

TOWNSHIP OF MARION
ORDINANCE NO. 114

AN ORDINANCE OF THE TOWNSHIP OF MARION, BUTLER
COUNTY, PENNSYLVANIA, VACATING McFADDEN ROAD.

WHEREAS, Section 2304 of the Second Class Township Code, 53 P.S. §67304, provides the Board of Supervisors of the Township of Marion with the power and authority to lay out, open, widen, straighten, vacate and relay all roads and bridges and parts thereof located wholly or partially within the Township of Marion (“Township”); and

WHEREAS, Section 2311 of the Second Class Township Code, 53 P.S. §67311, provides the Board of Supervisors of the Township with the power and authority to enter into an agreement with affected property owners for the relocation and/or vacation of any part of any public road under its supervision; and

WHEREAS, McFadden Road, a Township Road, is located on and/or adjacent to property now owned by Allegheny Mineral Corp., consisting of two parcels, one of 41.303 acres and one parcel consisting of 65 acres, as further described in the Deed recorded with the Butler County Recorder of Deeds at Instrument No. 200403050006903 and currently designated as Butler County Tax Parcel I.D. Nos. 210-2F120-1-0000 and 210-2F122-23-0000 AND property owned by Travis G. Ice and Amber L. Ice consisting of a 3.78 acre parcel and as further described in the Deed recorded with the Butler County Recorder of Deeds at Instrument No. 202406100008212 and currently designated as Butler County Tax Parcel I.D. No. 210-2F120-1A-0000; and

WHEREAS, the Township Board of Supervisors has determined that McFadden Road, as set forth in more detail on the map attached hereto and incorporated herein as Exhibit “A”, is useless, inconvenient, and/or burdensome to the Township to maintain and is a threat to the public health, safety and welfare; and

WHEREAS, the Township Board of Supervisors desires to vacate McFadden Road.

NOW THEREFORE, the Board of Supervisors of the Township of Marion hereby ordains and enacts as follows, incorporating the foregoing recitals by reference:

Section 1. The Township Board of Supervisors hereby vacates McFadden Road as set forth on the Map attached as Exhibit “A”.

Section 2. The Township Board of Supervisors hereby authorizes the appropriate Township officials to take any and all actions necessary to effectuate the vacation of McFadden Road.

Section 3. The Township Board of Supervisors hereby authorizes the Township to enter into an Agreement, in a form acceptable to the Township Solicitor, with Allegheny Mineral Corp. and Travis G. Ice and Amber L. Ice, as owners of property abutting the vacated McFadden Road, providing consent for said vacation. The Township Board of Supervisors hereby authorizes the appropriate Township officials to execute said Agreement, and to take any and all actions necessary to effectuate the same. In the event that said agreement is executed, the vacation shall proceed pursuant to §2311 of the Second Class Township Code, 53 P.S. §67311. Pursuant to Pennsylvania law, as of the date and

time of the filing of this Ordinance with the Butler County Clerk of Courts, the abutting property owners, shall have fee title to the area of the vacated McFadden Road that abuts their property.

Section 4. It is the intention of the Township that the chapters, parts, sections, subsections, paragraphs, sentences and/or phrases of this Ordinance are severable. If any chapter, part, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or the validity of any remaining chapters, parts, sections, subsections, paragraphs, sentences, or phrases of this Ordinance.

Section 5. All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

Section 6. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this 9th day of February, 2026, by the Board of Supervisors of the Township of Marion, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MARION



Secretary

By: 

Chairman, Board of Supervisors





Highlighted section to be vacated