

BOROUGH OF ST. LAWRENCE
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 454-2023

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, VACATING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY OF A PUBLIC ROAD KNOWN AS FUNKE STREET FROM ITS INTERSECTION WITH PINE AVENUE, TO ITS INTERSECTION WITH THE VACATED PORTION OF KLINE AVENUE, AND VACATING ALL EASEMENTS ALONG SAID PORTION OF FUNKE STREET

WHEREAS, the Borough of St. Lawrence is a municipal corporation, authorized and existing pursuant to the Pennsylvania Borough Code, 8 Pa.C.S.A §§ 101, *et seq.*;

WHEREAS, the Borough Council of the Borough of St. Lawrence ("Borough Council," and "Borough," respectively, has determined that it is in the best interests of the health, safety, and welfare of Borough residents that a portion of a Borough street known as "Funke Street," which has not been opened or utilized by the public, be vacated to adjoining property owners;

WHEREAS, Section 1731, of the Borough Code, 8 Pa.C.S § 1731, authorizes the Borough to vacate or open a street or part thereof by ordinance if, after personal notice to all property owners affected and opportunity for a hearing thereon and publication in a newspaper of general circulation, it is deemed prudent and advisable in the judgment of Borough Council to so vacate or open such road or a portion thereof; and

WHEREAS, after such due notice, Borough Council has determined that it is necessary and proper to vacate the hereinafter described right-of-way of Funke Street.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of St. Lawrence, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section 1. Partial Vacation of Funke Street. The Borough does hereby vacate and abandon all that certain tract of land comprising the right-of-way of Funke Street from its intersection with Pine Avenue, to its intersection with the vacated portion of Kline Avenue, an area of approximately 13,761 square feet, and vacating all easements along said portion of Funke Street, all as shown in the plan and description attached hereto as Exhibit "A." The names and addresses of the abutting owners, who have been provided with the personal notice required by the Borough Code, are contained in the document attached hereto, incorporated herein, and marked as Exhibit "B."

Section 2. Reversion of Title of Vacated Area. Upon the vacation and abandonment of the aforesaid right-of-way of Funke Street and associated easements, title to the right-of-way and easements so vacated and abandoned shall revert to the owners of the abutting properties.

Section 3. Authorization to Execute Quitclaim Deeds. The President or Vice President of Borough Council and the Secretary or Assistant Secretary of the Borough are hereby authorized and empowered to execute any quitclaim deeds or releases which may be necessary or desirable in the opinion of the Borough to clarify and establish title to the aforesaid abutting owner(s) of the right(s)-of-way vacated and abandoned by this Ordinance.

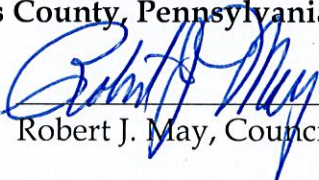
Section 4. Amendment to Official Map. The Official Map of the Borough shall be amended to reflect the street vacation described herein.

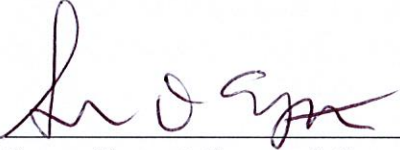
Section 5. Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

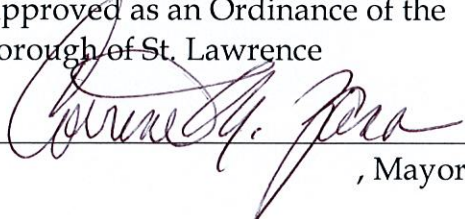
Section 6. Effective Date. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

ORDAINED and ENACTED this 8th day of June, 2023 by the Borough Council of the Borough of St. Lawrence, Berks County, Pennsylvania.

BOROUGH OF ST. LAWRENCE
Berks County, Pennsylvania

By:  _____
Robert J. May, Council President

Attest:  _____
Susan Eggert, Borough Secretary

Approved as an Ordinance of the
Borough of St. Lawrence
 _____
, Mayor