

**COUNCIL BILL NO. 1913****INTRODUCED BY: Diane Bernardo****ORDINANCE NO. 1814****AN ORDINANCE**

**An ORDINANCE OF THE CITY OF DUBOIS AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS BY ADDING TO PART 15, A SECTION VACATING THE PUBLIC ALLEY KNOWN AS SUTTER STREET.**

**WHEREAS**, the Third Class City Code, 11 Pa. C.S.A. §12918, directs that any person or persons constituting a majority in number and interest of the owners of the real estate abutting upon any street or portion thereof may petition the City Council to vacate such street or portion thereof; and

**WHEREAS**, the public alley know as Sutter Street (the "alley") was established on the John E. DuBois Plan of Lots in the City of DuBois ("City"); and

**WHEREAS**, a petition has been presented to the Council of the City of DuBois ("Council") to vacate the alley by Pennsylvania CVS Pharmacy, L.L.C. ("CVS"), the owner of all land abutting thereon; and

**WHEREAS**, the Third Class City Code at 11 Pa. C.S.A. §12919, provides that the Council, after determining the adequacy of the petition, may by ordinance vacate or close any street or portion thereof previously opened or laid out; and

**WHEREAS**, CVS is the sole owner of all the land surrounding the alley to be vacated; and

**WHEREAS**, the alley as described herein does not provide the sole means of access to any lot or tract of land; and

**WHEREAS**, the alley as described herein is unnecessary for the public convenience and CVS desires the City to vacate formally the alley as a public street; and

**WHEREAS**, CVS, as the sole owner of the land surrounding the aforementioned alley, would be the only landowner affected by the vacating of the alley; and

**WHEREAS**, Council has determined the adequacy of the petition presented by CVS and before final enactment of this Ordinance vacating the alley, notice of the petition and the first reading of the Council Bill will have been published in a newspaper of general circulation for three consecutive weeks and handbills will have been posted conspicuously along the line of the alley, as directed by the provisions of 11 Pa. C.S.A. §12919 of the Third Class City Code.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of DuBois in Council assembled, and it is hereby enacted and ordained by authority of the same, as follows:

**SECTION 1.** The Council of the City of DuBois, Clearfield County, Pennsylvania, does hereby vacate and close as a public street of the City of DuBois all that certain piece, parcel or tract of land being a public alley known as Sutter Street and more particularly bounded and described on the Plan as follows:

BEGINNING at the corner of the westerly right-of-line of Sutter Street (to be vacated) and northerly right-of-way line of an unnamed alley and the southeast corner of a lot owned by Pennsylvania CVS Pharmacy, L.L.C.; thence along the westerly right-of-way line of Sutter Street (to be vacated), North  $15^{\circ} 12' 07''$  East for a distance of 243.65 feet to a point on the southern right-of-way line of DuBois Avenue (SR 0219), the northeast corner of a lot owned by Pennsylvania CVS Pharmacy, L.L.C.; thence along the southerly right-of-way line of DuBois Avenue (SR 0219) and across said street to be vacated, South  $69^{\circ} 21' 08''$  East for a distance of 16.07 feet to a point on the northwest corner of a lot owned by Pennsylvania CVS Pharmacy, L.L.C.; thence along the easterly right-of-way line of Sutter Street (to be vacated) and a lot owned by Pennsylvania CVS Pharmacy, L.L.C., South  $15^{\circ} 12' 07''$  West for a distance of 63.32 feet to a point; thence along said street and a lot owned by Pennsylvania CVS Pharmacy, L.L.C., South  $15^{\circ} 12' 07''$  West for a distance of 60.00 feet to a point; thence along said street and a lot owned by Pennsylvania CVS Pharmacy, L.L.C. South  $15^{\circ} 12' 07''$  West for a distance of 60.00 feet to a point; thence across said street and a lot owned by Pennsylvania CVS Pharmacy, L.L.C.; South  $15^{\circ} 12' 07''$  West for a distance of 60.00 feet to a point at the northerly right-of-way line of an unnamed alley, the southwest corner of a lot owned by Pennsylvania CVS Pharmacy, L.L.C.; thence along the northerly right-of-way line of said alley and across said street to be vacated, North  $70^{\circ} 31' 37''$  West for a distance of 16.04 feet to the point of beginning. CONTAINING 3,895.15 square feet (0.09 acres) of land, be the same, more or less.

**Section 2.** The appropriate officers of the City of DuBois are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

**Section 3.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts or sections hereof. It is hereby declared as the intent of the Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.


**Section 4.** All other ordinances or parts of ordinances or resolutions in conflict herewith be and the same are herewith repealed. All other provisions of Chapter 21 of the Code of Ordinances of the City of DuBois not in conflict herewith are hereby reaffirmed and re-ratified as if set forth at length herein.

**Section 5.** The within Ordinance shall become effective upon final enactment hereof.

Ordinance and enacted by the City Council of the City of DuBois in lawful session assembled this 26 day of July, 2016.

ATTEST:

CITY OF DUBOIS

  
 \_\_\_\_\_  
 City Manager

By   
 \_\_\_\_\_  
 Mayor and President of Council

PASSED BY COUNCIL:

7-25-16

APPROVED:   
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