

MILESBERG BOROUGH  
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 235

AN ORDINANCE OF THE BOROUGH OF MILESBERG, CENTRE COUNTY, PENNSYLVANIA, PROVIDING FOR THE DEDICATION, ACCEPTANCE, OPENING, LAYING OUT, ORDINATION OF SECOND STREET.

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Milesburg and it is hereby ordained by authority of the same:

SECTION ONE.

Second Street having been constructed in accordance with Borough specifications by Annadel D. Eminhizer depicted on a subdivision and re-plot of the lands of Annadel D. Eminhizer recorded in Centre County Plat Book No. 45, page 106 is hereby accepted as a street of the Borough of Milesburg in accordance with the Act of February 1, 1996 P.L. "1965" \_\_\_\_\_, No. 581 1734.

SECTION TWO.

Petition having been received for the opening of Second Street by majority in number and interest of the owners of the real estate abutting Second Street. The Council of the Borough of Milesburg shall hold a hearing in accordance with law for the acceptance, opening and dedication of Second Street. The proper authorities of the Borough of Milesburg are hereby directed, required, requested and authorized to give notice in accordance with the aforesaid Act of Assembly to abutting property owners not signors of the Petition to convene a public hearing for purposes recited in the aforesaid Act.

SECTION THREE.

Upon the proper acceptance, dedication and ordination of Second Street by the proper authorities of the Borough of Milesburg, the proper officers of the Borough of Milesburg are hereby required, requested, directed, authorized and empowered to make such changes in the Borough's Street Plan which may be required to reflect the opening, acceptance, dedication and ordination of Second Street.

SECTION FOUR.

Second Street as constructed and dedicated to the Borough of Milesburg is hereby accepted and the same is hereby ordained as a street of the Borough of Milesburg as follows:

ALL THAT CERTAIN tract of land situated in the Borough of Milesburg, Centre County, Pennsylvania, being that portion of Second Street in said Borough lying to the West of Darrell Street, bounded and described on the basis of a survey thereof conducted in August, 1992 by Andrew J. Knapka, Professional Land Surveyor, as follows:

BEGINNING at the southeasterly corner of the land herein described, at an iron pin found, an old corner, in the westerly line of the forty-foot right of way of Darrell Street, which iron pin marks the northeasterly corner of Lot 31; thence along Lots 31, 32, 33 and a portion of Lot 34R, South 67° 50' 00" West, 291.67 feet to an iron pin set at point of curvature; thence along Lot 34R and continuing along a portion of Lot 35R by a transition curve to the left on a radius of 50.00 feet for an arc distance of 39.77 feet to an iron pin set at point of reverse curvature, the chord of which curve bears South 45° 02' 49" West, 38.73 feet; thence traversing the cul-de-sac at the westerly terminus of this street along a portion of Lot 35R and continuing along Lots 36R, 44R and portion of Lot 43R by a curve to the right on a radius of 50.00 feet for an arc distance of 236.62 feet to an iron pin set at point of reverse curvature, the chord of which curve bears North 22° 10' 00" West, 70.00 feet; thence along a portion of Lot 43R by a transition curve to the left on a radius of 50.00 feet for an arc distance of 39.77 feet to an iron pin set at point of tangency, the chord of which curve bears South 89° 22' 49" East, 38.73 feet; thence along Lots 42, 41 and 40, North 67° 50' 00" East, 291.67 feet to an iron pin found in the westerly line of Darrell Street marking the southeasterly corner of Lot 40; thence along Darrell Street, South 22° 10' 00" East, 40.00 feet to the place of beginning.

CONTAINING 20,593 square feet, or 0.4727 acre, net area, and BEING "Second Street" as shown on a subdivision and re-plot of lands of Annadel D. Eminhizer, grantor herein, recorded in Centre County Plat Book No. 45, Page 106, and

COMPRISING a southerly interior subdivision of that certain "33 acres" of farm property which became vested in Darrell E. Eminhizer and Annadel D. Eminhizer, his wife, by deed of Charles H. Smith, dated May 12, 1947 and recorded in Centre County Deed Volume 195, Page 570. The said Darrell E. Eminhizer died on August 24, 1990, thereby vesting full title to said premises in Annadel D. Eminhizer, grantor herein, by operation of law.

THE WITHIN-DESCRIBED PROPERTY IS SUBJECT to such easements as may be required for installation, maintenance and repair of underground sewer lines, water lines, telephone cables, television cables and electrical conduits, cables and transformers, which easements are included herein by reference thereto and are intended to be recorded concurrently herewith.

BEARINGS given herein are Magnetic, circa 1955.

#### SECTION FIVE.

The lines and grades of said street, dimensions, specifications and locations thereof together with the pavement, curbs, drains and other improvements located on or adjacent to said street above ordained are hereby established and ordained as per the drafts and maps recorded in the Office of the Borough of Milesburg and are hereby ordained, included and made a part of this Ordinance the same as though set forth at length herein. Said street above described has been graded, paved, curbed, constructed and the necessary drainage provided in accordance with law; the rules and regulations of the Borough of Milesburg and the drafts, plans and maps of record in the Borough Office herein above referred to and said

street is consequently accepted under the provisions of the various Ordinances of the Borough of Milesburg by the Borough of Milesburg as a public street provided that repairs are made to the paving of said street as indicated on the report of the Street Superintendent dated the 23<sup>rd</sup> day of September, 1992. Such repairs shall be made on or before June 1, 1993.

SECTION SIX.

All trees, pipes, poles or other things interfering with the free and full use of said street are hereby declared nuisances and may be removed or changed by or under the direction of the Borough engineer or other authorized official of the Borough of Milesburg, the cost(s) thereof to be charged in accordance with law.

SECTION SEVEN.

The Grantee, her heirs, executors, administrators and assigns as a condition of this acceptance of Second Street as an ordained street of the Borough of Milesburg agrees, promises and covenants that at no time, now or in the future, will she ask, demand, recover or receive of or from the Borough of Milesburg, its successors and assigns any sum or sums of money for damages for or by reason of the physical grating of said street.

SECTION EIGHT.

The proper authorities of the Borough of Milesburg upon effective date of this Ordinance are hereby required, requested, directed and authorized to make such changes in the Borough's "Plan of Streets" to represent acceptance under dedication and ordination of Second Street.

SECTION NINE.

All other streets, roads, alleys or thoroughfares of the Borough of Milesburg together with the Plan of Streets of the Borough are hereby republished and reordained.

SECTION TEN.

All Ordinances or parts of Ordinances inconsistent herewith are hereby expressly repealed insofar as they may be inconsistent but only, however, to the extent that they refer to this improvement.

DULY ENACTED AND ORDAINED into an Ordinance this 8<sup>th</sup> day of  
March, 1993 by the Council of the Borough of Milesburg in  
lawful session assembled.

ATTEST:

Pauline J. Hall  
SECRETARY

BOROUGH OF MILESBURG:

By: Robert B. Deak

AND NOW, to wit this 8<sup>th</sup> day of March, 1993, the within and  
above Ordinance is approved.

Walter J. Jordan  
MAYOR