

ORDINANCE NO.

2 - 2010

SCHUYLKILL TOWNSHIP

AN ORDINANCE OF SCHUYLKILL TOWNSHIP, SCHUYLKILL COUNTY,  
PENNSYLVANIA PROVIDING THE VACATION OF A PORTION OF FRANKLIN  
STREET IN THE TOWN OF BROCKTON IN SAID TOWNSHIP

MGB  
8/14/11  
VACAT.  
Tryon

Whereas, there appears in an old Schuylkill County atlas a never recorded map of the Village of Patterson, now known as Brockton, in Schuylkill Township, a street identified as Franklin Street, the lines of which have been utilized on the tax maps of the Schuylkill County Assessment Office; and

Whereas, it is unknown whether the portion of Franklin Street lying between Valley Street and Schuylkill Street depicted on said map was ever opened and used by the public but such portion is not now used by the public, nor needed for public use and travel; and

Whereas, it is the opinion of the Board of Supervisors that it is in the best interest of the Township that this portion of Franklin Street should be formally vacated to remove any doubt about its status as a public road and the Township's obligations and liability with respect thereto; and

Whereas, pursuant to the Second Class Township Code the Board of Supervisors, after giving notice required by law, held a public hearing on May 5, 2010, regarding the adoption of an ordinance to vacate this portion of Franklin Street;

NOW, THEREFORE, pursuant to the provisions of the Second Class Township Code, the Schuylkill Township Board of Supervisors hereby ordains as follows:

1. To the extent that it has the status of a public road, the portion of Franklin Street in the Town of Brockton, Schuylkill Township, Schuylkill County, Pennsylvania, lying between Valley Street and Schuylkill Street, as more specifically described and depicted on Exhibit A attached

hereto, is hereby vacated as a public road and closed to public use and travel.

2. Upon enactment of this Ordinance, Schuylkill township shall have no liability or responsibility with respect to maintenance of the portion of Franklin Street vacated hereby.

3. The Schuylkill Township Board of Supervisors are hereby authorized to take any further action which may be deemed necessary in connection with the vacation of this portion of Franklin Street.

4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Duly adopted at the meeting of the Schuylkill Township Board of Supervisors held the 5<sup>th</sup> day of May, 2010.

**TOWNSHIP OF SCHUYLKILL**

BY: \_\_\_\_\_  
Joseph Boran, ~~Chairman~~

BY: Maureen Vanek  
Maureen Vanek, Vice Chairman

**ATTEST:**

BY: Linda Decindio  
Linda Decindio, ~~Secretary~~  
Chair Person

Mary E. Babel  
Mary E. Babel, Secretary

**PUBLIC NOTICE**

Notice is hereby given that the Township of Schuylkill will conduct a public meeting on May 5, 2010, at 7:00 p.m. in the Schuylkill Township Municipal Building, P.O. Box 405, Mary-D, Pennsylvania.

The purpose of the public meeting is to discuss, inform and receive public comments on proposed Ordinances for the Township of Schuylkill. The proposed Ordinance of the Township of Schuylkill, Schuylkill County, Pennsylvania is summarized as follows:

**AN ORDINANCE OF SCHUYLKILL TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA PROVIDING THE VACATION OF A PORTION OF FRANKLIN STREET LYING BETWEEN VALLEY STREET AND SCHUYLKILL STREET IN THE TOWN OF BROCKTON IN SAID TOWNSHIP**

*VACATE*

Complete copies of the proposed Ordinance is available for public inspection at the Township Municipal Building located at P.O. Box 405, Mary-D, Pennsylvania, The Schuylkill County Law Library, 4<sup>th</sup> Floor, 401 North 2<sup>nd</sup> Street, Pottsville, Pennsylvania and The Times News, Tamaqua Office, Broad and Pine Streets, Tamaqua, Pennsylvania.

