

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 303

(Duly Adopted December 8, 1993)

AN ORDINANCE VACATING THE FOLLOWING STREETS/ALLEYS IN THE BOROUGH OF ALBURTIS: PAPER ALLEY, BUTZ ALLEY, WEST FOURTH STREET, WIND ALLEY, AND THE PORTION OF ASH ALLEY BETWEEN ELM STREET AND TIN ALLEY.

**WHEREAS**, it appears that in the past Paper Alley, Butz Alley, West Fourth Street, Wind Alley, and the portion of Ash Alley between Elm Street and Tin Alley were previously laid out as streets of the Borough of Alburtis, and may even have been opened; and

**WHEREAS**, Section 1741 of the Borough Code, 53 PA. STAT. ANN. § 46741, grants the Borough the authority to vacate streets (including alleys), subject to certain procedural requirements; and

**WHEREAS**, Borough Council desires to vacate Paper Alley, Butz Alley, West Fourth Street, Wind Alley, and the portion of Ash Alley between Elm Street and Tin Alley, in accordance with Section 1741 of the Borough Code, 53 PA. STAT. ANN. § 46741; and

**WHEREAS**, no portion of any of such streets/alleys provides the sole means of access to any lot or tract of land, except for the lot which abuts Wind Alley and which is part of the first lot described in the deed recorded in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania in Deed Book Volume 651, page 220, being that portion of the said first lot which was *not* conveyed by the deed recorded in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania in Deed Book Volume 1007, page 97 (hereinafter, the “**Landlocked Parcel**”); and

**WHEREAS**, the owners of the Landlocked Parcel have indicated their willingness to consent to the vacation of Wind Alley;

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

**SECTION 1.** The Borough of Alburdis hereby vacates and closes the following streets/alleys in the Borough of Alburdis, terminating all public rights in such streets, and removing all of such streets from the official street system of the Borough of Alburdis:

1. “Paper Alley”, as more fully described in the attached **Exhibit A**, which is incorporated herein by reference, and as delineated in the attached **Exhibit B**, which is also incorporated herein by reference;
2. “Butz Alley”, including the portion east of Chestnut Street, as more fully described in the attached **Exhibit C**, which is incorporated herein by reference, and the portion west of Chestnut Street, as more fully described in the attached **Exhibit D**, which is incorporated herein by reference, as delineated (both portions) in the attached **Exhibit E**, which is also incorporated herein by reference;
3. “West Fourth Street”, as more fully described in the attached **Exhibit F**, which is incorporated herein by reference, and as delineated in the attached **Exhibit G**, which is also incorporated herein by reference.
4. “Wind Alley”, as more fully described in the attached **Exhibit H**, which is incorporated herein by reference, and as delineated in the attached **Exhibit I**, which is also incorporated herein by reference.
5. The portion of “Ash Alley” between Elm Street and Tin Alley, as more fully described in the attached **Exhibit J**, which is incorporated herein by reference, and as delineated in the attached **Exhibit K**, which is also incorporated herein by reference.

**SECTION 2.** Within ten (10) calendar days after the enactment of this Ordinance, the Borough Secretary shall give written notice of the enactment of this Ordinance by United States certified mail return receipt requested to the personal address of the owners of all property abutting on the portions of the streets/alleys vacated under Section 1 of this Ordinance. In the event any owners of property abutting on the portions of the streets/ alleys vacated under Section 1 of this Ordinance cannot be found, a copy of this Ordinance shall be posted on the premises of such property owners within ten (10) calendar days after the enactment of this Ordinance.

**SECTION 3.** Within ten (10) calendar days after the enactment of this Ordinance, the Borough Secretary shall publish a notice of the enactment of this Ordinance in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburtis. The notice shall be directed by name to all of the owners of property abutting on the portions of the streets/alleys vacated under Section 1 of this Ordinance which appear on any recorded plan, and shall also be directed generally to all other owners of property which appear on any such recorded plan.

