

ORDINANCE NUMBER 2013 - 02

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD TO REMOVE TWO (2) CERTAIN UNNAMED ALLEYS FROM THE PLAN OF STREETS OF THE BOROUGH OF ROCKWOOD AND TO CANCEL THE LAYING OUT THEREOF AND/OR IN THE ALTERNATIVE TO VACATE TWO (2) UNNAMED ALLEYS; ONE UNNAMED ALLEY EXTENDING IN A GENERAL NORTH SOUTH DIRECTION AND BOUNDED ON THE WEST BY LOT NO. 174 IN THE GENERAL PLAN OF THE BOROUGH OF ROCKWOOD (OTHERWISE IDENTIFIED AS ASSESSMENT PARCEL 12-146) AND BOUNDED ON THE EAST BY LOT NO. 175 IN SAID PLAN (OTHERWISE IDENTIFIED AS ASSESSMENT PARCEL 12-147), AND THE OTHER ALLEY EXTENDING IN A GENERAL NORTH-SOUTH DIRECTION, AND BOUNDED ON THE WEST BY LOT NO. 201 IN SAID PLAN (OTHERWISE IDENTIFIED AS PART OF ASSESSMENT PARCEL 12-153) AND ON THE EAST BY LOT NO. 202 IN SAID PLAN (AND OTHERWISE IDENTIFIED AS THE OTHER PART OF ASSESSMENT PARCEL 12-5), BOTH ALLEYS FOUND WITHIN THE GENERAL PLAN OF THE BOROUGH OF ROCKWOOD.

WHEREAS, the Council of the Borough of Rockwood has received a Petition from Barry L. Atchison and B. Jean Atchison to remove two (2) certain unnamed alleys from the Plan of Streets of the Borough of Rockwood and to cancel the laying out thereof and/or in the alternative to vacate the laying out of the two (2) certain alleys; and

WHEREAS, it appears to the Council of the Borough of Rockwood that Barry L. Atchison and B. Jean Atchison, husband and wife, are the owners of all of the land abutting both sides of the said unnamed alleys; and

WHEREAS, after due public notice and hearing, said hearing

occurring on August 20, 2013, it appears that the two (2) certain unnamed alleys, described hereafter have never been opened, and are not necessary or convenient for public use or travel, and should be, and the same are hereby, removed from the Plan of Streets and/or vacated from the Plan of Streets; and

WHEREAS, the Borough of Rockwood has favorably entertained said Petition and has given notice of the intention to adopt this Ordinance as required by Section 1724 and Section 1732 of the Borough Code; and

NOW, THEREFORE, it is ORDAINED and ENACTED by Council of the Borough of Rockwood as follows:

SECTION 1: The Council of the Borough of Rockwood does hereby find and conclude that the unnamed alleys as specifically described in Section 3 and Section 4 below were laid out on the General Plan of Rockwood, but have not been opened for a period of at least ten (10) years or longer, and the owners of more than fifty (50%) percent of the front feet of the land over which said alleys were laid out have petitioned the Borough to remove said alleys from the Plan and to cancel the laying out thereof, and Council does have the power to remove said unnamed alleys from the Plan of Streets of

the Borough of Rockwood and to cancel the laying out thereof pursuant to Section 1724 and Section 1732 of the Borough Code.

SECTION 2: In the alternative, the Council of the Borough of Rockwood does hereby conclude that a majority in number and interest of the owners of the real estate abutting the said unnamed alleys have petitioned the Council to vacate said alleys, and it is in the best interest of the citizens of the Borough of Rockwood to grant said Petition, and Council does have the power to vacate said unnamed alleys pursuant to Section 1724 and Section 1732 of the Borough Code.

SECTION 3: That certain unnamed alley, being approximately sixteen and one-half (16½) feet in width and one hundred fifty (150) feet in length, and depicted on the General Plan of the Borough of Rockwood, said Plan recorded at Somerset County Deed Book Volume 67, Page 438, and which alley is bounded on the west by Lot No. 174 in the General Plan of the Borough of Rockwood (said lot otherwise being identified as Rockwood Borough Assessment Map Parcel 12-146) and on the east by Lot No. 175 in said Plan (said lot otherwise identified as Rockwood Borough Assessment Map Parcel 12-147) is hereby removed from the Plan of Streets of the

Borough of Rockwood and its laying out thereof is hereby cancelled pursuant to Section 1724 and Section 1732 of the Borough Code and/or in the alternative, said unnamed alley is vacated pursuant to Section 1724 and Section 1732 of the Borough Code.

