

## COUNCIL BILL NO. 1919

INTRODUCED BY: EDWARD WALSH

ORDINANCE NO. 1821

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 PORTIONS OF ROSE STREET AND SEYLER ALLEY.**

**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**, portions of Rose Street (the "Street") and Seyler Alley (the "Alley") was established on the maps 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 a portion of Rose Street and Seyler Alley on behalf of R. J. Sepco, Inc., the fee owner of record ("Sepco") requesting to vacate portions of Rose Street and Seyler Alley; and

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

**WHEREAS**, R. J. Sepco, Inc., is the fee owner of record of all the land surrounding the street and alley to be vacated; and

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

**WHEREAS**, the street and alley as described herein is unnecessary for the public convenience and R. J. Sepco, Inc., desires the City to vacate formally the portions of Rose Street and Seyler Alley described herein; and

**WHEREAS**, R. J. Sepco, Inc., as the sole owner of all land surrounding the aforementioned street and alley, would be the only landowner affected by the vacating of the portions of the street and alley described herein; and

**WHEREAS**, Council has determined the adequacy of the request presented by R. J. Sepco, Inc. and before final enactment of this Ordinance vacating the portions of the street and alley, notice of the request 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 portion of Rose Street and more particularly bounded and described as follows:

BEGINNING at a point on the northerly right of way line of Rose Street, said

Point also being the southwesterly corner of lands now or formerly of R. J. Sepco, Inc.; thence from said point of beginning along the southerly line of lands now or formerly of said R. J. Sepco, Inc. North 64° 07' 38" East, 226.30 feet to a point on the westerly right of way line of East Park Avenue (S. R. 4014); thence along the westerly right of way line of said East Park Avenue (S. R. 4014) South 44° 41' 13" East, 16.90 feet to a point on the northerly line of lands now or formerly of R. J. Sepco, Inc., thence along the northerly line of lands now or formerly of R. J. Sepco, Inc., South 64° 07' 38" West, 231.76 feet to a point on the northerly line of other lands now or formerly of R. J. Sepco, Inc., said point also being on the southerly right of way line of Rose Street; thence through the right of way of said Rose Street North 25° 52' 22" West, 16.00 feet to a point, the place of beginning.

CONTAINING 0.084 acre as shown on "Plan of Survey showing the Vacation of a Portion of a Street Known as Rose Street" prepared by Stiffler, McGraw & Associates, Inc. dated 01/09/2017.

**SECTION 2.** The Council of the City of DuBois, Clearfield County, Pennsylvania, does hereby vacate and close as a public alley of the City of DuBois all that certain piece, parcel or tract of land being a portion of Seyler Alley and more particularly bounded and described as follows:

BEGINNING at a point on the southerly right of way line of Rose Street, said point also being the northwesterly corner of lands now or formerly of R. J. Sepco, Inc.; thence from said point of beginning along the westerly line of lands Now or formerly of said R. J. Sepco, Inc., South 37° 35' 10" East, 90.08 feet to a point on the westerly line of lands now or formerly of said R. J. Sepco, Inc., said point also being on the easterly right of way line of Seyler Alley; thence through the right of way of said Seyler Alley South 52° 24' 50" West, 16.00 feet to a point on the easterly line of lands now or formerly of R. J. Sepco, Inc.; thence along the easterly line of lands now or formerly of said R. J. Sepco, Inc. North 37° 35' 10" West, 93.40 feet to a point on the southerly right of way line of Rose Street; thence along the southerly right of way line of said Rose Street North 64° 07' 38" East, 16.34 feet to a point, the place of beginning.

CONTAINING 0.034 acre as shown on "Plan of Survey showing the Vacation of a Portion of a Street Known as Seyler Alley" prepared by Stiffler, McGraw & Associates, Inc. dated 01/09/2017.

**SECTION 3.** The City reserves rights-of-way of ingress, egress, and regress over, under and upon the above-described premises for the purposes of removing, repairing and re-installing any utilities for which the City may remain responsible.

**SECTION 4.** 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 5.** 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 6.** 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 7.** The within Ordinance shall become effective upon final enactment hereof.

Ordained and enacted by the City Council of the City of DuBois in lawful session assembled this 27th day of February, 2017.

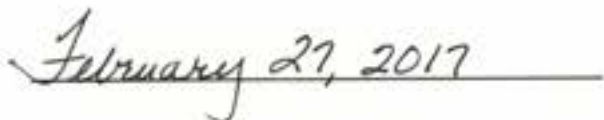
ATTEST:

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

CITY OF DUBOIS

  
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Mayor & President of Council

PASSED BY COUNCIL:

  
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APPROVED:

  
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