**SECTION 4.** This Ordinance shall be effective forty (40) calendar days after its enactment, unless the effective date is stayed by the petition of any interested party during such forty (40) day period. Such a stay shall continue until Borough Council shall have held a hearing on the petition and acted upon the same by motion, and for thirty (30) calendar days thereafter, or, in the case of further timely appeal to court, until the court shall have finally disposed on the matter.

**SECTION 5.**

**(a) In General.** Notwithstanding anything to the contrary in this Ordinance, subsection (4) of Section 1 (relating to the vacation of Wind Alley) shall not become

effective unless all record owners of the Wind Alley Landlocked Property file a written consent to the vacation of Wind Alley with the Secretary of Borough, in a form satisfactory to the Borough Solicitor, within forty (40) calendar days after the enactment of this Ordinance. The Borough Secretary shall file such a consent in the Ordinance Book as an attachment to this Ordinance.

**(b) Wind Alley Landlocked Property.** For purposes of subsection (a), the “Wind Alley Landlocked Property” is the lot which abuts Wind Alley and which is part of the first lot described in the deed recorded in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania in Deed Book Volume 651, page 220, being that portion of the said first lot which was *not* conveyed by the deed recorded in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania in Deed Book Volume 1007, page 97, but rather retained by the grantor of that later deed.

**DULY ORDAINED and ENACTED** by the Borough Council of the Borough of Alburtis, this 8th day of December, 1993, in lawful session duly assembled.

BOROUGH COUNCIL  
BOROUGH OF ALBURTIS

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Carlton R. Raines, President

Attest:

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Louise Staub, Secretary

**AND NOW**, this 8th day of December, 1993, the above Ordinance is hereby APPROVED.

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Ronald J. DeIaco, Mayor

# Martin, Bradbury & Griffith, Inc.

CONSULTING ENGINEERS - PLANNERS - LAND SURVEYORS  
1201 WASHINGTON STREET - ALLENTOWN, PENNSYLVANIA 18102  
PHONE (215) 437-6300  
FAX (215) 437-1320

Ref: 0043-004  
E121-002  
10/15/93

## DESCRIPTION OF PAPER ALLEY

ALL THAT CERTAIN 20-foot wide street, known as Paper Alley, located in the Borough of Alburdis, Lehigh County and Commonwealth of Pennsylvania, as shown on a plan of Paper Alley prepared by Martin, Bradbury & Griffith, Inc., with a plan number of 0043-004 and a sheet number of V-1, being described as follows, to wit:

BEGINNING at a corner, said corner being the intersection of the easterly property line of Paper Alley (20 feet wide) with the northerly property line of Butz Alley (20 feet wide);

THENCE, along the northerly property line of Butz Alley, South  $67^{\circ} 15' 00''$  West, 20.00 feet to a corner;

