

**ORDINANCE NO. 434  
BOROUGH OF ORWIGSBURG  
SCHUYLKILL COUNTY, PENNSYLVANIA**

**AN ORDINANCE VACATING A CERTAIN PAPER STREET, BEING A PORTION OF A THIRTY (30) FOOT WIDE UNOPENED ALLEY KNOWN AS JONES STREET WHICH EXTENDS SOUTHWARDLY FROM AND PERPENDICULAR TO EAST MIFFLIN STREET TO INTERSECT WITH EAST CHERRY STREET WITHIN ORWIGSBURG BOROUGH, SCHUYLKILL COUNTY, PENNSYLVANIA; AND PROVING FOR REPEALER, VALIDITY AND THE EFFECTIVE DATE OF THE ORDINANCE.**

WHEREAS, a portion of a thirty (30) foot wide unopened alley known as Jones Street which extends southwardly from and perpendicular to East Mifflin Street to intersect with East Cherry Street within Orwigsburg Borough, Schuylkill County, Pennsylvania, has never been opened to public travel and has not been maintained by the Borough; and

WHEREAS, in the judgment of the Borough Council of Orwigsburg Borough, said road within the Borough is not now nor has it ever been necessary for the public convenience.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by authority of the same.

SECTION 1. VACATION. With title thereto to revert to the adjoining landowners, and subject to Section 2 hereof, the Borough of Orwigsburg hereby vacates that portion of a thirty (30) foot wide unopened alley known as Jones Street which extends southwardly from and perpendicular to East Mifflin Street to intersect with East Cherry Street within Orwigsburg Borough, Schuylkill County, Pennsylvania, as more fully shown on a map or plan prepared by Colonial Surveying & Mapping, David S. Humenansky, PLS, dated July 12, 2019, known as Drawing No. DSH02035, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (the "Plan"), including any bridges, culverts, cross-pipes, headwalls, endwalls, swales, ditches and similar appurtenant works which may exist within the described portion of the Jones Street right-of-way, except as set forth in Section 2 hereof.

SECTION 2. DRAINAGE EASEMENT RESERVATION. Notwithstanding anything to the contrary set forth in Section 1 hereof, the Borough shall retain and maintain an existing ten foot (10') wide drainage easement along the westerly portion of the roadway hereby vacated as more specifically shown on the Plan.

SECTION 3. REPEALER. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, in so far as they are inconsistent herewith, shall be and the same are hereby repealed.

SECTION 4. VALIDITY. If any section or part of a section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or section of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section, or portion thereof, had not been included therein.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective upon enactment.

ENACTED and ORDAINED into an ordinance this 6<sup>th</sup> day of November, 2019, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG  
Schuylkill County, Pennsylvania

ATTEST:

  
\_\_\_\_\_  
Sherry Edwards, Borough Secretary

By:   
\_\_\_\_\_  
Susan Murphy, President of Borough Council

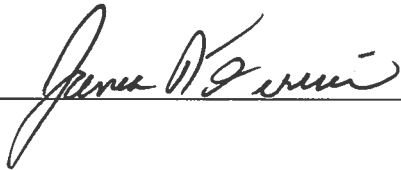
EXAMINED and APPROVED this 6<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_  
Barry J. Berger, Mayor, Borough of Orwigsburg

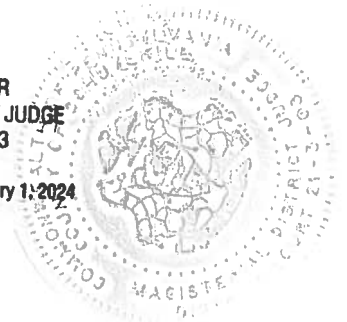
COMMONWEALTH OF PENNSYLVANIA :  
 : SS.  
COUNTY OF SCHUYLKILL :

On this, the 6<sup>th</sup> day of November, 2019, before me, a Notary Public in and for said County and State personally appeared SUSAN MURPHY, who acknowledge herself to be the President of the Borough Council of the Borough of Orwigsburg, and that she, as such Borough Council President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Borough by herself as such Borough Council President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
\_\_\_\_\_

**JAMES R. FERRIER**  
**MAGISTERIAL DISTRICT JUDGE**  
**DISTRICT #21-3-03**  
**Schuykill County**  
**My Commission Expires January 1, 2024**

