

**BOROUGH OF GORDON**

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE BOROUGH OF GORDON,  
SCHUYLKILL COUNTY, PENNSYLVANIA, GRANTING  
THE PETITION REQUESTING THE REMOVAL AND  
VACATION OF A 20 FOOT WIDE ALLEY, WHICH  
ALLEY WAS NEVER FORMALLY OPENED OR FORMALLY  
ACCEPTED BY THE BOROUGH.

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WHEREAS, Courtney E. Balsavage, Thomas P. Getty and Joanne M. Getty, his wife, and Ricky Ritzel, Sr., and Heidi Ritzel, his wife, property owners adjacent to a 20 foot wide alley, have requested the Borough to relinquish any right, title, or interest it may have in the eastwardly extension of the 20 foot wide alley (hereinafter the "Alley"); and

WHEREAS, the Borough of Gordon has no record of ever having received a dedication of the Alley, nor has it accepted the ownership or responsibility of the Alley; and

WHEREAS, the Alley was never opened to the public or used by anyone for a period of in excess of fifty (50) years; and

WHEREAS, it is the opinion of Borough Council that the granting of the Petition to formally confirm and terminate any rights of the Borough in and to the Alley as hereinafter described is appropriate and proper.

NOW, THEREFORE, the Council of the Borough of Gordon hereby grant the Petition presented to it with regard to the portion of the Alley described herein and hereby ordains as follows:

SECTION 1

Pursuant to the Pennsylvania Acts of General Assembly, 2014, P.L. 432, No. 37, as amended, it is hereby determined that the portion of the Alley described below to the extent said alley ever existed, is hereby vacated and removed from the plans of the Borough and the laying out thereof is cancelled and closed to public use and travel.

SECTION 2

Attached hereto is a plan marked Exhibit "A" showing the portion of the alley to be vacated and removed from the plans of the Borough and the laying out thereof which is hereby cancelled which is more specifically described as follows:

ALL THAT CERTAIN tract of land situate in the Borough of Gordon, County of Schuylkill, and State of Pennsylvania, beginning at an iron axle in the eastern right of way line of Mountain Road leading from Gordon to Heckscherville, thence north sixty eight degrees forty sixty minutes thirty seconds east (N. 68° 46' 30" E.) to an iron pin, thence continuing north sixty eight degrees forty sixty minutes thirty seconds east (N. 68° 46' 30" E.) ninety and sixty nine hundredths (90.69) feet to an iron pin, thence north twenty one degrees thirty three minutes twenty three seconds west (N. 21° 33' 23" W.) seventeen and forty four hundredths (17.44) feet to an iron pin, thence south sixty eighty degrees forty six minutes thirty seconds west (S. 68° 46' 30" W.) ninety and fifty nine hundredths (90.59) feet to an

iron pin, thence south sixty eight degrees forty six minutes thirty seconds west (S. 68° 46' 30" W.) three hundred twelve and ninety seven hundredths (312.97) feet, more or less, to an iron pin in the eastern right of way line of Mountain Road, thence south fourteen degrees forty six minutes thirty seconds west (S. 14° 46' 30" W.) twenty (20) feet, more or less, to the place of beginning, being all of an unopened alley running from Mountain Road to land of Thomas M. Sosar and Martha C. Sosar, bounded on the north by property of Courtney E. Balsavage, land of Thomas P. Getty and Joanne M. Getty, his wife, and land of Ricky Ritzel, Sr., and Heidi Ritzel, his wife, on the east by land of Thomas M. Sosar and Martha C. Sosar, his wife, on the south by land of Ricky Ritzel, Sr., and Heidi Ritzel, his wife, and land of Thomas P. Getty and Joanne M. Getty, his wife, and on the west by Mountain Road, more particularly identified on a survey of lands of James A. and Ethel E. Schally, prepared by Ronald L. Wary, P.L.S, dated May 28, 2015, a copy of which is attached hereto.

### SECTION 3

Borough Council is authorized to take any further action necessary or convenient to confirm the cancellation of the Alley described herein, and to execute any and all documents with regard to such property to confirm the action authorized by this Ordinance.

### 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 Council of Borough of Gordon that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Duly adopted at the meeting of the Board of Gordon Borough at its meeting held the 5<sup>TH</sup> day of APRIL, 2021.

ATTEST:

GORDON BOROUGH

Cathy E. Meyer  
Borough Secretary

BY:

[Signature]  
Council President

EXAMINED AND APPROVED THIS 5<sup>TH</sup> DAY OF APRIL, 2021.

BY:

[Signature]  
MAYOR