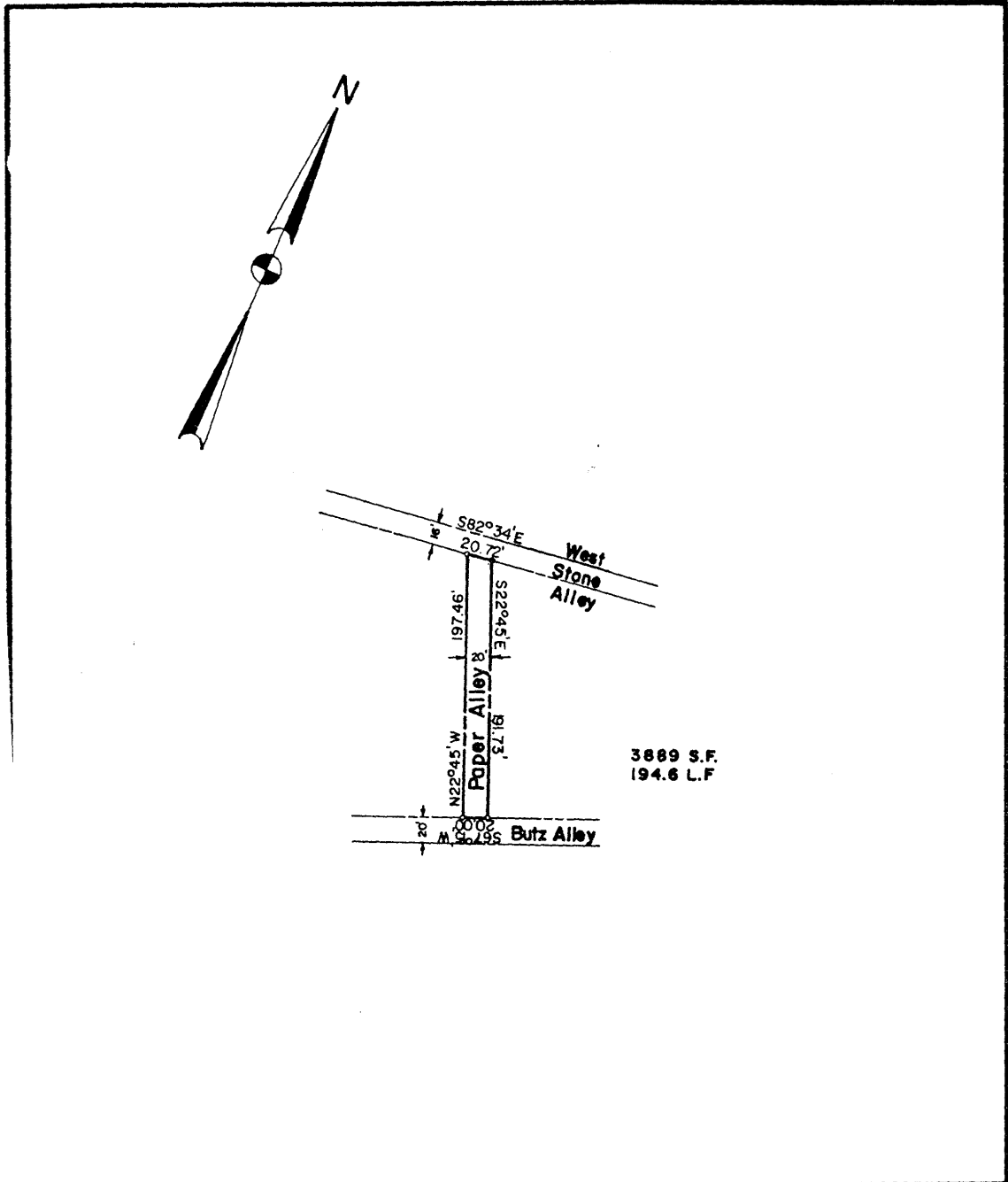
thence, along the westerly property line of Paper Alley, North  $22^{\circ} 45' 00''$  West, 197.46 feet to a corner;

thence, along the southerly property line of West Stone Alley (16 feet wide), South  $82^{\circ} 34' 00''$  East, 20.72 feet to a corner;

thence, along the easterly property line of Paper Alley, South  $22^{\circ} 45' 00''$  East, 191.73 feet to the place of BEGINNING.

CONTAINING: 3,889 Square Feet

Exhibit A



STREET VACATION OF		<b>MARTIN BRADBURY &amp; GRIFFITH, INC.</b> CONSULTING ENGINEERS LAND SURVEYORS PLANNERS 1201 Washington Street, Allentown, Pa. 18102				
<u>PAPER ALLEY</u>						
BOROUGH OF ALBURTIS, LEHIGH COUNTY, PENNSYLVANIA		Date	Scale	Drawn By	Plan Number	Sheet Number
		9-22-93	1" = 100'	D. Kutzor	0043-004	V-1