SECTION 4. That certain unnamed alley, being approximately sixteen and one-half (16½) feet in width and one hundred fifty (150) feet in length, and depicted on the General Plan of the Borough of Rockwood, said Plan recorded at Somerset County Deed Book Volume 67, Page 438, and which alley is bounded on the west by Lot No. 201 in the General Plan of the Borough of Rockwood (said lot otherwise being identified as part of Rockwood Borough Assessment Map Parcel 12-153) and on the east by Lot No. 202 in said Plan (said lot otherwise identified as the other part of Rockwood Borough Assessment Map Parcel 12-153) is hereby removed from the Plan of Streets of the Borough of Rockwood and its laying out thereof is hereby cancelled pursuant to Section 1724 and Section 1732 of the Borough Code and/or in the alternative, said unnamed alley is vacated pursuant to Section 1724 and Section 1732 of the Borough Code.

SECTION 5. Attached hereto and incorporated herein as Exhibit A is a copy of the General Plan of the Borough of Rockwood, as recorded at Deed Book Volume 67, Page 438 (which section has been enlarged for ease of reading), upon which the two (2) unnamed alleys cancelled and vacated by this Ordinance are marked in yellow for reference purposes.

SECTION 6. Attached hereto and incorporated herein as Exhibit B is a portion of a survey plan upon which the unnamed alley between Lot No. 174 and Lot No. 175 (respectively, Assessment Map Parcels 12-146 and 12-147) which is cancelled and vacated by this Ordinance has been marked in yellow for reference purposes.

SECTION 7. Attached hereto and incorporated herein as Exhibit C is a portion of a survey plan upon which the unnamed alley between Lot No. 201 and Lot No. 202 (both being otherwise identified as Rockwood Borough Assessment Map Parcel 12-153, which is cancelled and vacated by this Ordinance has been marked in yellow for reference purposes.

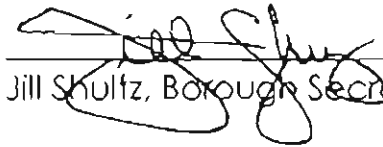
SECTION 8. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby vacated.

ADOPTED by Council of the Borough of Rockwood this 20th day of

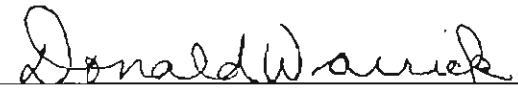
August 2013.

Attest:

ROCKWOOD BOROUGH COUNCIL

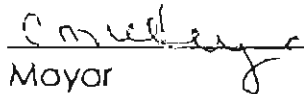


Jill Shultz, Borough Secretary

By 

Donald Warrick, President

APPROVED this 20th day of August 2013.



Mayor

Penna.

occupied with the various names
belong to P. Beagly or V. Hay
etc.

100 ft - 1 inch

Beagly and Hay

Old Land

243 1/2 E. 1380 feet

Beagly and Hay

BRIDGE ST. 119 ft. 6 in.

100 ft E 750 ft

BROADWAY

66 ft.

MAIN STREET

66 ft.

Water Street 66 ft.

WATER STREET 33 ft.



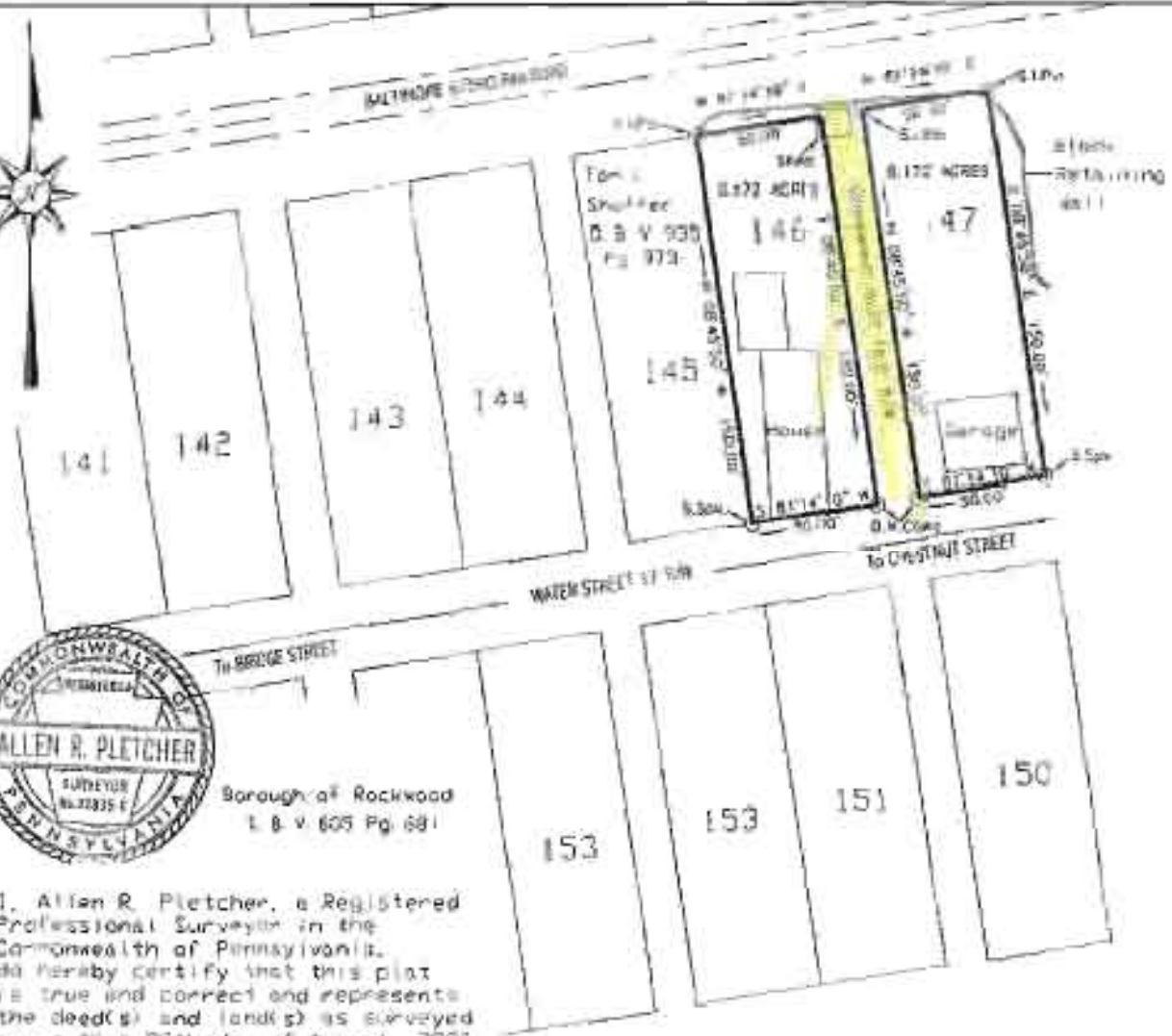
Exhibit A



Borough of Rockwood
L. B. V. 605 Pg. 681

I, Allen R. Pletcher, a Registered Professional Surveyor in the Commonwealth of Pennsylvania, do hereby certify that this plat is true and correct and represents the deed(s) and land(s) as surveyed by me this 21th day of August, 2006.

Allen R. Pletcher
Signature



- NOTES**
- Q = Point unless shown otherwise
 - S.I.P.in = Set Iron Pin
 - E.I.P.in = Existing Iron Pipe
 - S.Spike = Set Spike
 - D.H.Concr. = One Half in Concrete

SITE DATA

Source of Title: D.B.V. 605 Pg. 1007
 Total Acreage: 0.172 Acres
 Tax Map Number: 36-012-146-00
 Land Use: Residential

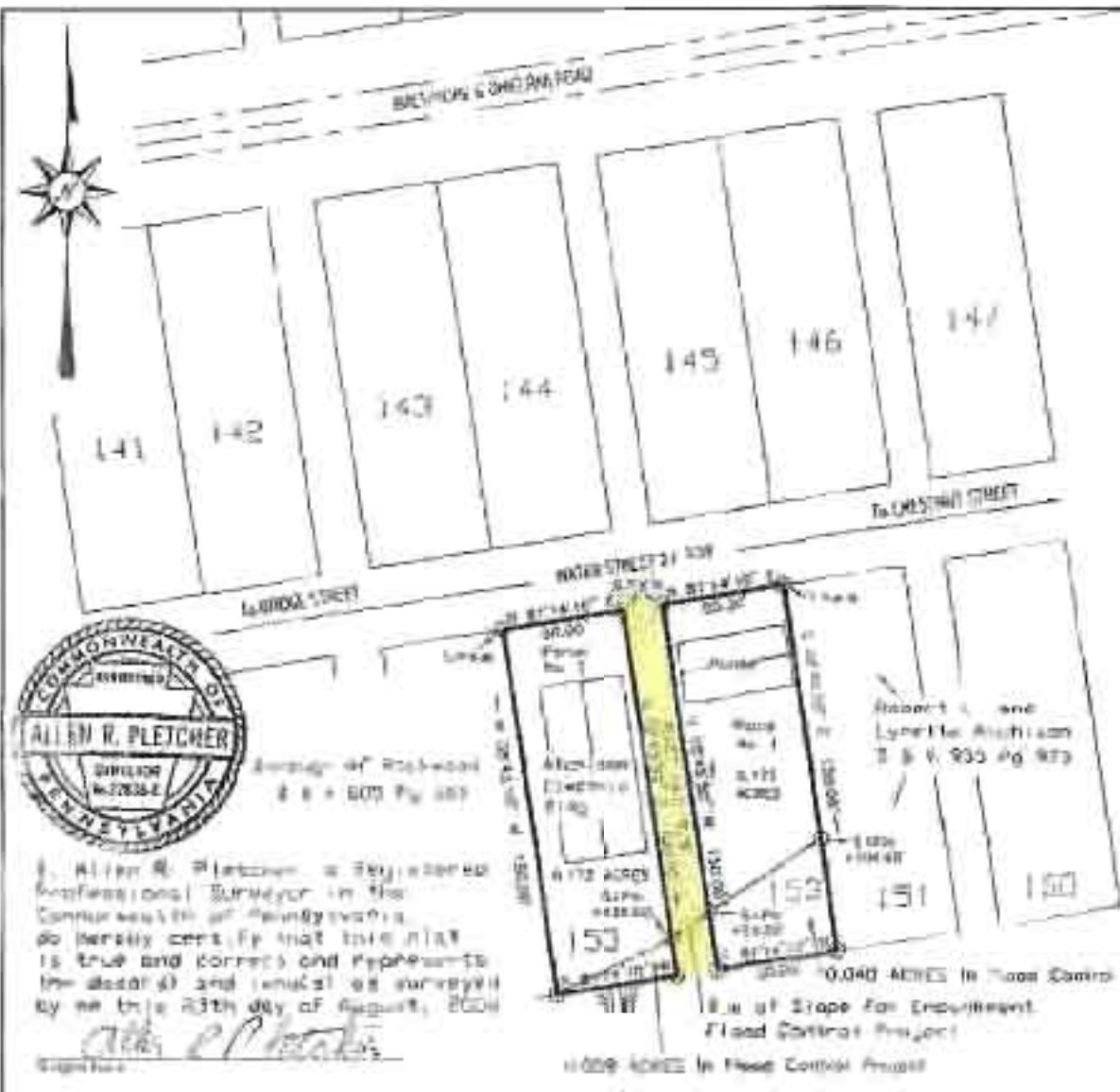
Source of Title: D.B.V. 617 Pg. 788 Parcel No. 3
 Total Acreage: 0.172 Acres
 Tax Map Number: 36-012-147-00
 Land Use: Residential

FINAL PLAN

Barry L. Achison and
 B. Jean Achison
 Property Survey
 Rockwood Borough
 Somerset Co. Penna.
 February 15, 2007

Scale: 1"=50'





NOTES : C = Foot unless shown otherwise
 S.I.P.W. = Set Iron Pin
 C.I.P.W. = Existing Iron Pipe
 S.P.A.H. = Set P.K. Nail

SITE DATA

Source of File: RAY, 1642 Pg. 277
 Total Acreage: 1.144 Acres
 Number of Lots: 7
 Tax Map Number: 36-012-125-00 Parcel No. 1
 Tax Map Number: 36-012-125-00 Parcel No. 2
 Land Use: Residential - Parcel No. 1
 Land Use: Commercial Parcel No. 2

FINAL PLAN

Barry L. Atchison and
 B. Jean Atchison
 Property Survey
 Rockwood Borough
 Somerset Co. Penna
 February 15, 2007

Scale 1"=50'