*TYPE*

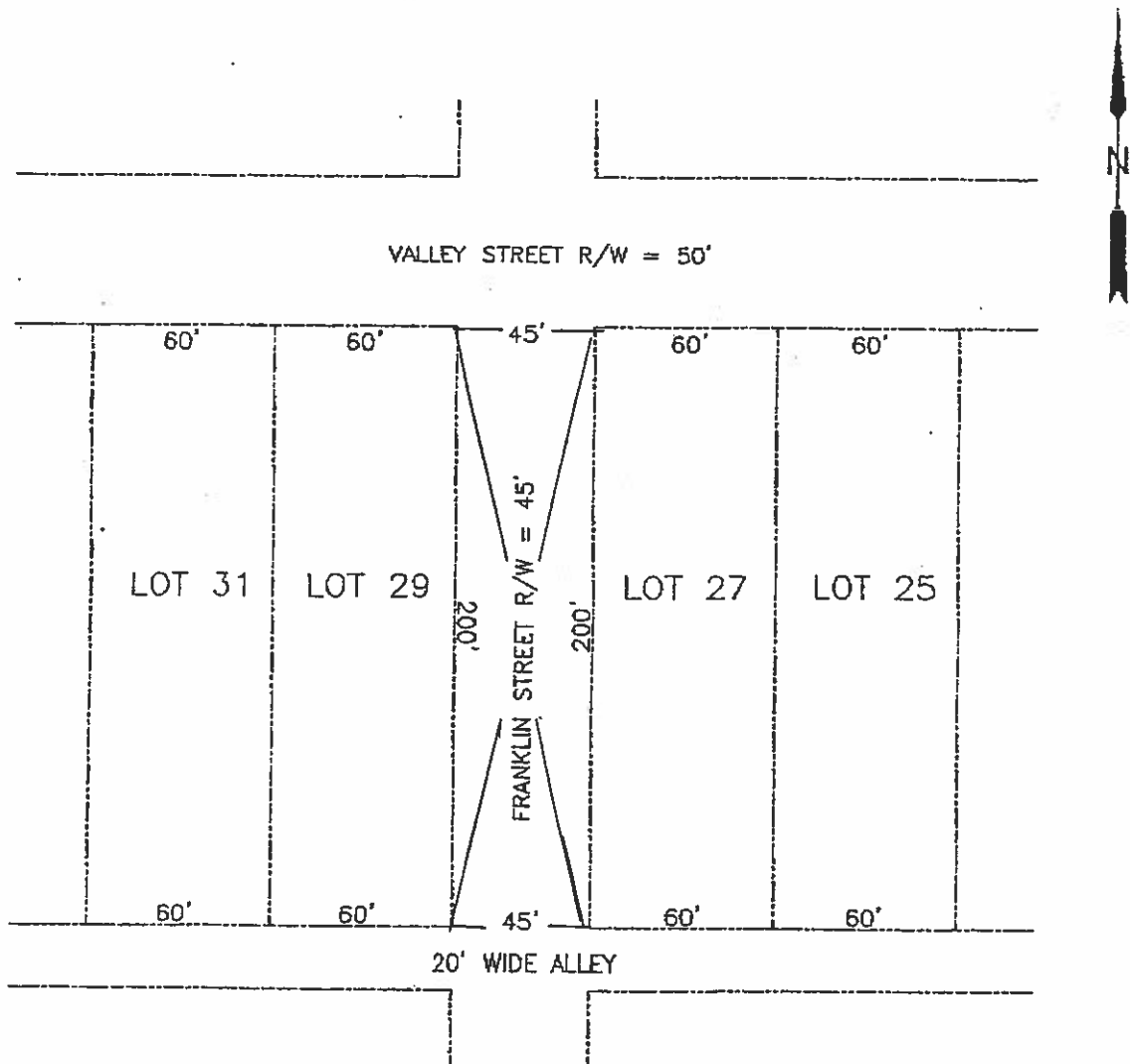
MICHAEL S. GREEK, ESQUIRE  
SOLICITOR  
TOWNSHIP OF SCHUYLKILL  
42 East Patterson Street  
P.O. Box 19  
Lansford, PA 18232