Exhibit B

# Martin, Bradbury & Griffith, Inc.

CONSULTING ENGINEERS - PLANNERS - LAND SURVEYORS  
1201 WASHINGTON STREET - ALLENTOWN, PENNSYLVANIA 18102  
PHONE (215) 437-6300  
FAX (215) 437-1320

Ref: 0043-004  
E121-003  
10/15/93

## DESCRIPTION OF BUTZ ALLEY EAST OF CHESTNUT STREET

ALL THAT CERTAIN 20-foot wide street, known as Butz Alley, located east of Chestnut Street in the Borough of Alburkis, Lehigh County and Commonwealth of Pennsylvania, as shown on a plan of Butz Alley prepared by Martin, Bradbury & Griffith, Inc. with a plan number of 0043-004 and a sheet number of V-2, being described as follows, to wit:

BEGINNING at a corner, said corner being the intersection of the southerly property line of Butz Alley (20 feet wide) with the easterly property line of Chestnut Street (43 feet wide);

THENCE, along the easterly property line of Chestnut Street, North  $22^{\circ} 45' 00''$  West, 20.00 feet to a corner;

thence, along the northerly property line of Butz Alley, North  $67^{\circ} 15' 00''$  East, 390.50 feet to a corner;

thence, along the westerly property line of Ore Alley (16 feet wide), South  $22^{\circ} 45' 00''$  East, 20.00 feet to a corner;

thence, along the southerly property line of Butz Alley, South  $67^{\circ} 15' 00''$  West, 390.50 feet to the place of BEGINNING.

CONTAINING: 7,810 Square Feet

Exhibit C

**Martin, Bradbury & Griffith, Inc.**  
CONSULTING ENGINEERS - PLANNERS - LAND SURVEYORS  
1201 WASHINGTON STREET - ALLENTOWN, PENNSYLVANIA 18102  
PHONE (215) 437-6300  
FAX (215) 437-1320

Ref: 0043-004  
E121-004  
10/18/93

DESCRIPTION OF BUTZ ALLEY WEST OF CHESTNUT STREET

ALL THAT CERTAIN 20-foot wide street, known as Butz Alley, located west of Chestnut Street in the Borough of Alburtis, Lehigh County and Commonwealth of Pennsylvania, as shown on a plan of Butz Alley prepared by Martin, Bradbury & Griffith, Inc., with a plan number of 0043-004 and a sheet number of V-2, being described as follows, to wit:

BEGINNING at a corner, said corner being the intersection of the northerly property line of Butz Alley (20 feet wide) with the westerly property line of Chestnut Street (43 feet wide);

THENCE, along the westerly property line of Chestnut Street, South  $22^{\circ} 45' 00''$  East, 20.00 feet to a corner;

thence, along the southerly property line of Butz Alley, South  $67^{\circ} 15' 00''$  West, 245.50 feet to a corner;

