

ORDINANCE NO. 3


**AN ORDINANCE OF WHITE HAVEN BOROUGH, LUZERNE COUNTY,
PENNSYLVANIA, REPEALING ORDINANCE NO. 3 OF 2002 VACATING THAT
PORTION OF SUSQUEHANNA STREET AS OUTLINED ON AN EXHIBIT
ATTACHED TO THE ORDINANCE TO THE COMMONWEALTH OF
PENNSYLVANIA, BUREAU OF STATE PARKS, DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES FOR THE PROJECT KNOWN AS
LEHIGH GORGE PARK PROJECT**

Under the authority vested in White Haven Borough Council pursuant to Section 1006(4) of the Borough Code, which permits Council to repeal any ordinance that it has previously adopted, and based upon Section 3 of Ordinance No. 3 of 2002, which provides that the Ordinance is null and void should the vacated portion of Susquehanna Street fail to be utilized by the Commonwealth of Pennsylvania for Lehigh Gorge Park Project as agreed upon by the Parties, and it appearing to Borough Council that the Commonwealth has failed to use that portion of the vacated street for the Lehigh Gorge Park Project, Council does hereby REPEAL Ordinance No. 3 of 2002 in its entirety.

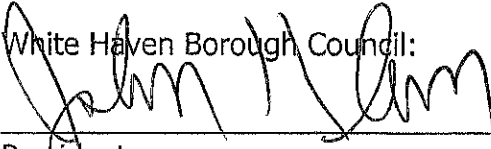
This Repealing Ordinance shall be effective immediately following its enactment, the date set forth below.

This Ordinance is hereby duly enacted and adopted this 25 day of April, 2016.

ATTEST:

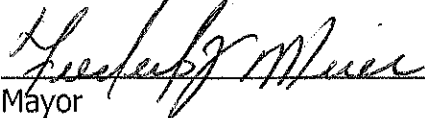


Manager

White Haven Borough Council:


President

APPROVED BY THE MAYOR:



Mayor

OCT 17 2002

WHITE HAVEN BOROUGH
LUZERNE COUNTY, PENNSYLVANIA
ORDINANCE NO. 3 of 2002

AN ORDINANCE VACATING THAT PORTION OF SUSQUEHANNA STREET AS OUTLINED ON EXHIBIT "A" TO THIS ORDINANCE TO THE COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA BUREAU OF STATE PARKS, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE PROJECT WHICH SHALL BE KNOWN AS THE LEHIGH GORGE PARK PROJECT

WHEREAS, the Borough of White Haven, Pennsylvania (the "Borough") is a Municipality duly organized and existing under the laws of the Commonwealth of Pennsylvania and is governed, generally, by the Borough Code and, specifically by, the Code of Ordinances of the Borough;

WHEREAS, pursuant to Section 1741 of the Borough Code, "Any Borough shall have authority, by Ordinance, to vacate or close any street or portion thereof previously open or laid out, but no street or portion thereof providing the sole means of access to any lot or tract of land shall be vacated unless those to whom access would be denied shall consent";

WHEREAS, Susquehanna Street is a public street within the Borough which has previously been opened and/or laid out within the Borough;

WHEREAS, the portion of Susquehanna Street which the Borough Council wishes to vacate does not provide sole access to any lot or tract of land which abuts said portion;

WHEREAS, the Borough Council of the Borough believes it to be in the best interests of the Borough and the residents thereof to pursue the Lehigh Gorge Park Project.

NOW, THEREFORE, be it Ordained by the Council of the Borough of White Haven, Luzerne County, Pennsylvania:

SECTION 1. That the northern one-half of Susquehanna Street from the eastern curb line of Main Street to the eastern terminus of Susquehanna Street, as identified more specifically on Exhibit "A", which is attached hereto and made a part hereof, shall hereby be vacated to the Commonwealth of Pennsylvania, Pennsylvania Bureau of State Parks, Department of Conservation and Natural Resources (the "Commonwealth") for use in conjunction with the Lehigh Gorge Park Project;

SECTION 2. That, pursuant to the Borough Code, this Ordinance shall become effective forty (40) days after the enactment thereof. Further, that within ten (10) days after the enactment of this Ordinance, the Borough shall give written notice by United States Certified Mail, Return-Receipt Requested, to the personal address to the owners of all property abutting the portion of Susquehanna Street so proposed to be vacated. During such forty (40) day period between the enactment and taking effect of this Ordinance, any interested party may petition Council for a hearing, which Council shall hold within thirty (30) days after the date of such petition and of which the Borough shall give at least fifteen (15) days notice in a newspaper of general circulation within the Borough. Any such Petition shall serve to stay the effective date of this Ordinance until Council shall have held such hearing and shall have acted upon such Petition by Motion or, in the case of further appeal, until the Court shall have finally disposed of the matter.

OCT 17 2002

SECTION 3. That this Ordinance shall become null and void should the vacated portion of Susquehanna Street, as identified on Exhibit "A", fail to be utilized by the Commonwealth of Pennsylvania for the Lehigh Gorge Park Project as agreed upon by the parties.

