of Council and the Borough Secretary are hereby authorized to enter into a proper contract or contracts in the name of 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 3. 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 4. The cost 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 in accordance with the Acts of Assembly in such cases made and provided including Act of February 1, 1966 P. L. (1965) No. 181, 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

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the real estate abutting or bounding on said street improved, and the same is hereby assessed against them according to the foot-front rule, and said assessments are hereby appropriated therefor, it being specifically provided that the assessments heretofore made shall be only for the cost of the heretofore unimproved portion of Diamond Boulevard described herein.

SECTION 5. 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 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same hereby are repealed.

Passed finally in Council this 14th day of July, 1969.

By Thomas P. Carroll  
President

ATTEST:

Cecilia S. Turner  
Secretary

APPROVED:

Robert Moore  
Mayor