

**ORDINANCE NO. 1483-21**

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, VACATING AND CANCELING THE LAYING OUT OF AN UNOPENED ALLEY BETWEEN WEST HIGH STREET AND WEST LEGION ALLEY CONSISTENT WITH THE GRANT OF A PETITION TO VACATE AN ALLEY FILED BY OWNERS OF ABUTTING REAL ESTATE.**

**WHEREAS**, an unnamed and unopened alley and strip of land (hereinafter referred to as the “Alley”) is located between West High Street and West Legion Alley in the Borough of Gettysburg and appears on the Adams County tax assessment map, a portion of which is attached hereto as Exhibit “A” and made a part hereof for the purpose of identifying the Alley which is the subject matter of this Ordinance; and

**WHEREAS**, while the Alley has been previously plotted as an “alley” and is sometimes referred to in documents of record as a “private alley,” the Borough of Gettysburg has never taken any action, to the best of its information and belief, in order to lay out, ordain, open, improve or maintain the Alley for use by the traveling public; and

**WHEREAS**, pursuant to section 1732 of the Borough Code (8 Pa. C.S.A. § 1732), any person or persons constituting a majority in number and interest of the owner or owners of the real estate abutting upon an area not opened as a street or abutting upon an existing street or portion of a street may petition the council to vacate a street or a portion of a street (for purposes of the interpretation of the Borough Code, the use of the term “street” is defined as including any “alley”); and

**WHEREAS**, by Petition to Vacate an Alley dated September 7, 2021 (hereinafter referred to as the “Petition”), a majority in number and in interest of the property owners abutting the Alley have requested that the Borough Council vacate the Alley; and

**WHEREAS**, after public notice and personal notice to the remaining abutting property owner not joining in the Petition consistent with section 1732 of the Borough Code, on September 27, 2021, the Borough Council conducted a public hearing on the Petition, which public hearing included a presentation on behalf of the Petitioners and a presentation by the remaining abutting property owner; and

**WHEREAS**, based on the Petition and the presentations at the public hearing, and consistent with section 1732 of the Borough Code, the Borough Council confirmed its intention to grant the Petition and directed that a motion be placed on the agenda for the October 12, 2021 monthly general business meeting for consideration and formal action by the Council; and

**WHEREAS**, at its October 12, 2021 monthly general business meeting, the Borough Council authorized the preparation and publication of an ordinance for enactment for the purpose of vacating and canceling the laying out of the Alley consistent with the granting of the Petition filed by a majority in number and interest of owners of real estate abutting the Alley; and

**WHEREAS**, it is the determination of the Borough Council that the opening for public use of the Alley will not serve the best interests of the traveling public for its use as a public passageway. The vacation and canceling of the laying out of the Alley does not affect any private rights of use or access previously acquired by abutting property owners.

**NOW, THEREFORE**, the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, hereby enacts, adopts, and ordains the following:

**SECTION 1:** Pursuant to Section 1732 of the Borough Code (8 Pa. C.S.A. § 1732), the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, does hereby vacate and cancel the laying out of an unnamed and unopened alley (the Alley) located between West High Street and West Legion Alley, as shown and identified on Exhibit “A,” consistent with the granting by the Borough Council of a Petition to Vacate an Alley filed by a majority in number and in interest of owners of real estate abutting the unopened alley.

**SECTION 2:** The grant of the Petition to Vacate an Alley and the enactment of this Ordinance shall vacate the unopened alley (the Alley), located between West High Street and West Legion Alley as shown and identified on Exhibit “A,” with the same force and effect as if said Alley had never been laid out for use by the traveling public. However, the grant of the Petition and the enactment of this Ordinance shall not affect any private rights of use or access previously acquired by owners of abutting real properties.

**SECTION 3:** This Ordinance shall take effect upon enactment.

**THIS ORDINANCE DULY ENACTED AND ORDAINED** according to law on this 8<sup>th</sup> day of November 2021, at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

**BOROUGH OF GETTYSBURG**

By: \_\_\_\_\_  
Wesley K. Heyser  
President of Borough Council

ATTEST:

By: \_\_\_\_\_  
Sara L. Stull, Secretary

**APPROVED** this \_\_\_\_ day of November, 2021.

By: \_\_\_\_\_  
Theodore H. Streeter, Mayor

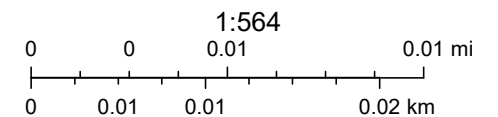
# Unnamed Alley between W. High St. & W. Legion Alley



10/22/2021, 8:11:55 AM

Parcel Boundary  Municipal Boundary

Street Centerline



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS

Esri, HERE, Garmin, INCREMENT P, USGS, EPA | PA DCNR, GNMP | Adams County Office of Planning & Development (ACOPD) - GIS Division | ACOPD |