

ORDINANCE NO. _____

9 of 2015

**AN ORDINANCE OF WHITE HAVEN BOROUGH VACATING PORTIONS OF
SUSQUEHANNA STREET**

Whereas, White Haven Borough Council was petitioned by two property owners under Section 1732 of the Borough Code to vacate those portions of Susquehanna Street abutting their property;

Whereas, Bank of America, NA has requested that Borough Council vacate 3,232 sq. ft. of Susquehanna Street being that portion adjoining the property of Bank of America, NA for a distance of 222.17 feet from the intersection of Church and Susquehanna Streets on the north side westward a width of 0 to 31.52 feet;

Whereas, Gail E. Cramer has requested that Borough Council vacate 4,752 sq. ft. of Susquehanna Street being that portion adjoining the property of Gail E. Cramer and Robert T. O'hearn beginning 222.17 feet from the beginning of Church and Susquehanna Streets on the north side westward for a distance of approximately 160 feet a width of 32 to 38 feet;

Whereas, Borough Council wishes to vacate those portions of Susquehanna Street under and subject to the terms set forth below;

Whereas, Borough Council finds that vacating those portions of Susquehanna Street will not interfere with the vehicular and pedestrian use or travel of Susquehanna Street;

Whereas, Borough Council has sent public notice to the property owners abutting that portion of Susquehanna Street of Borough Council's intent to adopt this Ordinance, and has advertised the same in a newspaper of general circulation within the Borough under the procedures for vacating a road under Sections 1731 and 1732 of the Borough Code;

Whereas, the vacating of those portions of Susquehanna Street is subject to the terms, conditions set forth in this Ordinance; and

Now, therefore, be it enacted and ordained as follows:

Section 1. Portions of Susquehanna Street to be Vacated. White Haven Borough Council does hereby vacate the following portions of Susquehanna Street:

PORTION NO. 1

ALL THAT CERTAIN tract of land situated in the Borough of White Haven, County of Luzerne, and Commonwealth of Pennsylvania, bounded and described in accordance with a survey made by Miller Surveying Co., bounded and described as follows, to wit:

BEGINNING at a 1" pipe marking the southeast corner of the lands of Gail E. Cramer and Robert T. O'hearn recorded in Luzerne County Record Book 3013 Page 213494;

THENCE along South 73 degrees 13 minutes 31 seconds East, for a distance of 159.07 feet to a 7/8" rebar;

THENCE South 12 degrees 55 minutes 00 seconds East, for a distance of 32.28 feet to a point on the northerly side of a proposed 60 foot wide Susquehanna Street;

THENCE along the north side of the proposed 60 foot width line of Susquehanna Street North 74 degrees 09 minutes 45 seconds West, for a distance of 147.95 feet to a point;

THENCE still along the north side of the proposed 60 foot width line of Susquehanna Street South 83 degrees 30 minutes 00 seconds West, for a distance of 12.19 feet to a point;

THENCE North 07 degrees 32 minutes 10 seconds West, for a distance of 38.71 feet to a 5/8" rebar marking the **PLACE OF BEGINNING**.

CONTAINING .11 acres or 4,888 square feet of land and being a portion of excess right of way along Susquehanna Street as shown on a map by Miller Surveying Co.

BEING all the lands to be vacated by White Haven Borough to Gail E. Cramer and Robert T. O'hearn, her husband.

PORTION NO. 2

ALL THAT CERTAIN tract of land situated in the Borough of White Haven, County of Luzerne and State of Pennsylvania bounded and described in accordance with a survey made by Baer and Evans Registered Surveyors, bounded and described as follows, to wit:

BEGINNING at an iron pin corner about to be set, being at the northwesterly corner of Church Street and Susquehanna Street, being also the southeasterly corner of land now or formerly of Bank of America, NA;

THENCE through lands of White Haven Borough the following two (2) courses and distances:

- (1) North 80° 18' 18" West two hundred twenty two and seventeen one hundredths (222.17) feet to an iron pin corner about to be set;

(2) Thence along land about to be conveyed to Gail E. Cramer and Robert T. O'hearn North 12° 55' 00" West thirty one and fifty two one hundredths (31.52) feet to the southwesterly corner of Bank of America;

THENCE along the southerly line of land now of Bank of America, NA or formerly of Jeffrey Hartley South 73° 13' 31" East two hundred thirty six and eight one hundredths (236.08) feet to the place of **BEGINNING**.

CONTAINING .074 acres or (3,232) square feet of land, being the same, more or less.

BEING all the lands to be vacated by White Haven Borough to Bank of America.

Section 2. Effect of Vacation. Upon vacating those portions of Susquehanna Street as more fully described in Section 1 above, all public right in or to such portions of the Street shall cease, but such vacation shall not affect any private rights.

Section 3. Quit Claim Deed. Upon the enactment of such Ordinance, Borough Council shall execute a Quit Claim Deed to each of the property owners petitioning Borough Council for their requested portion of Susquehanna Street, and such Deeds shall be accepted by the owners subject to the following provision being included in the Deed of conveyance: Each owner by acceptance of the property do hereby release and indemnify the Borough from all damages sustained as a result of such vacation.

Section 4. Costs. Each property owner shall reimburse Borough Council prior to the acceptance of their Quit Claim Deed for all of the Borough's costs and expense associated with the vacations including, but not limited to, advertising costs, postage, public notice, professional fees, litigation etc. The costs to Bank of America is \$7,500.00 and the costs to Gail E. Cramer and Robert T. O'hearn is \$1,000.00.

Section 5. Effective date. If no petitions or appeals are filed to the enactment of this Ordinance, this Ordinance shall become effective 30 days after the date of its adoption.


Section 6. Public Notice. In addition to the advertising of the hearing on this Ordinance for two consecutive weeks with the second notice no less than 15 days prior to the hearing, Council has also mailed personal notices to those property owners abutting the effected portion of Susquehanna Street.

ADOPTED by White Haven Borough Council this 26th day of October, 2015, after a duly advertised hearing held on October 26, 2015 at 7:00 PM at the White Haven Borough Municipal Building, 312 Main Street, White Haven, Pennsylvania.

ATTEST:


Linda Szoke, Manager

WHITE HAVEN BOROUGH COUNCIL:


John Klem, President

APPROVED BY THE MAYOR THIS 26th DAY OF October, 2015.


MAYOR