

ORDINANCE NO. 2 of 2016

**AN ORDINANCE OF FOSTER TOWNSHIP, LUZERNE COUNTY,
PENNSYLVANIA, VACATING A PORTION OF WYOMING AVENUE**

Whereas, Foster Township was petitioned by Paul and Christine Branz, property owners under Section 2304(c) of the Second Class Township Code to vacate a portion of Wyoming Avenue;

Whereas, the Foster Township Board of Supervisors (the "Board of Supervisors") desire to vacate that portion of Wyoming Avenue more fully described below;

Whereas, the Board of Supervisors find that vacating a portion of Wyoming Avenue will not interfere with the vehicular or pedestrian use of the remaining portion of Wyoming Avenue;

Whereas, the Board of Supervisors have sent public notice to the petitioners as they are the only property owners adjacent to the subject portion of Wyoming Avenue of the Township's intent to adopt this Ordinance, which has been advertised in a newspaper of general circulation within the Township not less than seven (7) days prior to the hearing;

Whereas, the vacating of that portion of Wyoming Avenue is subject to the terms, conditions set forth in this Ordinance; and

Now, therefore, be it enacted and ordained as follows:

Section 1. Portion of Wyoming Avenue to be Vacated. The Board of Supervisors does hereby vacate the following portion of Wyoming Avenue:

ALL that certain lot, piece or parcel of land situated in the Township of Foster, County of Luzerne and State of Pennsylvania bounded and described as follows to wit:

A lot located in Foster Township, Luzerne County, Pennsylvania, being twenty-five (25') feet on the west side of Washington Street and one hundred and thirty feet (130') along Wyoming Avenue to Hazle Street. The property is depicted as Lot No. 32½ of Block W on the map of the Woodside Addition to Freeland Borough, recorded in Luzerne County Map Book 1, at Page 50.

BEING the same lot that the Freeland Chamber of Commerce, by deed dated July 11, 1959, conveyed to Foster Township, and appearing of record in Luzerne County Deed Book 1441 page 507.

A copy of the map of the portion of Wyoming Avenue is attached hereto as Exhibit "A".

Section 2. Effect of Vacation. Upon vacating that portion of Wyoming Avenue as more fully described in Section 1 above, all public right in or to such portion of Wyoming Avenue shall cease, but such vacation shall not affect any private rights or the reverter clause in the Deed from the Freeland Chamber of Commerce to Foster Township.

Section 3. Quit Claim Deed. Upon the enactment of this Ordinance, Foster Township shall execute a Quit Claim Deed to the Petitioners for the requested portion of Wyoming Avenue, and such Deed shall be accepted by the owners subject to the following provision being included in the Deed of conveyance: The Grantees do hereby release and indemnify Foster Township from all damages sustained as a result of such vacation, including court costs and attorney fees.

Section 4. Costs. Petitioners shall reimburse Foster Township prior to the acceptance of the Quit Claim Deed for all of the Township's costs and expenses associated with the vacating of a portion of Wyoming Avenue including, but not limited to, advertising costs, postage, public notice, surveying, recording costs, filing fees and professional fees (attorney, engineering, etc.).

Section 5. Effective date. This Ordinance shall be effective immediately following its enactment.

Section 6. Filing of Public Record. A copy of the Ordinance will be filed by attachment to the Quit Claim Deed in the Luzerne County Office of the Recorder of Deeds.

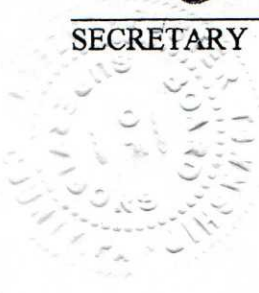
Section 7. Exceptions, Appointment of Board of Viewers. The filing of exceptions to the enactment of this Ordinance by any interested person, or the filing for the appointment of a board of viewers after a hearing and denial on the petition, must occur with the Luzerne County Court of Common Pleas within 30 days after the effective date of this Ordinance.

Section 8. Public Notice. This Ordinance has been advertised in a newspaper of general circulation not less than seven days and no more than 60 days prior to the date of the hearing. In addition, notices have been mailed to the Petitioners as the property owners adjoining the subject portion of Wyoming Avenue at 10 days prior to the hearing.

Enacted and Ordained by Foster Township after a hearing held on Wednesday, April 13, 2016 at 6:00 PM at the Foster Township Municipal Building, 1000 Wyoming Avenue, Freeland, PA 18224.

ENACTED BY THE FOSTER TOWNSHIP BOARD OF SUPERVISORS THIS 13th DAY OF APRIL, 2016.