SECTION 4. That upon this Ordinance becoming effective, the Borough Solicitor is hereby directed to record this Ordinance in the Office of the Recorder of Deeds in and for the County of Luzerne so that notice that the designated portion of Susquehanna Street has been vacated becomes public record.

ENACTED AND ORDAINED by the Council of White Haven Borough on this 17 day of OCTOBER, 2002.

WHITE HAVEN BOROUGH

BY: Margaret E. Reilly
Margaret Reilly, President
White Haven Borough Council

ATTEST:

Elizabeth J. Altaro
_____, Secretary
White Haven Borough Council

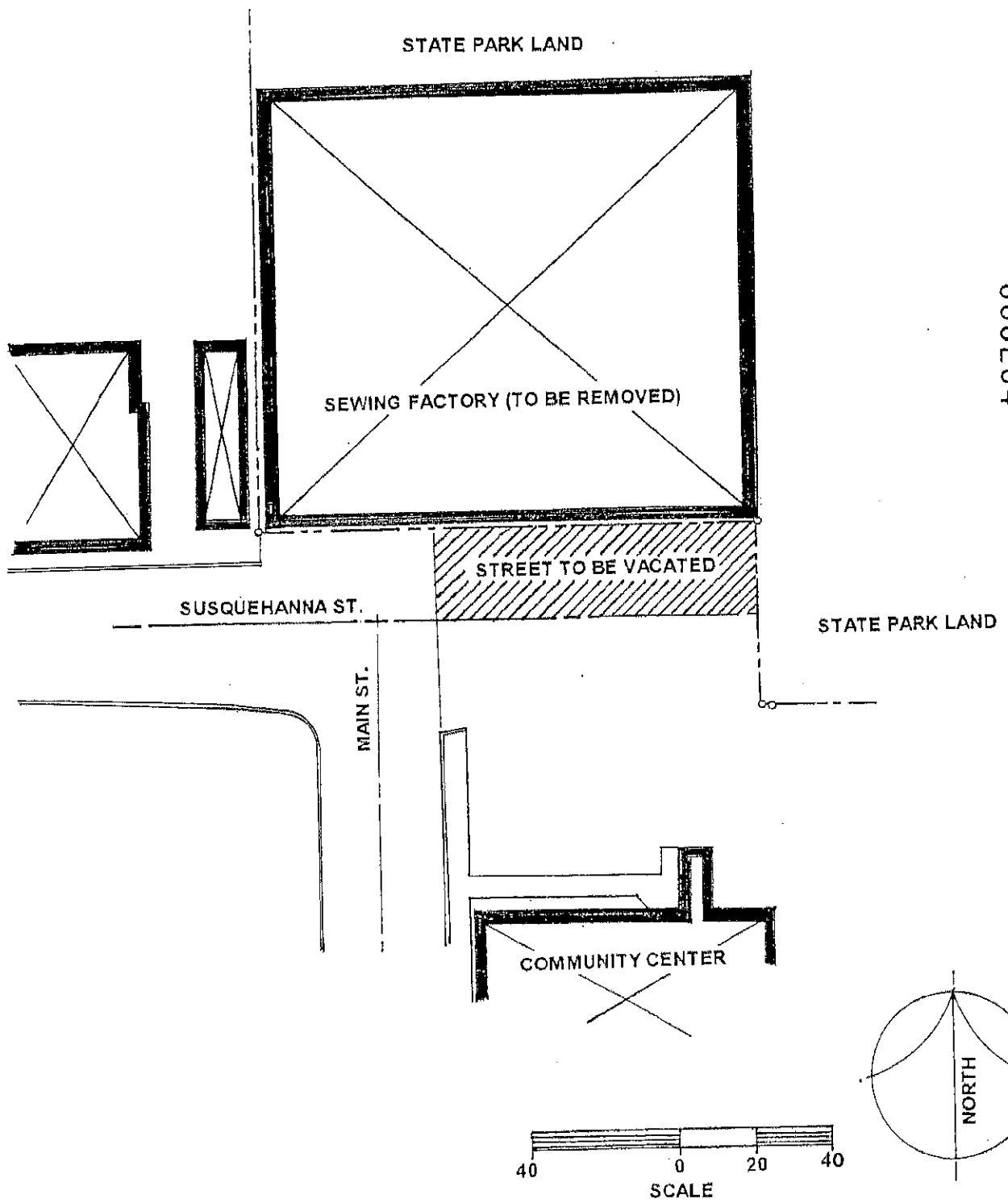
APPROVED this 17 day of OCTOBER, 2002.

Raymond Ward
Raymond Ward, Mayor
White Haven Borough

608204

EXHIBIT "A"

608204



PLAN OF PORTION OF
 SUSQUEHANNA STREET
 TO BE VACATED TO THE
 COMMONWEALTH OF PENNSYLVANIA

EXHIBIT "A"