

COUNCIL BILL NO. 1979**INTRODUCED BY Elliott Gelfand****ORDINANCE NO. 1877****A N O R D I N A N C E**

AN ORDINANCE OF THE CITY OF DUBOIS AMENDING CHAPTER 385 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS ENTITLED "STREETS AND SIDEWALKS" BY ADDING TO THE TABLE OF VACATED AND ABANDONED STREETS AND ALLEYS LISTED AS SECTION 385-102 OF ARTICLE XVI, A SECTION VACATING FAIRWAY STREET, FORMERLY KNOWN AS FAIRWAY ALLEY, FROM EAST SHERMAN AVENUE TO THE SOUTHERN DEAD END.

WHEREAS, the Third Class City Code found at 11 Pa. C.S.A. §12916 provides for the enactment of an ordinance for the vacating of any street without petition of property owners by the affirmative vote of a majority of the whole number of members of Council, plus one; and

WHEREAS, there exists a portion of Fairway Street, formerly known as Fairway Alley, between East Sherman Avenue and the southern dead end that has never been opened because it is located along a hillside and, as a result, is impassable and appears only as an alley on the maps of the City of DuBois; and

WHEREAS, the City of DuBois has determined that it is in the best interests of the City to vacate Fairway Street, formerly known as Fairway Alley, located between East Sherman Avenue to the southern dead end because it is a paper street only; and

WHEREAS, the City has determined that the vacating of Fairway Street, formerly known as Fairway Alley, from East Sherman Avenue to the southern dead end will result in a financial benefit to the City of DuBois as it will become taxable property assessable to the owners of the premises adjoining said street on either side; and

WHEREAS, by unanimous vote of all Council members taken at the regularly-scheduled Council meeting on Tuesday, November 28, 2023, the Council of the City of DuBois did vote to vacate that portion of Fairway Street located between East Sherman Avenue to the southern dead end and did direct that an ordinance be drafted in accordance with the provisions of 11 Pa. C.S.A. §12916 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 Fairway Street (formerly known as Fairway Alley), located between East Sherman Avenue to the southern dead end and more particularly bounded and described as follows:

BEGINNING at a point in the northwest corner of Fairway Street and East Sherman Avenue; thence along East Sherman Avenue, 16 feet to a point; thence along the lands now or formerly of Raybuck, being Lot No. 64 in the Lakeview Terrace Addition to DuBois, 80 feet to a point at Fairway Street; thence along Fairway Street, 16 feet to a point; thence along lands now or formerly of Donahue and Kuruvilla, being Lot No. 718 in the John E. DuBois Addition to DuBois, 80 feet to a point at East Sherman Avenue and the place of beginning.

SECTION 2. All other Ordinances or parts of Ordinances or Resolutions in conflict herewith be and the same are herewith repealed. All other provisions of Chapter 385, Article XVI of the Code of Ordinances not in conflict herewith are hereby reaffirmed and re-ratified as if set forth at length herein.

SECTION 3. The within Ordinance shall become effective in accordance with the provisions of Title 11 Pa. C.S.A. §12916 of the Third Class City Code upon final enactment hereof.


Ordained and enacted by the City Council of the City of DuBois in lawful session assembled this 4th day of March, 2024.

ATTEST:



Interim City Manager

CITY OF DUBOIS

By 

Mayor and President of Council

PASSED BY COUNCIL:

03/04/2024

APPROVED:

