

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD TO REMOVE A PORTION OF ROCK STREET FROM THE PLAN OF STREETS OF THE BOROUGH OF ROCKWOOD AND TO CANCEL THE LAYING OUT THEREOF AND TO VACATE A CERTAIN PORTION OF ROCK STREET; THE PORTION OF ROCK STREET BEING IDENTIFIED AS EXTENDING IN A GENERAL NORTH-SOUTH DIRECTION, AND BOUNDED ON THE NORTH BY AN UNNAMED ALLEY AND ON THE SOUTH BY BROADWAY STREET, AND BOUNDED ON THE EAST BY LOT 260 ON THE GENERAL PLAN OF THE BOROUGH OF ROCKWOOD (OTHERWISE IDENTIFIED AS ASSESSMENT MAP 14, PARCEL 48) AND ON THE WEST BY LOT 261 OF THE PLAN OF THE BOROUGH OF ROCKWOOD (OTHERWISE IDENTIFIED AS ASSESSMENT MAP 14, PARCEL 47).

WHEREAS, the Council of the Borough of Rockwood has received a Petition from William E. Hollis to remove a certain portion of Rock Street 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 thereof; and

WHEREAS, it appears to the Council of the Borough of Rockwood that William E. Hollis is the owner of land abutting the said portion of Rock Street in question; and

WHEREAS, after due public notice and hearing, said hearing conducted November 13, 2002, it appears to Rockwood Borough Council that the said portion of Rock Street has never been opened, is no longer necessary or convenient for public use or travel, and should and shall be removed from the Plan of Streets and/or vacated from the Plan of Streets; and

WHEREAS, the Borough of Rockwood has entertained said Petition and has given notice

of the intention to adopt this Ordinance as required by Section 1724 and Section 1742 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 said portion of Rock Street as described in paragraph 3 below has remained laid out, but has not been opened for a period of ten (10) years or longer, and the owners of fifty (50%) percent of the footage upon which the said Rock Street has been laid out has petitioned the Borough to remove said street from the Plan of Streets and to cancel the laying out thereof, and Council does have the power to remove said street from the Plan of Streets of the Borough of Rockwood and to cancel its laying out pursuant to Section 1724 of the Borough Code.

SECTION 2: In the alternative, the Council of the Borough of Rockwood does hereby conclude that a majority in interest of the owners of the real property abutting the said street has petitioned Council to vacate said street, and it is in the best interests of the citizens of the Borough of Rockwood to grant said Petition, and Council does have the power to vacate said street pursuant to Section 1742 of the Borough Code.

SECTION 3: That section or portion of Rock Street, as depicted on the General Plan of the Borough of Rockwood, as said Plan is recorded at Somerset County Deed Book Volume 67,

Page 438, and identified as bounded by Lot No. 260 of the Plan on the east (said lot otherwise identified as Rockwood Borough Assessment Map Parcel 14-48) and by Lot No. 261 of said Plan on the west (said lot otherwise identified as Rockwood Borough Parcel 12-47) and being 66 feet in width, and extending 150 feet in length, bounded on the north by an unnamed alley and on the south by Broadway Street, 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 of the Borough Code and/or in the alternative, said street is hereby vacated pursuant to Section 1742 of the Borough Code.

SECTION 4. Attached hereto and incorporated herein is a copy of the Section of the General Plan of the Borough of Rockwood as recorded at Somerset County Deed Book Volume 67, Page 438, upon which that portion of Rock Street which is hereby cancelled and vacated by this Ordinance has been marked in yellow for reference purposes.

SECTION 5. Attached hereto and incorporated herein is a copy of the Assessment Map of Somerset County, being Rockwood Borough Map 14, upon which that portion of Rock Street which is cancelled and vacated by this Ordinance has been marked in yellow for reference purposes.

SECTION 6. All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed.

ADOPTED by Council of the Borough of Rockwood this 13th day of November
2002.

Attest:

ROCKWOOD BOROUGH COUNCIL

Sheila D. Illar
Sheila D. Illar, Secretary

By Donald W. Aruck
President

APPROVED this 13th day of November, 2002.

William R. Lewis
Mayor