

MILESBURG BOROUGH
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. **268**

AN ORDINANCE OF THE BOROUGH OF MILESBURG, CENTRE COUNTY, PENNSYLVANIA, PROVIDING FOR THE DEDICATION, ACCEPTANCE, OPENING, LAYING OUT, ORDINATION OF THIRD 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.

Third Street having been constructed in accordance with Borough specifications by Annabel D. Eminhizer depicted on a subdivision and replot of the lands of Annadel D. Eminhizer recorded in Centre County Plat Book No. 46, page 172 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 1974.

SECTION TWO.

The Council of the Borough of Milesburg shall hold a hearing in accordance with law for the acceptance, opening and dedication of Third 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 to convene a public hearing for purposes recited in the aforesaid Act.

SECTION THREE.

Upon the proper acceptance, dedication and ordination of Third 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 Third Street.

SECTION FOUR.

Third 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 Third Street in said Borough lying to the West of Darrell Street, bounded and described on the basis of a survey thereof conducted in May 1993, by Kerry A. Uhler and Associates.

BEGINNING at the Southeasterly corner of the land herein described, at an iron pin set which iron pin marks the Northeasterly corner of lot 67; thence along Lots 67, 68, 69, 70 and a portion of lot 71R South $67^{\circ} 50' 00''$ West 398.95 to an iron pin set at a point of curvature; thence along lot 71R by a curve to the left on a radius of 50 feet for an arc distance of 36.14 feet the chord of which arc bears South $47^{\circ} 07' 42''$ West 35.36 feet to a curve to the right on a radius of 50 feet for an arc distance of 46.02 feet the chord of which arc bears South $52^{\circ} 47' 21''$ West a distance of 44.41 feet to a curve to the right along Lot 72R on a radius of 50 feet for an arc distance of 68.66 the chord of which arc bears North $61^{\circ} 30' 22''$ West for a distance of 63.39 feet to a curve to the right along Lot 79R on a radius of 50 feet having an arc distance of 53.31 feet the chord of which arc bears North $08^{\circ} 22' 33''$ East a distance of 50.82 feet to a curve to the right along Lot 78R on a radius of 50 feet having an arc distance of 61.37 feet the chord of which arc bears North $74^{\circ} 04' 51''$ East a distance of 57.59 feet to a curve to the left continuing through Lot 78R on a radius of 50 feet for an arc distance of 26.83 feet the chord of which arc bears South $86^{\circ} 07' 55''$ East a distance of 26.51 feet to a curve to the left along Lot 77R on a radius of 50 feet having an arc distance of 9.30 feet the chord of which arc bears North $73^{\circ} 09' 48''$ East a distance of 9.29 feet to a point on the Southerly side of Lot 77R; thence along Lots 77R, 76, 75, 74, and 73⁰ 67⁰ 50' 00" East a distance of 398.76 feet to an iron pin set; thence South $22^{\circ} 23' 19''$ East 50 feet to the point and place of beginning.

BEING Third Street as shown on a subdivision and replot of lands of Annadel D. Eminhizer, Grantor herein, recorded in Centre County Plat Book 46 Page 172.

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 Book 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 location 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.

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 Grantor, her heirs, executors, administrators and assigns as a condition of this acceptance of Third 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 grading 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 Third 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 9th day of November, 1998, by the Council of the Borough of Milesburg in lawful session assembled.

ATTEST:

BOROUGH OF MILESBURG

Paul J. Hall
Secretary

By: James A. Reigh

AND NOW, to wit this 9th day of November, 1998, the within and above Ordinance is approved.

Phyllis Y. Jordan
Mayor