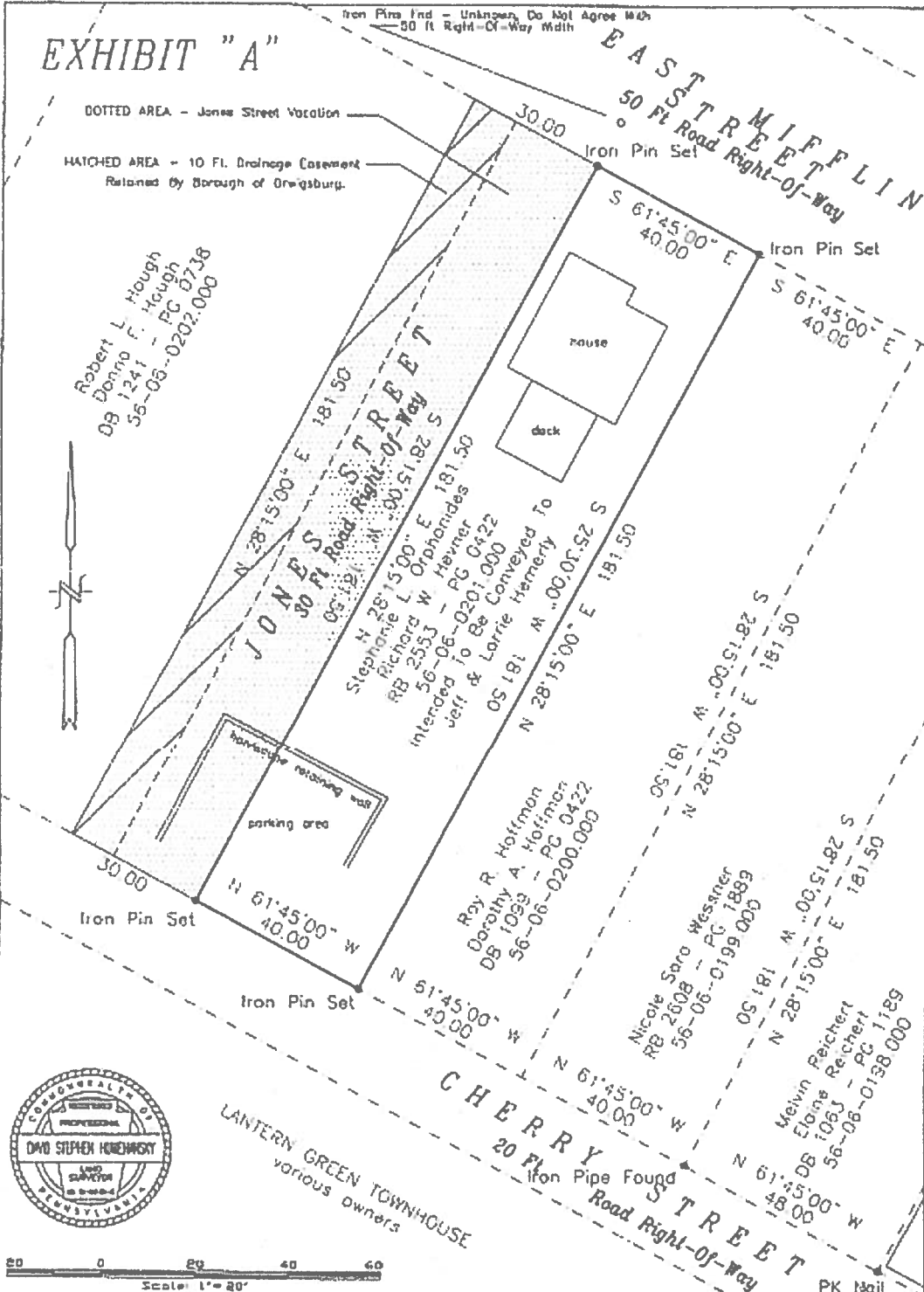
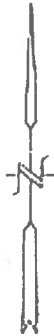


# EXHIBIT "A"

DOTTED AREA - Jones Street Vacation

HATCHED AREA - 10 Ft. Drainage Easement  
Retained by Borough of Orwigsburg.

Robert L. Hough  
DB 1241 - Hough  
56-06-0202.000



Scale: 1" = 20'

Issue Date:	July 12, 2019
Date:	July 12, 2019
Sheet No.	1 OF 1
Scale Horizontal:	1 in. = 20 ft.
Scale Vertical:	N/A
Dwg. By:	DSH
Chkd. By:	DSH
Job No.	DSH08038
Map File No.	

**COLONIAL SURVEYING & MAPPING**  
Professional Land Surveying & Consulting  
214 N Wayne St. Orwigsburg, PA 17361  
570-365-8898 office colonialsurvey@aol.com

MAP OF LANDS SITUATED IN  
BOROUGH OF ORWIGSBURG, COUNTY OF SCHUYLKILL  
COMMONWEALTH OF PENNSYLVANIA  
Survey Of Lands To Be Conveyed To Jeff & Larrie Hemery  
CPI Parcel No. - 56-06-0201.000  
624 East Riffelin St.