

Borough of Lilly

LILLY PENNSYLVANIA

ORDINANCE

Ordinance No.: October 2024-1

*An Ordinance of the Lilly Borough Council
Vacating the Portion of Laurel Alley Situated
Between Barker Street and Sugar Alley*

WHEREAS, the Borough's street map includes a portion of Laurel Alley which runs between Barker Street and Sugar Alley as shown on the attached map. A copy the beforementioned map is attached hereto, marked as Exhibit "A" and incorporated herein; and

WHEREAS, Section 1731 of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.) authorizes Borough Council to vacate or close a street or portion thereof previously opened or laid out; and

WHEREAS, Section 1732 of the Borough Code authorizes any person(s) owning real estate abutting upon an area not opened as a street to petition council to vacate a street or portion thereof; and

WHEREAS, Michael R. Eckenrode, Dennis J. Eckenrode and Linda Eckenrode ("Petitioners") are the record owners of all of the property within this particular section of Laurel Alley which abuts upon said Alley; and

WHEREAS, by correspondence directed to the Lilly Borough Council; Petitioners petitioned Council to vacate the beforementioned section of Laurel Alley. A copy of Petitioners' correspondence is attached hereto, marked as Exhibits "B" and "C" and incorporated herein; and

WHEREAS, following a public hearing held on September 4, 2024, which was noticed in accordance with Section 1732 of the Borough Code, Council determined that the beforementioned section of Laurel Alley has never been opened or used by the public, does not provide potential access to any properties other than those owned by Petitioners and is unnecessary for public use and travel; and

WHEREAS, Petitioners have executed a Waiver and Release, thereby releasing the Borough from any damages sustained as a result of the vacation of the beforementioned section of Laurel Alley. A copy of the said Waiver and Release is attached hereto, marked as Exhibit "D" and incorporated herein.

NOW THEREFORE, the Lilly Borough Council hereby **ORDAINS AND ENACTS** as follows:

- Section 1.** ***Vacation of Alley.*** In accordance with Sections 1731 and 1732 of the Borough Code; the portion of Laurel Alley running between Barker Street and Sugar Alley and as depicted on Exhibit "A" attached hereto is hereby **VACATED**; and except as provided for in Section 2 hereof, the Borough hereby and herein relinquishes all right, title and ownership interest in the said area hereby vacated.
- Section 2.** ***Reservation of Utility Easements.*** The Borough hereby reserves for and unto itself and all utility providers an easement on, under and above the herein vacated portion of Laurel Alley for purposes of maintenance, repair and replacement of utilities, including, but not limited to storm and sanitary sewers.
- Section 3.** ***Severability.*** If any provision, 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 hereof. It is hereby declared as the intent of Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.
- Section 4.** ***Repealer.*** All ordinances, parts of ordinances or resolutions conflicting with any provision of this Ordinance are hereby Repealed insofar as the same affects this Ordinance.

ORDAINED AND ENACTED this second day of October, 2024

BOROUGH OF LILLY

By: William D. Patterson
William D. Patterson - President

Attest: Claudine M. Falger (Seal)
Claudine M. Falger - Secretary

APPROVED this 2 day of October, 2024

Michael Sklodowski
Michael Sklodowski - Mayor

Eckenrode

702 Barker Street

Lilly, PA 15938

(814) 215-8053

June 14th, 2024

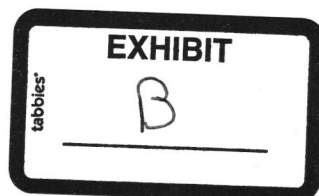
Lilly Borough Council/Mayor,

I am requesting that the alley between two parcels I retain ownership of, be closed. parcels 35-002. -110.000 and 35-002. -107.001. It is my intention to consolidate both parcels in the future.

Thank you,



Michael Eckenrode



Eckenrode 'S

712 Barker Street
Lilly, PA 15938
(814) 886-4480

July 19th, 2024

Lilly Borough Council/Mayor,

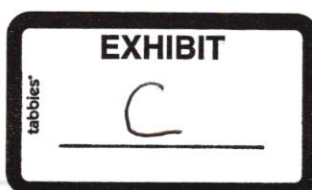
I am requesting that the closure of the alley between parcels
35-002. -110.000 and 35-002.-107.001.

Thank you,

Dennis J. Eckenrode



Linda Eckenrode



Waiver and Release

AND NOW, this 2nd day of October, 2024, **Michael R. Eckenrode, Dennis J. Eckenrode and Linda Eckenrode** ("Property Owners") hereby and herein agree as follows:

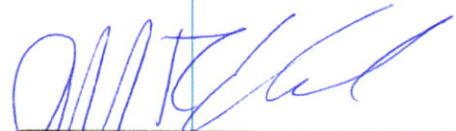
WHEREAS, Property Owners have filed a Petition to Vacate a Street with the Lilly Borough Council in accordance with Section 1732 of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.); and

WHEREAS, Section 1732(c) of the Borough Code authorizes the execution of a Release of the Borough from any damages sustained as a result of the vacation.

NOW THEREFORE, in accordance with Section 1732(c) of the Borough Code the Property Owners herein hereby **WAIVE AND RELEASE** the Borough of Lilly from any and all liability and damages sustained as a result of the vacation of the unnamed alley which runs between Barker and Porter Streets and between their two lots or parcels of land as depicted on the map which was attached to their Petition. No proceedings for award of damages may be had and no damages as a result of the vacation may, under any conditions, be awarded to the Property Owners.



Dennis J. Eckenrode



Michael R. Eckenrode



Linda Eckenrode