



**ORDINANCE NO. 451  
BOROUGH OF ORWIGSBURG  
SCHUYLKILL COUNTY, PENNSYLVANIA**

**AN ORDINANCE VACATING PORTIONS OF THOSE STREETS IN CRESSWELL ACRES WITHIN ORWIGSBURG BOROUGH, SCHUYLKILL COUNTY, PENNSYLVANIA, PREVIOUSLY DEDICATED BUT NOT IMPROVED, SAID LOCATIONS BEING: WALTERS AVENUE FROM THE AREA EAST OF THE PAVED IMPROVED PORTION TO DOUGLAS ROAD, WILBERT AVENUE FROM THE AREA EAST OF THE PAVED IMPROVED PORTION TO DOUGLAS ROAD, DOUGLAS ROAD FROM THE AREA NORTH OF THE PAVED IMPROVED PORTION AT GERALD AVENUE TO JONES (POSSIBLY KNOWN AS JAMES) STREET, AND JONES (POSSIBLY KNOWN AS JAMES) STREET IN ITS ENTIRETY; AND PROVING FOR REPEALER, VALIDITY AND THE EFFECTIVE DATE OF THE ORDINANCE.**

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WHEREAS, a portion of certain streets in Cresswell Acres within Orwigsburg Borough, Schuylkill County, Pennsylvania, were previously dedicated to the Borough but were not improved and have not been maintained by the Borough, said locations being: Walters Avenue from the area east of the paved improved portion to Douglas Road, Wilbert Avenue from the area east of the paved improved portion to Douglas Road, Douglas Road from the area north of the paved improved portion at Gerald Avenue to Jones Street, and Jones Street in its entirety; and

WHEREAS, in the judgment of the Borough Council of Orwigsburg Borough, said portions of those streets within the Borough are not now nor have they 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 those portions of certain streets in Cresswell Acres within Orwigsburg Borough, Schuylkill County, Pennsylvania, said locations being: Walters Avenue from the area east of the paved improved portion to Douglas Road, Wilbert Avenue from the area east of the paved improved portion to Douglas Road, Douglas Road from the area north of the paved improved portion at Gerald Avenue to Jones (possibly known as James) Street, and Jones (possibly known as James) Street in its entirety, as more fully shown as the hashed areas on a map or plan originally prepared by Merlyn J. Jenkins, Registered Surveyor, dated September 5, 1967, 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 portions of the rights-of-way of those portions of the streets to be vacated as shown on the Plan, 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 a ten foot (10') wide drainage easement along and within the boundaries of the roadways hereby vacated.

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.

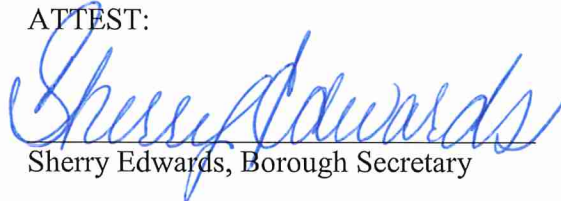
SECTION 4. VALIDITY. If any section or part of a section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or section of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section, 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 8<sup>th</sup> day of June, 2022, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

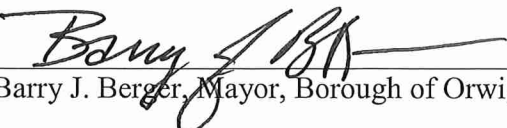
BOROUGH OF ORWIGSBURG  
Schuylkill County, Pennsylvania

ATTEST:

  
Sherry Edwards, Borough Secretary

By:   
Richard Bubeck, President of Borough Council

EXAMINED and APPROVED this 8<sup>th</sup> day of May, 2022.

  
Barry J. Berger, Mayor, Borough of Orwigsburg

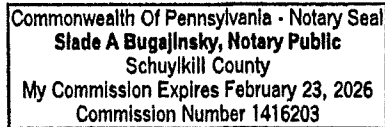


Commonwealth of Pennsylvania

County of Schuylkill

On this, the 15<sup>th</sup> day of June, 2022, before me, a Notary Public in and for said County and State personally appeared RICHARD BUBECK, who acknowledged himself to be the President of the Borough Council of the Borough of Orwigsburg, and that he, as such Borough Council President, being authorized to do so, executed foregoing instrument for the purposes therein contained by signing the name of the Borough by himself as such Borough Council President.

In witness whereof, I hereunto set my hand and official seal.



Slade A. Bugajnsky  
Signature of Notarial Officer

Slade A. Bugajnsky  
Printed or typed name of Notarial Officer

Notary Public  
Title of Officer

My commission expires: February 23, 2026

I hereby CERTIFY that this document is recorded in the office of the Recorder of Deeds in and for the County of Schuylkill and Commonwealth of Pennsylvania



Ann Dudish  
Ann Dudish  
Recorder of Deeds