ATTEST:


SECRETARY

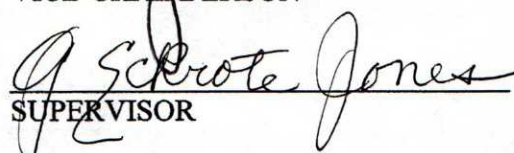


FOSTER TOWNSHIP BOARD OF SUPERVISORS:

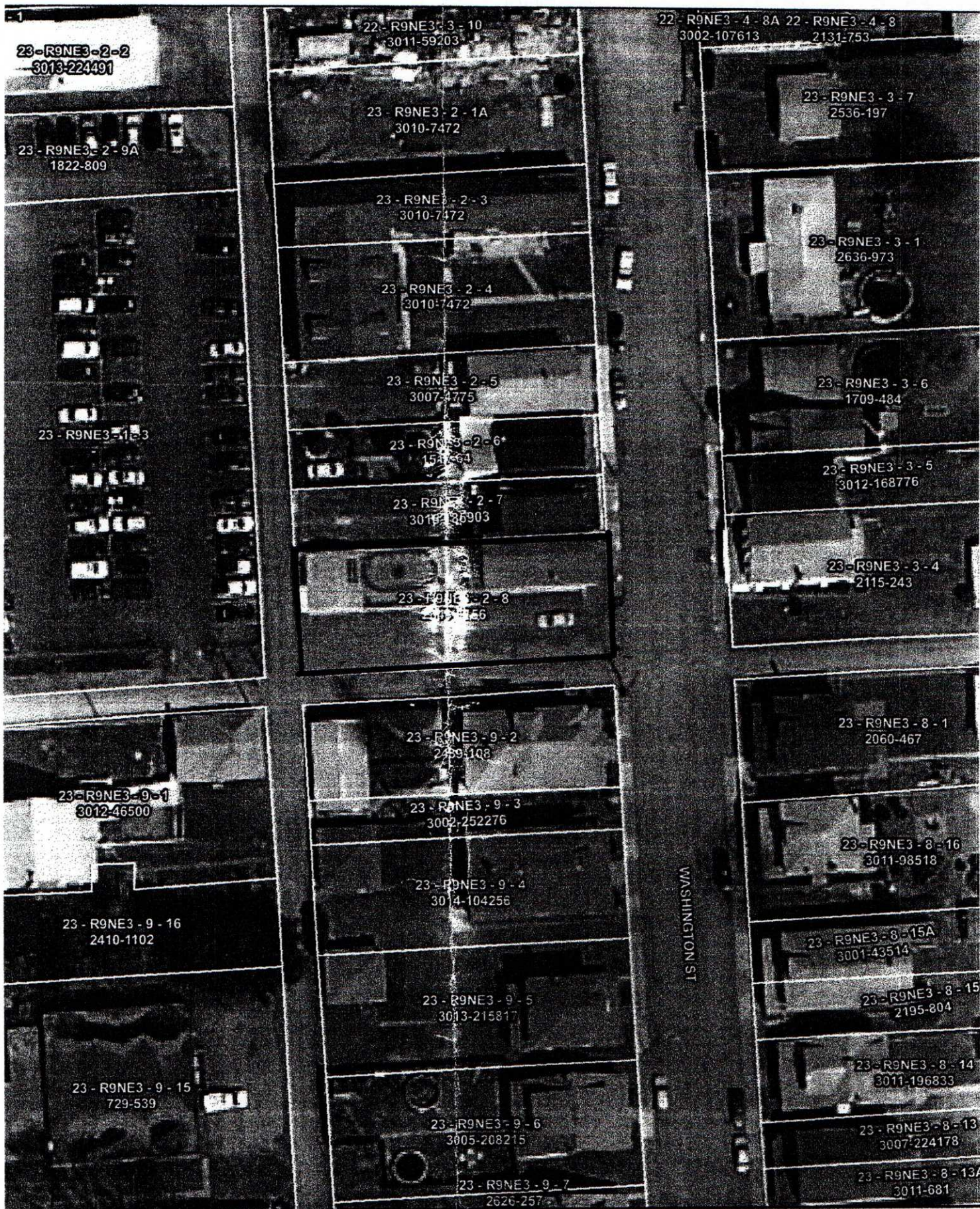
CHAIRPERSON



VICE-CHAIRPERSON

SUPERVISOR



This map has been prepared for ASSESSMENT purposes ONLY - not to provide engineering data.

Luzerne County GIS/Mapping