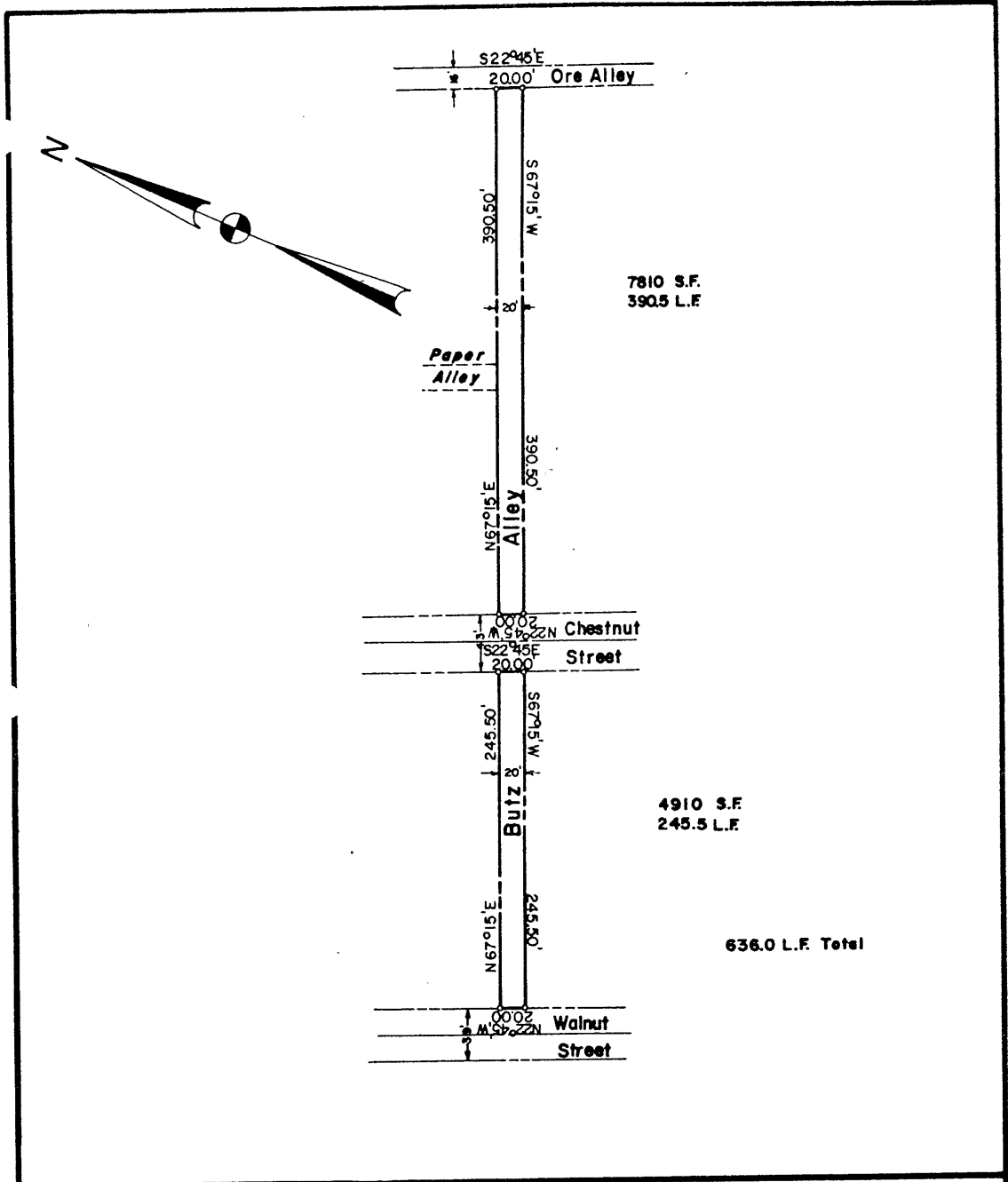
thence, along the easterly property line of Walnut Street (39 feet wide), North  $22^{\circ} 45' 00''$  West, 20.00 feet to a corner;

thence, along the northerly property line of Butz Alley, North  $67^{\circ} 15' 00''$  East, 245.50 feet to the place of BEGINNING.

CONTAINING: 4,910 Square Feet

Exhibit D





STREET VACATION OF		<b>MARTIN BRADBURY &amp; GRIFFITH, INC.</b> CONSULTING ENGINEERS LAND SURVEYORS PLANNERS 1201 Washington Street, Allentown, Pa 18102				
<b>BUTZ ALLEY</b>						
BOROUGH OF ALBERTIS, LEHIGH COUNTY, PENNSYLVANIA		Date	Scale	Drawn By	Plan Number	Sheet Number
		9-22-93	1" = 100'	D. Kartzor	0043-004	V-2

Exhibit E

**Martin, Bradbury & Griffith, Inc.**  
CONSULTING ENGINEERS - PLANNERS - LAND SURVEYORS  
1201 WASHINGTON STREET - ALLENTOWN, PENNSYLVANIA 18102  
PHONE (215) 437-6300  
FAX (215) 437-1320

