

ORDINANCE NO. 2017-02

**AN ORDINANCE OF THE BOROUGH OF MIFFLINBURG, UNION COUNTY, PENNSYLVANIA, ABANDONING CERTAIN RIGHTS, TITLE AND INTEREST IN UNOPENED TWELFTH STREET.**

WHEREAS, Twelfth Street has not been offered to the Borough for dedication and is not considered a necessary adjunct to the Borough Road System;

WHEREAS, all property owners adjacent to unopened Twelfth Street were given ten (10) days written notice, as required by law, of the proposed passage of the within ordinance; and

WHEREAS, the Council of the Borough of Mifflinburg is of the opinion that unopened Twelfth Street is unnecessary to the traveling public; and

WHEREAS, public notice of this proposed ordinance was given by publication in a newspaper of general circulation once a week for two successive weeks.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, and it is hereby ordained and enacted by the Council of the Borough of Mifflinburg, Union County, Pennsylvania, as follows:

**Section 1.** That the Borough of Mifflinburg hereby abandons any and all rights, title and interest in unopened Twelfth Street, except those rights set forth as a reservation in Section 2, as shown in Exhibit "A" attached hereto, designated as follows:

An unopened street known as Twelfth Street which begins at the Southern boundary lines of Parcel 010-031-020.00000 and Parcel 010-031-019.00000 and continues along the Eastern boundary lines of Parcel 010-031-020.00000 and Parcel 010-031-021.00000 and along the Western boundary lines of Parcel 010-031-019.00000 and Parcel 010-031-019.A0000 to the terminus of Twelfth Street.

**Section 2.** That the Borough Council President, upon request of Keith A. Wagner and Barbara J. Wagner, husband and wife, ("Wagners") and after agreement by Wagners to pay all costs of preparation and transfer, execute a quit-claim deed for abandoned Twelfth Street to Wagners provided the deed excepts and reserves to the Borough of Mifflinburg, its successors and assigns, an easement for the right and privilege to enter abandoned Twelfth Street, at any time, for the purpose of constructing, reconstructing and maintaining any and all existing or future utility

lines including, but not limited to: water, storm sewer, sanitary sewer, electric, cable and fiber optic lines.

**Section 3.** That copies of this Ordinance shall be filed forthwith in the Office of the Clerk of Court of Common Pleas for Union County, Pennsylvania.

**Section 4.** 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 Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

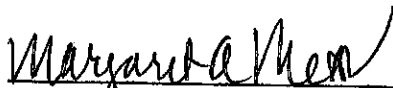
**Section 5.** All ordinances or resolutions, or parts of ordinances or resolutions, which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistency with the terms of this Ordinance.

**Section 6.** The requirements of this Ordinance shall take effect immediately.

DULY ENACTED AND ORDAINED this 21<sup>st</sup> day of February, 2017, by the Council of the Borough of Mifflinburg, Union County, Pennsylvania, in lawful session duly assembled, after public hearing following proper notice of its intent to consider adoption of this Ordinance.

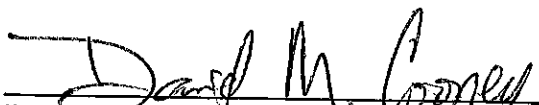
ATTEST:

BOROUGH OF MIFFLINBURG:

  
Margaret A. Metzger, Secretary

BY:   
Beverly L. Hackenberg, President

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIFFLINBURG,  
UNION COUNTY, PENNSYLVANIA, THIS 21<sup>st</sup> DAY OF FEBRUARY, 2017.

  
David Cooney, Mayor

**CERTIFICATE OF ADOPTION**

AND NOW, this 21<sup>st</sup> day of February, 2017, I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Borough Council of the Borough of Mifflinburg, Union County, Pennsylvania, at a properly called and duly-advertised meeting held on February 21, 2017, at which time a quorum was present.

  
\_\_\_\_\_  
Margaret A. Metzger, Secretary

**CERTIFICATE OF PREPARATION**

AND NOW, this 21<sup>st</sup> day of February, 2017, I hereby certify that I prepared the foregoing Ordinance adopted by the Borough Council of the Borough of Mifflinburg, Union County, Pennsylvania, at a properly called and duly-advertised meeting held on February 21, 2017.

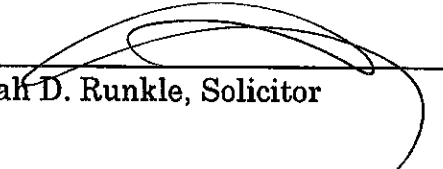
  
\_\_\_\_\_  
Jeremiah D. Runkle, Solicitor



Exhibit "A"