

## **ORDINANCE NO. 2018-02**

**AN ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA, VACATING ANY INTEREST HELD BY THE BOROUGH IN THE PORTION OF PINE LANE FROM ITS INTERSECTION WITH CARL AVENUE TO ITS INTERSECTION WITH U.S. ROUTE 11.**

**WHEREAS**, Section 1731(a)(2) of the Borough Code, 8 Pa.C.S.A. §1731(a)(2), provides the Borough of Greencastle (the "Borough") with the authority to vacate streets or a portion of a street by ordinance; and

**WHEREAS**, Pine Lane is an alley depicted on the historic maps of the Borough of Greencastle, Franklin County, Pennsylvania, although there are no dedication or acceptance documents transferring Pine Lane to the Borough in the Franklin County Land Records; and

**WHEREAS**, on May 7, 2018, a duly advertised public hearing on the proposed ordinance which would vacate any interest held by the Borough in Pine Lane from its intersection with Carl Avenue to its intersection with U.S. Route 11 was held; and

**WHEREAS**, all adjoining property owners were provided individual notice of said hearing or waived notice of said hearing, in accordance with 8 Pa.C.S. § 1731; and

**WHEREAS**, James L. Laye, owner of adjoining property located at 200 West Madison Street, Greencastle, Pennsylvania, has waived the formality of a view and any right to compensation or damages which result from the Borough's vacation of any interest held in said portion of Pine Lane; and

**WHEREAS**, the Borough Council for the Borough of Greencastle has deemed it in the best interest of owners of property adjacent to Pine Lane and in the best interests of the Borough's citizens and the general public that the Borough vacate any interest held by the Borough in the portion of Pine Lane as set forth more fully herein; and

**WHEREAS**, the alley known as Pine Lane, from its intersection with Carl Avenue to its intersection with U.S. Route 11, as depicted on the Survey of Land situate in Greencastle Borough, Franklin County, Pennsylvania, for James L. Laye, dated December 14, 2011, prepared by TME Surveying, LLC, attached hereto and incorporated herein by reference as Exhibit A, will revert back to the adjoining property owners, or will revert as is otherwise appropriate based upon any prior transfer(s) of rights in and to Pine Lane between the adjoining property owners, as set forth in the Franklin County Land Records.

**NOW, THEREFORE**, be it ordained and enacted by the Council of the Borough of Greencastle, Franklin County, Pennsylvania, pursuant to the Pennsylvania Borough Code, as amended, as follows:

**SECTION 1:** Borough Council for the Borough of Greencastle hereby vacates any interest held by the Borough in a portion of the alley known as Pine Lane, from its intersection with Carl Avenue to its intersection with U.S. Route 11, as set forth in Exhibit A attached hereto and made a part hereof, and said portion of Pine Lane shall be vacated as a public road, street, alley or thoroughfare, and shall be closed to all public use and traffic.

**SECTION 2: REPEALER.** All provisions of previous ordinances of the Borough of Greencastle, or parts thereof, which are contrary or inconsistent to this ordinance, are expressly repealed.


**SECTION 3: SAVINGS CLAUSE.** In all other respects, all ordinances of the Borough of Greencastle shall remain as previously enacted and ordained.

**SECTION 4: SEVERABILITY.** In any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 5: EFFECTIVE DATE.** This ordinance shall take effect immediately.

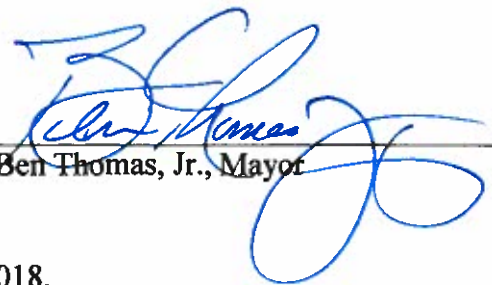
**ENACTED AND ORDAINED** this 7th day of May, 2018 by the Council of the Borough of Greencastle, Franklin County, Pennsylvania.

BOROUGH COUNCIL OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA

  
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Frank L. Webster, Jr.  
President of Borough Council

**ATTEST:**

  
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Eden Ratliff, Borough Secretary

  
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Ben Thomas, Jr., Mayor

Approved this 7<sup>th</sup> day of May, 2018.

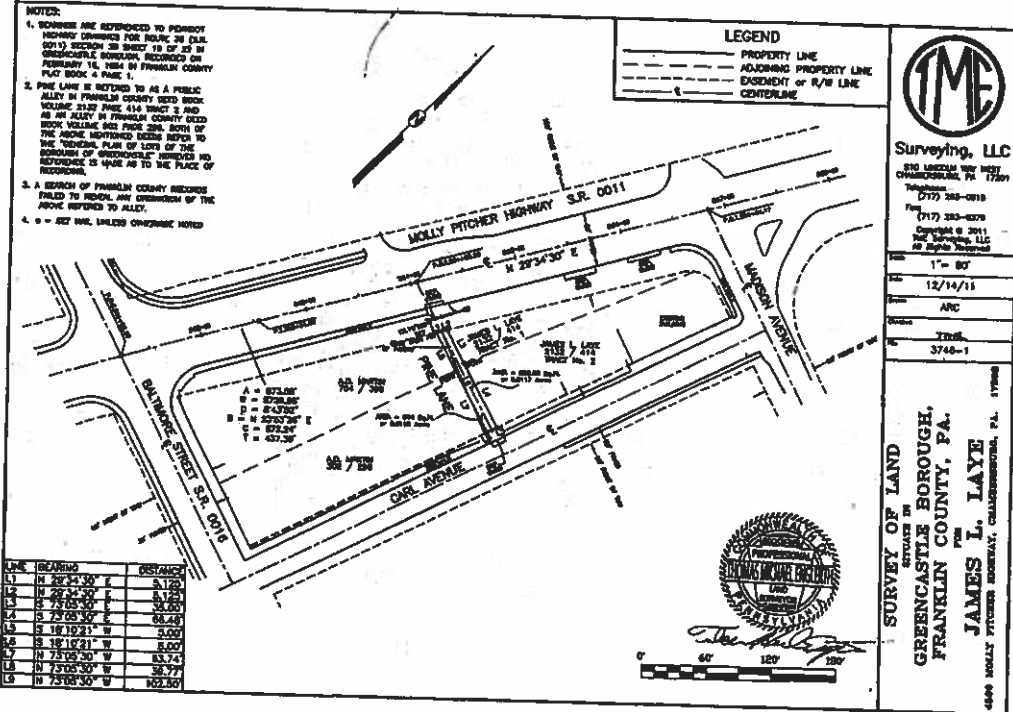


EXHIBIT  
A