*ME*  
*8/14/13*

### EXHIBIT "A"

ALL THAT CERTAIN piece or parcel of land situate in the Town of Brockton (formerly known as Patterson) in Schuylkill Township, Schuylkill County, Pennsylvania, bounded and described as follows:

**BEGINNING** at the southeast corner of Valley and Franklin Streets, thence along the east line of Franklin Street in a southerly direction a distance of two hundred feet to the northeast corner of Schuylkill and Franklin Streets, thence crossing Franklin Street in a westerly direction a distance of fifty feet to the northwest corner of Schuylkill and Franklin Streets, thence along the west line of Franklin Street in a northerly direction a distance of two hundred feet to the southwest corner of Valley and Franklin Streets, thence crossing Franklin Street in an easterly direction a distance of fifty feet to the southeast corner of Valley and Franklin Streets, the place of beginning.



### SKETCH PLAN OF FRANKLIN STREET

LOCATED IN THE VILLAGE OF BROCKTON, SCHUYLKILL TOWNSHIP, SCHUYLKILL COUNTY, PA.  
REFERENCE: PLAN OF THE TOWN OF PATTERSON (NOW BROCKTON) LAID OUT BY SAMUEL LEWIS, CIVIL ENGINEER, IN 1846

SCALE 1 INCH = 60 FEET

TO: Lawrence C. Dahm  
and Brian P. Dahm  
49 Valley Street  
Brockton, PA 17925

**NOTICE**

The Supervisors of Schuylkill Township intend to hold a hearing pursuant to Section 2304 and 2305 of the Second Class Township Code to determine whether they should vacate a portion of Franklin Street in the Town of Brockton, Schuylkill County, Pennsylvania.

BE ADVISED that the hearing will be held on the 5<sup>th</sup> day of May, 2010 at 7:00 p.m. at the Schuylkill Township Municipal Building, P.O. Box 405, Mary-D, Pennsylvania to hear from any and all interested persons concerning the vacating of a portion of Franklin Street in the Town of Brockton, in Schuylkill Township. A map is attached showing the location of that portion of Franklin Street in relationship to the adjoining property owners.

The records of the County Assessment Office indicate that your property, specifically Tax Map 27-09-0106.000, is contiguous to the portion of the roadway that may be abandoned. As a contiguous landowner you are hereby given notice as provided pursuant to Section 2304 and 2305 of the Second Class Township Code.

Michael S. Greek, Esquire  
Solicitor for Schuylkill Township  
42 East Patterson Street  
Lansford, PA 18232

**MICHAEL S. GREEK**  
**ATTORNEY-AT-LAW**

42 EAST PATTERSON STREET  
P.O. Box 19  
LANSFORD, PENNSYLVANIA 18232

PHONE: (570) 645-2200  
FAX: (570) 645-2202

April 19, 2010

COPY

Wendy M. Ritzko  
P.O. Box 113  
Brockton, PA 17925

**RE: Ordinance Vacating Portion of Franklin Street**  
**Parcel No's 27-09-0106.000 & 27-09-0109.000**  
**Our File No. 7000-2**

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Dear Mrs. Ritzko:

This office represents the Township of Schuylkill. Schuylkill Township will be holding a public meeting on **May 5, 2010 at 7:00 p.m.** to act on a proposed ordinance which would vacate a portion of Franklin Street. What that means is the Township will be abandoning the road for public purposes. Their property would no longer be designated as a Township or public right-of-way and would revert by operation of law to the neighboring property owners. I have enclosed a copy of the Notice and the Proposed Ordinance for your review. If you wish to discuss this matter, you can contact this office or appear in person where the Township will consider and vote on the road vacation.

Thank you for your consideration and cooperation in this matter.

