

**BOROUGH OF NORTH EAST
ORDINANCE NO. 930**

**AN ORDINANCE OF THE BOROUGH OF NORTH EAST,
ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA
TO VACATE A PORTION OF THE PUBLIC ALLEY
IN THE BOROUGH OF NORTH EAST**

WHEREAS, the Borough of North East is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania;

WHEREAS, an alley or strip of land commonly referred to as Robinson Road Alley (hereinafter referred to as the "Alley") is located between Robinson Street and Pearl Street in the Borough of North East and appears on the Erie County Tax Assessment Map, a portion of which is attached hereto as Exhibit "A" and made a part hereof for purposes of identifying the Alley which is the subject matter of this Ordinance;

WHEREAS, while the Alley has been previously plotted as an "Alley" and is sometimes referred to in documents of record as "Robinson Road Alley", the Borough of North East has never taken any action, to the best of its information and belief, in order to layout, ordain, open, improve or maintain the Alley for use by the traveling public;

WHEREAS, pursuant to the provisions of Section 1731(a)(2) of the Borough Code, 8 Pa. CSA § 731(a)(2), the Council of the Borough of North East has the authority to vacate or close any street or portion of the street previously opened or laid out;

WHEREAS, pursuant to Section 1732 of the Borough Code, 8 Pa. CSA § 1732, any person or persons constituting a majority in number and interest of an owner or owners of the real estate abutting an area not opened as a street or abutting upon an existing street or portion of a street may petition the Council to vacate a street or portion of a street or alley;

WHEREAS, in a Petition to Vacate an Alley (hereinafter referred to as the "Petition"), a majority in number and interest of the property owners abutting the Alley have requested that the Borough Council vacate the Alley; and

WHEREAS, notice of the consideration of this Petition to Vacate a portion of the Alley has been duly advertised, posted, and delivered to the owners and the other properties abutting the Alley.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the corporate authorities of the Borough of North East; Erie County, Pennsylvania and it is hereby enacted by the authority of the same as follows:

SECTION 1. Pursuant to Section 1732 of the Borough Code, the Borough Council of the Borough of North East, Erie County, Pennsylvania, does hereby vacate and cancel the Alley and the ownership rights therein divested to the adjoining property owners to the Alley at Tax Map Parcel Nos. 35-006-026.0-020.00, 35-006-026.0-019.00, 35-006-026.0-

018.00, 35-006-026.0-017.00, 35-006-026.0-006.00, 35-006-026.0-007.00, 35-006-026.0-008.00, and 35-006-026.0-009.00, shown and identified on Exhibit "A", consistent with the granting by the Borough Council of the Petition to Vacate an Alley filed by a majority in number and in interest of owners of real estate abutting the unopened Alley.

SECTION 2. The grant of the Petition to Vacate an Alley and the enactment of this Ordinance shall vacate the Alley located between Robinson Street and Pearl Street, as shown and identified on Exhibit "A", with the same force and effect as if said Alley had never been laid out for use by the traveling public. However, the grant of the Petition and the enactment of this Ordinance shall not affect any private rights of use or access previously acquired by owners of the abutting properties.

SECTION 3. All other provisions of the Codes and Ordinances of the Borough of North East not specifically repealed herein shall be deemed continuing and shall remain in full force and effect.

SECTION 4. In the event any piece or portion of the within Ordinance shall be deemed by any court of competent jurisdiction to be illegal, unconstitutional, or unenforceable, such declaration shall not affect the remaining portions hereof which shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect upon enactment.

ENACTED INTO AN ORDINANCE THIS 3rd DAY OF JULY 2023.

BOROUGH OF NORTH EAST

DENISE MCCUMBER
President of Borough Council

ATTEST:

PATRICK J. GEHRLEIN
Borough Manager

APPROVED THIS 3rd DAY OF JULY 2023

Jon Triana
Mayor