

ORDINANCE 6

An Ordinance Vacating A Portion Of Railroad Street In The Borough Of Lilly, Laying Out A New Street In The Place Thereof, Defining The Lines And Fixing The Width And The Grade Of The Same.

Council Section 1. Be it ~~enacted~~ and ordained by the Chief Burgess and Town of the Borough of Lilly, and it is hereby enacted and ordained by the authority of the same:-- That all that portion that was formerly used and occupied as Railroad Street in the Borough of Lilly, in the County of Cambria and State of Pennsylvania, extending from Grant Street to Cleveland Street and lying to the westerly side of the line hereinafter fixed and defined, be and the same is hereby vacated as a public street or highway of the said Borough and the said line hereinafter ~~is~~ described is defined and ordained as and for the westerly line and boundary of a new street to be laid out, opened and graded as herein after provided, the said line to mark the division line between Railroad Street as hereinafter defined and laid out, and land of Pennsylvania Railroad Company, excepting where the same crosses the right of way of the "Y" near Cleveland Street, as herein after provided.

Section 2. That the said line dividing the portion of street ~~is~~ *herein* ~~here~~ vacated from the street herein laid out, shall be and the same is hereby ~~is~~ defined and ordained as follows: Beginning at a stone monument in the northerly line of Grant Street, and twenty-five (25) feet distant westerly along the said northerly line of Grant Street from the corner of lot of land of Blair Short: thence north eleven degrees fourteen minutes east (N. 11°-14') two hundred fifty nine and fifty-one hundredths feet (259.51 Ft.) to a mark in the westerly abutment of the bridge or culvert crossing Bear Rock Run, said mark being twenty-two and five tenths (22.5) feet distant from the outer rail of track No. 1 of the Pennsylvania Railroad, as now located, thence by a line ~~curving~~ to the left and running parallel with said railroad track and twenty-two and five tenths (22.5) feet distant therefrom passing through a stone monument ninety-four and fifteen one-hundredths (94.15) feet from said abutment, with a radius of thirty hundred seventy feet (3070 Ft.) a distance of four hundred thirty-eight and eighty hundreds (438.80) feet to a stone monument twenty-two and five tenths (22.5) feet distant from the aforesaid railroad track: thence north eight degrees seventeen minutes east (N. 8°-17'E) and running parallel with said track as now located a distance of six hundred thirteen and seventeen hundredths (613.17) feet to a stone monument twenty-two and five tenths (22.5) feet distant from said railroad track and near the westerly leg of the "Y" thence north twenty degrees, fifteen minutes east (20°-15'E) and crossing said leg of "Y" one hundred sixty seven (167) feet to a post in the southerly line of Cleveland Street.

Section 3. That there is hereby laid out and shall be opened and graded for a public use as a street or highway of the width of twenty-five (25) feet excepting hereinafter noted, lying immediately to the easterly side of the of the aforementioned and defined line, the easterly line of said street shall be and the same is hereby defined and established as follows: Beginning at a post on the northerly line of Grant Street corner of fence on lot of land of Blair Short and twenty-five (25) feet easterly along the said line from the place of beginning mentioned in Section 2 of this ordinance; thence north eleven degrees and fourteen minutes east (11°-14'E) two hundred fifty nine and fifty seven hundredths (259.57) feet to the abutment of the bridge or culvert crossing Bear Rock Run; thence by line curving to the left radius of three thousand ninety five (3095) feet a distance of four hundred forty and twelve hundredths (440.12) feet to a post twenty-five (25) feet distant, measuring across said street, from the stone monument; thence north seventeen degrees east (17°E) five hundred seventy and four hundredths (570.04) feet and running parallel with the line hereinbefore defined to a post in line between lots of Mary McCloskey and lot lately of T. Ryan: thence north seventeen degrees fifty two minutes east (N 17°-52'E) one hundred sixty seven (167) feet to a line of lot of C.B. Helly and lot formerly of Caron Leahey; thence north twenty five degrees forty-two minutes east (N 25°-42'E) thirtytwo and thirty seven hundredths (37.32) feet to a post on southerly side of Cleveland Street and thirty (30) feet distant measuring along said line and across Railroad Street easterly, from the terminus of the line hereinbefore described.

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Section 4. That all the land lying and being between the aforementioned and described lines, extending from Grant Street to Cleveland Street be and the same is hereby taken and appropriated to public use as a street or the highway of the said Borough of Lilly; excepting that the use of the portion the right of way of the "Y" included within the lines of Railroad Street, as hereinbefore defined intersection near the said street with Cleveland Street, shall not be deemed exclusive of the right of the Railroad Company thereto, nor to interfere with the Railroad Company's use of the "Y" as heretofore, but shall be of use only as a crossing; of the said street or highway, five (5) feet lying along the easterly side and adjoining the property lines shall be and the same is hereby set apart for the purpose of a sidewalk, and all the remainder of said street shall be and the same is hereby to be used for as a driveway, all of the said street being the width of twenty-five feet excepting the northerly portion extending from a line between the properties of Mary McClosky and property lately of T. Ryan to Cleveland Street which shall ^{BE} of such width as lies between the lines hereinbefore defined and established, the width of sidewalk of the said portion however to be five (5) feet the same as along the remainder of the street.

Section 5. That said street which is hereby defined and established shall hereinafter be known as a part of Railroad Street in the Borough of Lilly aforesaid, the aforesaid lines being indicated upon a map or draft of the same prepared by the Borough Engineer, S.G. Fetterman, and dated April 1st, 1907.

Section 6. That the grade of the aforesaid section of Railroad Street as herein laid out shall be and the same is hereby defined and established as follows; according to profile of said Railroad Street between Grant Street and Cleveland Street prepared by S.G. Fetterman, Borough Engineer and dated April 1st, 1907; to wit:-- Beginning at station 0 at the curved line on the northerly side of Grant Street at an elevation of 1884.40 feet above sea level according to the bench marks of the Pennsylvania Railroad at Lilly; thence by a descending grade of 0.8 per cent a distance of 180 feet to station 1+80 at intersection with Main Street and at an elevation of 1882.96 feet; thence by an ascending grade of 1.4 per cent a distance 720 feet to station 9 where said street crosses the old mill race at an elevation of 1893.04; thence by an ascending grade of 0.9 per cent a distance of 600 feet to station 15 on curb line on the southerly side of Cleveland Street at an elevation of 1898.44 feet above sea level.

Section 7. That the Chief Burgess and the Borough Secretary be and they are hereby empowered in the name and by the authority of the Borough of Lilly to proceed to have the said street, as herein defined, established, opened and graded as herein laid out and if they cannot agree with the owner of land through which the same is laid out, upon the damages, to proceeding according to law and have the damages ascertained and, if necessary, before the opening and grading of the said street to give ~~to give~~ to the property owners such security as the proper court may require for the damages sustained or likely to be sustained by the opening and grading of the said street, and to bind the Borough by the execution of such bond or bonds for the purpose, using the name, style and seal of said Borough, as may be required, according to the provisions of law in such cases.

Section 8. That all laws and ordinances of the Borough of Lilly applicable to street and highways thereof be and they are hereby extended and applied to the said street as herein defined and established, and all ordinances of the said Borough heretofore enacted defining the lines or location of said Railroad Street Between Grant Street and Cleveland Street be and they are hereby repealed.

Passed finally this 24th day of June A.D. 1907.

J.R. Kelly: Pres. of Council.

Attest: Wm S. Dougherty: Clerk

Approved and signed this 1st day of July A.D. 1907.

T.A. Bradley: Chief Burgess

Attest: Wm S. Dougherty: Boro Secretary