Ref: 0043-004  
E121-005  
10/18/93

DESCRIPTION OF WEST FOURTH STREET

ALL THAT CERTAIN 50-foot wide street, known as West Fourth Street, located in the Borough of Alburdis, Lehigh County and Commonwealth of Pennsylvania, as shown on a plan of West Fourth Street prepared by Martin, Bradbury & Griffith, Inc., with a plan number of 0043-004 and a sheet number of V-3, being described as follows, to wit:

BEGINNING at a corner, said corner being South  $19^{\circ} 50' 30''$  East, 20.00 feet from the intersection of the southerly property line (extended) of West Fourth Street (50 feet wide) with the easterly property line of Chestnut Circle East (50 feet wide);

THENCE, along the easterly property line of Chestnut Circle East, North  $19^{\circ} 50' 30''$  West, 90.00 feet to a corner;

thence, along the northerly property line of West Fourth Street, the two following courses and distances:

(1.) along a curve to the left, having a radius of 20.00 feet, an arc distance of 31.42 feet, and a chord which bears South  $64^{\circ} 50' 30''$  East, for a distance of 28.28 feet to a corner;

(2.) North  $70^{\circ} 09' 30''$  East, 105.00 feet to a corner;

thence, crossing West Fourth Street, South  $19^{\circ} 50' 30''$  East, 50.00 feet to a corner;

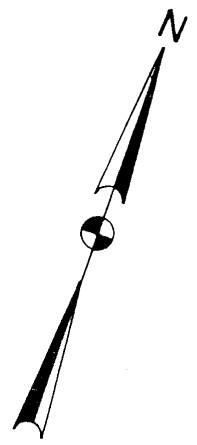
thence, along the southerly property line of West Fourth Street, the two following courses and distances:

(1.) South  $70^{\circ} 09' 30''$  West, 105.00 feet to a corner;

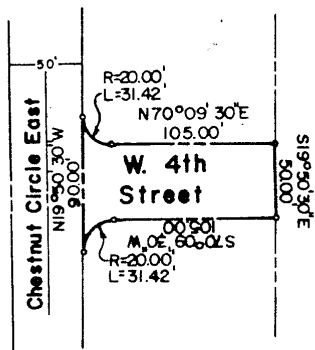
(2.) along a curve to the left, having a radius of 20.00 feet, an arc distance of 31.42 feet, and a chord which bears South  $25^{\circ} 09' 30''$  West, for a distance of 28.28 feet to the place of BEGINNING.

CONTAINING: 6,421.68 Square Feet

Exhibit F



6421.68 S.F.  
125.0 L.F.



STREET VACATION OF				CONSULTING ENGINEERS AND SURVEYORS PLANNERS	
WEST FOURTH STREET				1201 Washington Street, Allentown, Pa 18102	
Date	Scale	Drawn By	Plan Number	Sheet Number	
9-22-93	1" = 100'	D. Kutzor	0043-004	V-3	

BOROUGH OF ALBURTIS, LEHIGH COUNTY, PENNSYLVANIA

Exhibit G

**Martin, Bradbury & Griffith, Inc.**  
CONSULTING ENGINEERS - PLANNERS - LAND SURVEYORS  
1201 WASHINGTON STREET - ALLENTOWN, PENNSYLVANIA 18102  
PHONE (215) 437-6300  
FAX (215) 437-1320

Ref: 0043-004  
E121-006  
10/18/93

DESCRIPTION OF WIND ALLEY

ALL THAT CERTAIN 16-foot wide street, known as Wind Alley, located in the Borough of Alburtis, Lehigh County and Commonwealth of Pennsylvania, as shown on a plan of Wind Alley prepared by Martin, Bradbury & Griffith, Inc., with a plan number of 0043-004 and a sheet number of V-4, being described as follows, to wit:

BEGINNING at a corner, said corner being the intersection of the westerly property line of Wind Alley (16 feet wide) with the southerly property line of Church Street (33 feet wide);

