

**MARIETTA BOROUGH
ORDINANCE NO 2019-02**

**AN ORDINANCE AUTHORIZING THE VACATING OF A PORTION OF
JONES STREET AND AN UNNAMED ALLEY AND AUTHORIZING THE BOROUGH
COUNCIL TO TRANSFER TITLE TO THE VACATED PORTIONS OF JONES
STREET AND THE UNNAMED ALLEY.**

WHEREAS, the Borough of Marietta is authorized by Section 1732 of the Borough Code, 8 Pa. C.S.A Section 1732, to vacate any road or part thereof located within the Borough; and

WHEREAS, the Borough Council of the Borough of Marietta has determined that Jones Street, south of Hazel Avenue, and an Unnamed Alley extending south from West Market Street should be vacated and transferred to the Petitioner; and

WHEREAS, it is the desire of the Borough Council of the Borough of Marietta to vacate Jones Street, south of Hazel Avenue, and an Unnamed Alley extending south from West Market Street as shown on a plan entitled Right-of-Way Vacation for 421 Market Street, prepared by David Miller & Associates, Inc. dated June 7, 2019 (“Plan”), a copy of which is attached hereto as Exhibit “A”;

NOW, THEREFORE BE IT ENACTED and it is hereby enacted by the Borough Council of the Borough of Marietta, Lancaster County, Pennsylvania, as follows:

1. Jones Street, South of Hazel Avenue, as depicted on Exhibit “A” and described in Exhibit “B” attached hereto is hereby vacated.
2. The unnamed alley, extending south from West Market Street, also as depicted on Exhibit “A” and described in Exhibit “C” is hereby vacated.
3. The Borough Council of the Borough of Marietta is authorized to take all steps necessary to effectuate the vacating of Jones Street and the Unnamed Alley as depicted on Exhibit “A” and described in Exhibits “B” and “C” and the transfer of title of the same from the Borough to the abutting property owners.
4. The Borough Council of the Borough of Marietta shall file a copy of this Ordinance together with a copy of the Plan attached hereto as Exhibit “A” with the Clerk of Courts of Lancaster County.
5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of this Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

6. This Ordinance shall be effective immediately upon the enactment hereof.

DULY ORDAINED AND ENACTED as an ordinance of the Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania by the Borough Council this 13th day of August, 2019, in lawful session duly assembled.

[SEAL]

BOROUGH OF MARIETTA

By: _____
Glen Mazis, President
Marietta Borough Council

Attest: _____
Sharon Bradnick, Secretary

By: _____

By: _____

APPROVED as an Ordinance this ____ day of _____, 2019.

Harold Kulman, Mayor

EXHIBIT "B"

DAVID MILLER/ASSOCIATES, INC.

1076 CENTERVILLE ROAD
LANCASTER, PA 17601
PHONE: (717) 898-3402
FAX: (717) 898-9365

Description for
421 West Market Street
Jones Street Vacation
Marietta Borough, Lancaster County, PA

June 7, 2019
Project No. 18-131

ALL THAT CERTAIN piece, parcel or tract of land located in Marietta Borough, Lancaster County, Pennsylvania, being known as a portion of Jones Street and shown as "Jones Street Right-of-Way To Be Vacated" on Exhibit "A", Right-of-Way Vacation for 421 West Market Street, attached hereto, prepared by David Miller/Associates, Incorporated, Drawing No. 18-131.2, dated 6/7/19, said tract being more fully bounded and described as follows:

BEGINNING at a mag nail (set) at the intersection of the southerly right-of-way line of Hazel Avenue and the westerly right-of-way line of Jones Street; thence extending across the northerly limits of the portion of Jones Street right-of-way to be vacated South 89°52'39" East 50.00 feet to a point in the easterly right-of-way line of Jones Street, said point also being in line of lands now or formerly of Rail Trail Partners, LLC; thence extending along said easterly right-of-way line and said Rail Trail Partners, LLC lands South 0°01'04" West 199.94 feet to a rebar (found) in line of lands now or formerly of Pennsylvania Lines, LLC; thence extending along said Pennsylvania Lines, LLC lands South 89°51'51" West 50.23 feet to an iron pin (found) in the westerly right-of-way line of Jones Street, said point also being in line of other lands now or formerly of Rail Trail Partners, LLC; thence extending along said westerly right-of-way line and along said Rail Trail Partners, LLC lands North 0°04'59" East 200.16 feet to the point of BEGINNING.

CONTAINING: 10,025 Square Feet

EXHIBIT "C"

DAVID MILLER/ASSOCIATES, INC.

1076 CENTERVILLE ROAD
LANCASTER, PA 17601
PHONE: (717) 898-3402
FAX: (717) 898-9365

Description for
421 West Market Street
Alley Vacation
Marietta Borough, Lancaster County, PA

June 7, 2019
Project No. 18-131

ALL THAT CERTAIN piece, parcel or tract of land located in Marietta Borough, Lancaster County, Pennsylvania, being shown as "Alley Right-of-Way To Be Vacated" on Exhibit "A", Right-of-Way Vacation for 421 West Market Street, attached hereto, prepared by David Miller/Associates, Incorporated, Drawing No. 18-131.2, dated 6/7/19, said tract being more fully bounded and described as follows:

BEGINNING at a mag nail (set) at the intersection of the southerly right-of-way line of West Market Street and the easterly right-of-way line of an alley, said point being at the northwest corner of lands now or formerly of Rail Trail Partners, LLC, thence extending along said easterly right-of-way line and along said Rail Trail Partners, LLC lands South 0°01'48" West 416.02 feet to a rebar (set) in line of lands now or formerly of Pennsylvania Lines, LLC; thence extending along said Pennsylvania Lines, LLC lands North 89°52'39" West 14.00 feet to a rebar (set) in the westerly right-of-way line of said alley, said point also being in line of other lands now or formerly of Rail Trail Partners, LLC; thence extending along said westerly right-of-way line and along said Rail Trail Partners, LLC lands North 0°01'44" East 414.24 feet to a mag nail (set) in the southerly right-of-way line of West Market Street; thence continuing along said Rail Trail Partners, LLC lands and extending along said southerly right-of-way line North 89°52'39" West 200.09 feet to a rebar (set) at the intersection of the easterly right-of-way line of Jones Street and the southerly right-of-way line of West Market Street; thence leaving said right-of-way line and extending through said West Market Street right-of-way the following two courses and distances, (1) North 0°01'04" East 1.78 feet to a point; (2) South 89°52'39" East 214.09 feet to the point of BEGINNING.

CONTAINING: 6,180 Square Feet