

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 306

(Duly Adopted February 23, 1994)

AN ORDINANCE RESCINDING THE VACATION OF THE FOLLOWING STREETS/ALLEYS IN THE BOROUGH OF ALBURTIS: WIND ALLEY, AND THE PORTION OF ASH ALLEY BETWEEN ELM STREET AND TIN ALLEY.

WHEREAS, by Ordinance 303, adopted December 8, 1993, the Borough Council of the Borough of Alburtis vacated Paper Alley, Butz Alley, West Fourth Street, Wind Alley, and the portion of Ash Alley between Elm Street and Tin Alley; and

WHEREAS, under Section 4 of Ordinance 303 and Section 1741 of the Borough Code, 53 PA. STAT. ANN. § 46741, Ordinance 303 was not to be effective until January 17, 1994, *provided* that the effective date would be further stayed if any interested party should petition Borough Council to conduct a hearing to reconsider the vacation of any of the streets/alleys named in Ordinance 303; and

WHEREAS, in accordance with Section 2 of Ordinance 303, all owners of property abutting on the portions of the streets/alleys to be vacated under Ordinance 303 were given notice of the adoption of Ordinance 303 and a copy of Ordinance 303 by United States certified mail, return receipt requested, within ten (10) calendar days after the enactment of Ordinance 303; and

WHEREAS, in accordance with Section 3 of Ordinance 303, a public notice of the enactment of Ordinance 303 was published in the *East Penn Press* on December 15, 1993. The notice was directed by name to all of the owners of property abutting on the portions of the streets/alleys vacated under Ordinance 303 which appear on any recorded plan, and was also directed generally to all other owners of property which appear on any such recorded plan; and

WHEREAS, the aforementioned notices notified all interested parties that Ordinance 303 would take effect on January 17, 1994, unless any interested party should file a petition with Borough Council, on or before that date, to rescind or modify all or any portion of the Ordinance; and

WHEREAS, before January 17, 1994, the Borough received petitions from interested parties requesting that the Borough rescind the vacation of Wind Alley and the portion of Ash Alley vacated under Ordinance 303; and

WHEREAS, Section 5 of Ordinance 303 provided that the vacation of Wind Alley would not be effective unless all record owners of the “Wind Alley Landlocked Property” file a written consent to the vacation with the Secretary of the Borough by January 17, 1994; and

WHEREAS, the Borough Secretary did not receive a written consent to the vacation of Wind Alley from the owners of the “Wind Alley Landlocked Property” on or before January 17, 1994; and

WHEREAS, on February 2, 1994, a public notice that a hearing would be conducted by Borough Council at 7:00 p.m. on February 23, 1994 in the Alburdis Borough Hall with respect to the petitions to rescind the vacation of Wind Alley and the portion of Ash Alley vacated under Ordinance 303 was published in the *East Penn Press*; and

WHEREAS, some of the petitioners appeared before Borough Council to discuss the petitions at regular Borough Council meetings held on December 29, 1993 and January 12, 1994; and

WHEREAS, Borough Council conducted a hearing with respect to the petitions at a meeting of Borough Council at 7:00 p.m. on February 23, 1994 at the Alburdis Borough Hall; and

WHEREAS, after the conclusion of the hearing, Borough Council adopted a motion to grant the relief requested in the petitions and rescind the vacation of Wind Alley and the portion of Ash Alley vacated under Ordinance 303;

NOW, THEREFORE, be it ORDAINED and ENACTED by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. The Borough of Alburtis hereby rescinds the vacation of Wind Alley and the portion of Ash Alley between Elm Street and Tin Alley, and repeals subsections (4) and (5) of Section 1 of Ordinance 303 (adopted December 8, 1993).

SECTION 2. The remainder of Ordinance 303 is hereby ratified and confirmed, and shall become effective immediately.

DULY ORDAINED and ENACTED by the Borough Council of the Borough of Alburtis, this 23rd day of February, 1994, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Carlton R. Raines, President

Attest:

Louise Staub, Secretary

AND NOW, this 23rd day of February, 1994, the above Ordinance is hereby APPROVED.

Ronald J. DeIaco, Mayor