THENCE, along the southerly property line of Church Street, North  $77^{\circ} 39' 00''$  East, 17.97 feet to a corner;

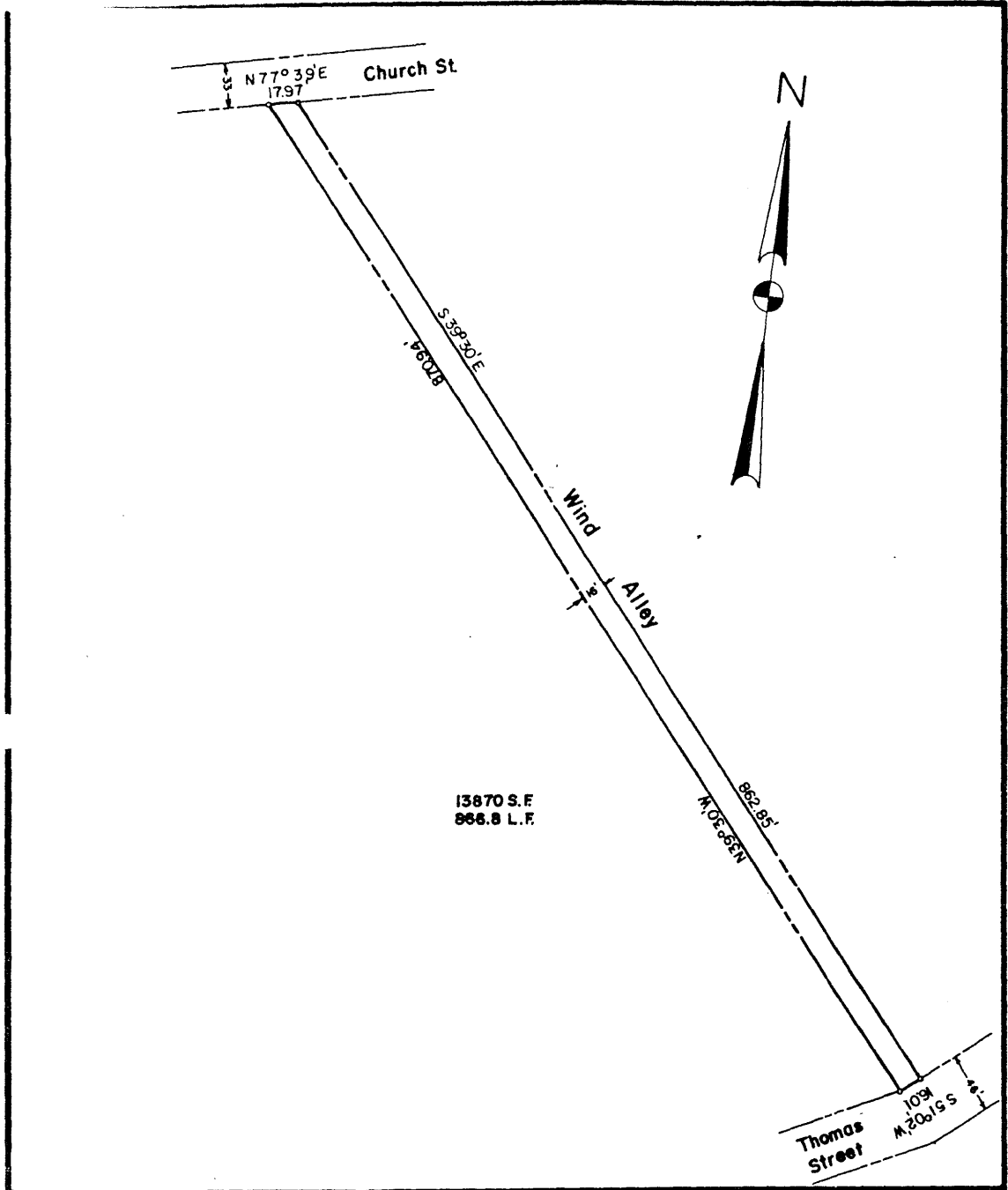
thence, along the easterly property line of Wind Alley, South  $39^{\circ} 30' 00''$  East, 862.85 feet to a corner;

