

**BOROUGH OF ETNA
COMMONWEALTH OF
PENNSYLVANIA
ORDINANCE NO.**

**AN ORDINANCE OF THE
BOROUGH OF ETNA,
VACATING A PORTION OF
THE PAPER STREET
BETWEEN MAPLEWOOD
AND HICKORY STREETS,
OPPOSITE GARRICK STREET**

WHEREAS, the Borough Code, at 8 Pa.C.S.A. §§1731 and 1732, authorizes the Borough Council to vacate a street by Ordinance; and,

WHEREAS, the Borough has received a Petition to vacate the paper street situated between Maplewood Street and Hickory Street, directly across from Garrick Street” from abutting property owners at 47 Maplewood St (167-A-155), and 41 Maplewood St, (167-A-153).

WHEREAS, these two owners make up 50% of the real estate abutting the vacant street.

WHEREAS, the other two properties abutting the vacant street, the owners of which had not signed the petition, are 54 Hickory St., which is a rental, and a vacant lot on Hickory St.

WHEREAS, per 8 Pa.C.S.A. §1732(a)(2), “[a]ny person or persons constituting a majority in number and interest of the owner of the real estate abutting upon an area not opened as a street or abutting upon an existing street or portion of a street may petition the council to ... [v]acate a street or portion of a street.

WHEREAS, upon receipt of the petition, Council gave 15 days’ personal notice to the abutting landowners not joining in the petition and 15 days’ notice of a hearing on the petition in a newspaper of general circulation.

WHEREAS, a hearing was duly held on May 21, 2024.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Etna, a quorum assembled, and it is hereby ordained and enacted by the same authority as follows.

Section One: That the Council of the Borough of Etna hereby vacate a portion of the street situated between Maplewood and Hickory Streets, opposite Garrick St., more fully described as follows:

ALL OF THAT PROPERTY BORDERED TO THE NORTH BY MAPLEWOOD STREET, TO THE EAST BY PARCELS 167-A-153 AND 167-A-205, TO THE SOUTH BY HICKORY STREET, AND TO THE WEST BY PARCELS 167-A-203 AND 167-A-155.

Provided, that the Borough retain the right to maintain, operate, repair and replace, by itself or by any licensee or a holder of a franchise from the Borough, any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility now located in the street or portion thereof vacated by this ordinance.

Attached as Exhibit A is a site plan of the property along with the metes and bounds.

Section Two: Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section Three: Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed.

ORDAINED, this 18th day of June 2024 by the Etna Borough Council in meeting assembled.