

BOROUGH OF SOUTHMONT, CAMBRIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 334

ORDINANCE PROVIDING FOR THE RELOCATION, ACCEPTANCE, AND VACATION OF A PORTION OF AN UNNAMED ALLEY OFF OF CHESTNUT LANE AS A PUBLIC HIGHWAY FOR PUBLIC USE AND FURTHER PROVIDING FOR THE GRADING, AND DRAINING OF SAID ALLEY, AND FOR THE ASSESSMENT AND COLLECTION OF CERTAIN COSTS THEREOF FROM THE OWNERS OF THE REAL ESTATE ABUTTING ON THE IMPROVEMENT ON A FRONT FOOTAGE 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 portion of an unnamed alley off of Chestnut Lane, as hereinafter described, shall be and is hereby vacated as a public highway for public use, as it is in the best interest of the residences of the Borough of Southmont that the vacation occur.

The portion of said alley hereby vacated is described as follows:

ALL that certain piece or parcel of land situate, lying and being in Southmont Borough, Cambria County, Pennsylvania and bounded and described as follows:

BEGINNING at the intersection of the easterly line of Gardner Street with the northerly line of an unnamed alley, said point also being the southwest corner of the northerly 24 feet of Lot 23 on the Southmont addition No. 1 as laid out for A. W. Swartz by C. P. Collins, March 20, 1907; thence North $77^{\circ} 39'$ East 106.36 feet to a point on the westerly line of Chestnut Lane; thence by said westerly line South $12^{\circ} 21'$ East 20.00 feet to a point on the northerly line of lands of Harry H. Pote, Jr.; thence by said lands South $77^{\circ} 39'$ West 103.73 feet to a point on the easterly line of Gardner Street; thence by said line North $20^{\circ} 01'$ West 20.18 feet to the PLACE OF BEGINNING, as shown on Plan M-1-401A which is attached hereto and made a part hereof.

Section 2. A portion of an unnamed alley off of Chestnut Lane, as hereinafter described, shall be and is hereby accepted as a public highway for public use as relocated, and it shall be graded, drained, and construction shall occur along with other work incidental thereto in accordance with the plans and specifications heretofore as submitted to the Southmont Borough Council by the Southmont Borough Engineer. The costs for this relocation shall be assessed from the owners of the Real Estate abutting on the improvement on a front footage plan.

The portion of the alley hereby accepted and relocated to be improved is described as follows:

ALL that certain piece or parcel of land situate, lying and being in Southmont Borough, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the easterly line of Gardner Street at the common corner of lands of John C. and Marie K. Cwik, and Harry H. and Marjorie L. Pote; thence along said easterly line North 20° 01' West 20.18 feet to a point; thence through lands of which this was a part North 77° 39' East 103.03 feet to a point on the westerly line of Chestnut Lane; thence by said line South 12° 21' East 20.00 feet to a point; thence by the northerly line of lands of Harry H. Pote, Jr., South 77° 39' West 100.33 feet to the point of Beginning, as shown on Plan M-1-401A which is attached hereto and made a part hereof.

Section 3. The President of Council and the Borough Secretary are hereby authorized by Borough Council to use Borough equipment and labor or to enter into a proper contract or contracts in the name of the Borough after proper advertisement for bids for the whole project or any part thereof, with such parties and upon such terms as the Council may determine. Any and all action already taken in connection with the project is hereby ratified and confirmed.

Section 4. The Borough Engineers is hereby designated as the person in charge of said project 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 5. Certain costs and expenses of the project hereby authorized shall be paid by the Borough of Southmont and the owners of the real estate abutting or bounding on said alley in accordance with the Acts of Assembly. Funds now or hereafter in the Borough treasury are appropriated for said project.

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

Section 7. This ordinance shall become effective thirty (30) days after passage.

Passed finally in Council this 23 day of September, 1985.

ATTEST:

BOROUGH OF SOUTHMONT

Lauri J. Smith

Paul L. West

Approved this 23 day of September, 1985.

Robert B. Morgan
Mayor

Yeas: 4 - 3 absent

Neas: 0