thence, along the northerly property line of Thomas Street (46 feet wide), South  $51^{\circ} 02' 00''$  West, 16.01 feet to a corner;

thence, along the westerly property line of Wind Alley, North  $39^{\circ} 30' 00''$  West, 870.94 feet to the place of BEGINNING.

CONTAINING: 13,870 Square Feet

Exhibit H



STREET VACATION OF		<b>MARTIN BRADBURY &amp; GRIFFITH, INC.</b> CONSULTING ENGINEERS LAND SURVEYORS PLANNERS 1201 Washington Street, Allentown, Pa. 18102				
<u>WIND ALLEY</u>						
BOROUGH OF ALBURTIS LEHIGH COUNTY, PENNSYLVANIA		Date	Scale	Drawn By	Plan Number	Sheet Number
		9-22-93	1" = 100'	D. Kertzer	0043-004	V-4

Exhibit I

# Martin, Bradbury & Griffith, Inc.

CONSULTING ENGINEERS - PLANNERS - LAND SURVEYORS  
1201 WASHINGTON STREET - ALLENTOWN, PENNSYLVANIA 18102  
PHONE (215) 437-6300  
FAX (215) 437-1320

Ref: 0043-004  
E121-007  
10/18/93

## DESCRIPTION OF A PORTION OF ASH ALLEY

ALL THAT CERTAIN 16-foot wide portion of a street known as Ash Alley, located in the Borough of Alburtis, Lehigh County and Commonwealth of Pennsylvania, as shown on a plan of a portion of Ash Alley prepared by Martin, Bradbury & Griffith, Inc., with a plan number of 0043-004 and a sheet number of V-5, being described as follows, to wit:

BEGINNING at a corner, said corner being the intersection of the southerly property line of Ash Alley (16 feet wide) with the easterly property line of Elm Street (32 feet wide);

THENCE, along the easterly property line of Elm Street, North  $20^{\circ} 00' 00''$  West, 16.42 feet to a corner;

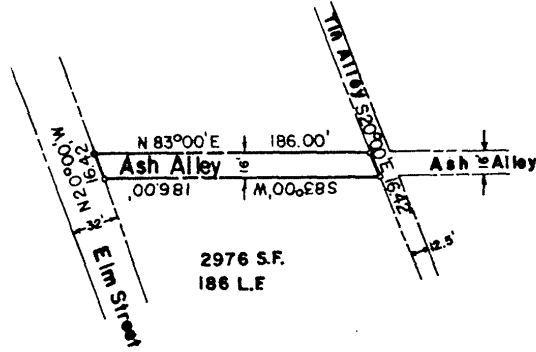
thence, along the northerly property line of Ash Alley, North  $83^{\circ} 00' 00''$  East, 186.00 feet to a corner;

thence, along the westerly property line of Tin Alley (12.5 feet wide), South  $20^{\circ} 00' 00''$  East, 16.42 feet to a corner;

thence, along the southerly property line of Ash Alley, South  $83^{\circ} 00' 00''$  West, 186.00 feet to the place of BEGINNING.

CONTAINING: 2,976 Square Feet

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STREET VACATION OF

PORTION OF ASH ALLEY

BOROUGH OF ALBERTIS, LEHIGH COUNTY, PENNSYLVANIA

MARTIN BRADBURY & GRIFFITH, INC.

CONSULTING ENGINEERS  
LAND SURVEYORS  
PLANNERS

1201 Washington Street, Allentown, Pa 18102

Date	Scale	Drawn By	Plan Number	Sheet Number
9-22-93	1" = 100'	D. Kutzor	0043-004	V-5

Exhibit K