Very sincerely yours,

Michael S. Greek

MSG/mln

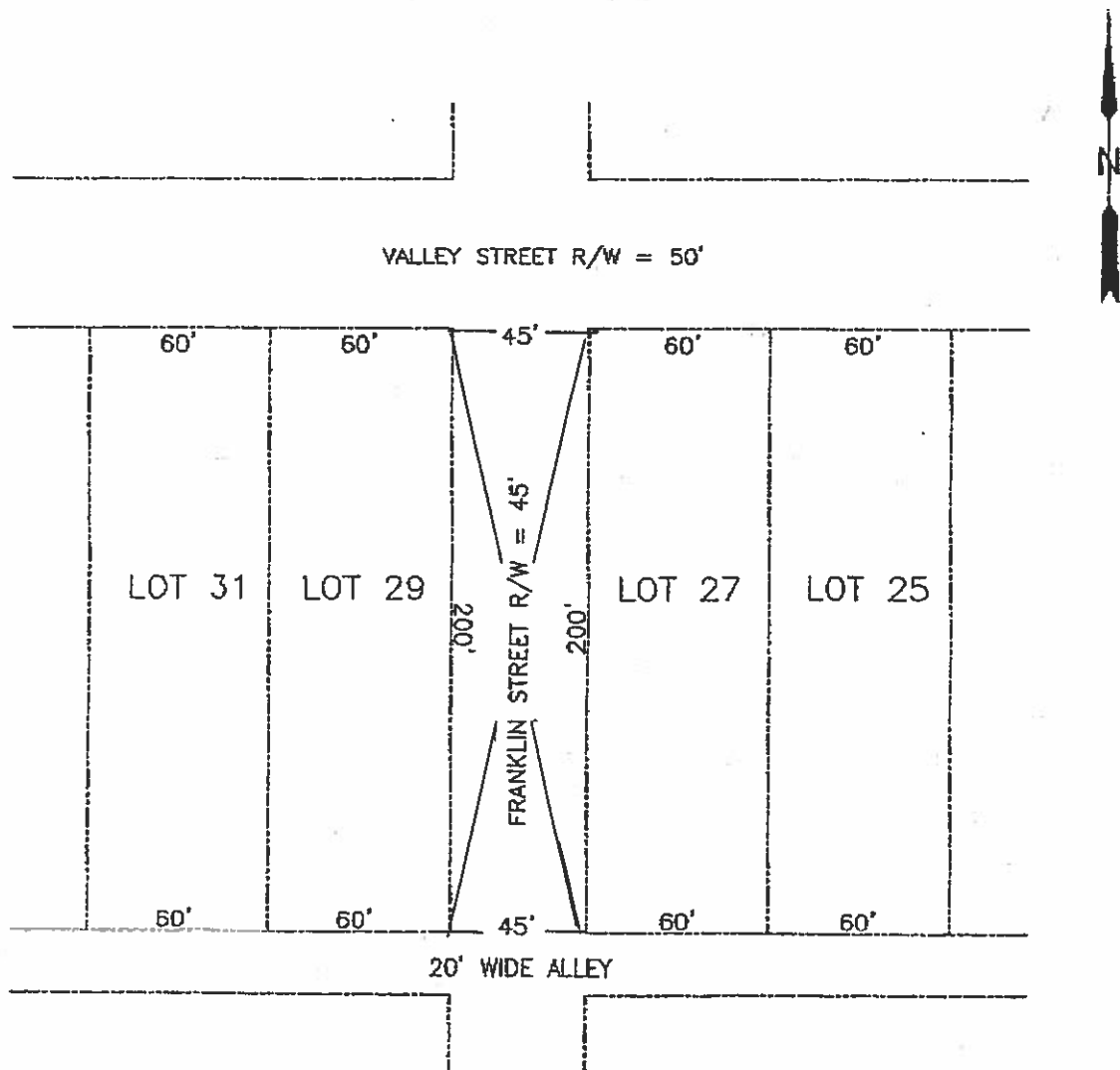
Enclosures

cc: Township of Schuylkill(w/encl.)  
Joseph A. McKeena, Esquire(w/encl.)  
Eric M. Mika, Esquire(w/encl.)

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