

**ORDINANCE NO. 363**

**AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG, SNYDER COUNTY, PENNSYLVANIA, ABANDONING ANY AND ALL RIGHTS, TITLE AND INTEREST IN AN UNOPENED ALLEY LOCATED WHERE THE SOUTH SIDE OF BACHMAN STREET AND W. WILLOW AVENUE INTERSECT.**

WHEREAS, the foregoing unopened portions of streets have not been offered to the Borough for dedication and are not considered a necessary adjunct to the Borough Road System, and

WHEREAS, all property owners adjacent to said unopened alley were given fifteen (15) days written notice, as required by law, of the proposed passage of the within ordinance; and

WHEREAS, the Council of the Borough of Middleburg are of the opinion that the aforesaid unopened portions of unopened alley are unnecessary to traveling public;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, and it is hereby ordained and enacted by the Council of the Borough of Middleburg, Snyder County, Pennsylvania, as follows:

**Section 1.** That the Borough of Middleburg hereby abandons any and all rights, title and interest in certain portions of unopened alley, as shown in Exhibit "A" attached hereto, designated as follows:

1. An unopened portion of alley at the southwest side of W. Market Street, where Bachman Street intersects on the south side and continues approximately 160 feet and intersects with W. Willow Avenue. Just across W. Willow Avenue there exists an unopened alley, approximately 28 feet in width and 160 feet in length. The unopened alley remains east of Parcel 010-001-034 and west of Parcel 010-001-035.
2. The owners of Parcel 010-001-034 and Parcel 010-001-035 requested vacating the unopened alley, at which time the Borough advertised and provided notice to all adjoining landowners, as required by law.

**Section 2.** That copies of this Ordinance shall be filed forthwith in the Office of the Clerk of Court of Common Pleas for Snyder County, Pennsylvania.

**Section 3.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality,

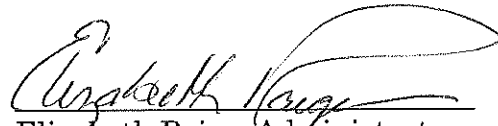
illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

**Section 4.** All ordinances or resolutions, or parts of ordinances or resolutions, which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistency with the terms of this Ordinance.


**Section 5.** The requirements of this Ordinance shall take effect five (5) days after enactment by the Borough.

DULY ENACTED AND ORDAINED this 9<sup>th</sup> day of May, 2023, by the Council of the Borough of Middleburg, Snyder County, Pennsylvania, in lawful session duly assembled, after public hearing following proper notice of its intent to consider adoption of this Ordinance.

ATTEST:

  
Elizabeth Paige, Administrator

BOROUGH OF MIDDLEBURG:

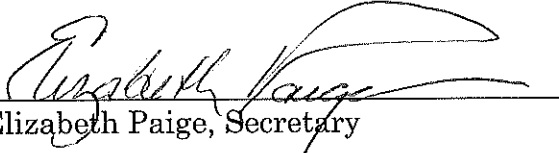
BY:   
Brian Swartz, President

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG,  
SNYDER COUNTY, PENNSYLVANIA, THIS 9<sup>TH</sup> DAY OF MAY, 2023.

  
Heidi Potter, Mayor

## CERTIFICATE OF ADOPTION

AND NOW, this 9<sup>th</sup> day of May, 2023, I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly-advertised meeting held on May 9<sup>th</sup>, 2023, at which time a quorum was present.

  
Elizabeth Paige, Secretary

## CERTIFICATE OF PREPARATION

AND NOW, this 9<sup>th</sup> day of May, 2023, I hereby certify that I prepared the foregoing Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly-advertised meeting held on May 9<sup>th</sup>, 2023.

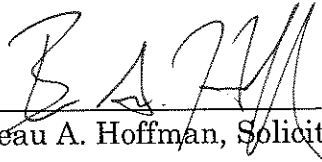
  
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Beau A. Hoffman, Solicitor



EXHIBIT A  
of  
Ordinance No. 363