

BOROUGH OF MECHANICSBURG

CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1180

**AN ORDINANCE OF THE BOROUGH OF MECHANICSBURG,
CUMBERLAND COUNTY, PENNSYLVANIA VACATING PORTIONS OF
UNUSED PUBLIC RIGHTS-OF-WAY, BEING PORTIONS OF MONROE
ALLEY AND WEST KING ALLEY, PURSUANT TO SECTION 1724 OF
THE BOROUGH CODE, 8 Pa.C.S. §1724(a).**

WHEREAS, Mechanicsburg Volunteer Fire Department (“MVFD”) is the owner of five (5) contiguous parcels of land comprising in the aggregate +/- 1.13 acres of land identified as 333 West Simpson Street (Lot 1) (Tax Parcel No. 16-23-0565-004), 329 West Simpson Street (Lot 2) (Tax Parcel No. 20-24-0785-282EX), 200 South York Street (Lot 3) (Tax Parcel No. 20-24-0785-281), 206/208 South York Street (Lot 4) (Tax Parcel No. 20-24-0785-280EX), and 212 South York Street (Lot 5) (Tax Parcel No. 20-24-0785-278), all located within the Borough of Mechanicsburg, said Lots being depicted in the “Preliminary Schematic Site Plan for Mechanicsburg Volunteer Fire Department” dated September 30, 2022, prepared by Cianfichi School Engineering, attached hereto as Exhibit A; and

WHEREAS, MVFD has undertaken steps to develop Lots 1 through 5 for the construction of a new fire station to serve the needs of residences and businesses located in the Borough of Mechanicsburg and beyond (the “Project”); and

WHEREAS, an unopened public right-of-way, municipally known as Monroe Alley, bisects Lots 2 through 5, and an unopened public right-of-way, municipally known as West King Alley, runs along Lots 1 and 2 all of which MVFD seeks to vacate and cancel in order to facilitate construction of the Project; and

WHEREAS, the aforementioned portions of Monroe Alley and West King Alley have been laid out on the plan of streets for the Borough of Mechanicsburg but have remained unopened for in excess of ten (10) years; and

WHEREAS, MVFD filed a Petition to Vacate Unused Public Right-of-Way dated February 22, 2023, with the Borough of Mechanicsburg seeking to vacate and cancel the aforementioned portions of Monroe Alley and West King Alley; and

WHEREAS, Jeffrey O. Gates and Donna M. Gates are the owners of record of 111 South Washington Street (Tax Parcel No. 20-24-0785-284), which said tract is adjacent to and located to the south of that portion of West King Alley that MVFD seeks to vacate and cancel; and

WHEREAS, Council for the Borough of Mechanicsburg conducted a public hearing on June 6, 2023, on the possible vacation and cancelation of the aforementioned public rights-of-way after having given proper notice of said hearing in compliance with Section 1724 of the Borough Code, 8 Pa.C.S. §1724; and

WHEREAS, Council for the Borough of Mechanicsburg has concluded that it is in the best interest of the health, safety and welfare of the residents and business owners of the Borough of Mechanicsburg to vacate and cancel the aforementioned portions of Monroe Alley and West King Alley.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council for the Borough of Mechanicsburg as follows:

1. **Background.** The background set forth above is incorporated herein by reference.
2. **Vacation of Portion of Monroe Alley.** Pursuant to authority under Section 1724 of the Borough Code, 8 Pa.C.S. §1724, that portion of Monroe Alley depicted in the plan entitled "Unopened Street Exhibit for Monroe Alley" dated June 13, 2022, prepared by Rettew Associates, Inc., attached hereto as Exhibit B, and as more accurately set forth in the legal description set forth in Exhibit C, both of which exhibits are incorporated herein by reference, is hereby VACATED AND CANCELED.
3. **Vacation of Portion of West King Alley.** Pursuant to authority under Section 1724 of the Borough Code, 8 Pa.C.S. §1724, that portion of West King Alley depicted in the plan entitled "Unopened Street Exhibit for West King Alley" dated May 25, 2022, prepared by Rettew Associates, Inc., attached hereto as Exhibit D, and as more accurately set forth in the legal description set forth in Exhibit E, both of which exhibits are incorporated herein by reference, is hereby VACATED AND CANCELED.
4. **Recording.** This ordinance shall be filed in the Office of the Recorder of Deeds for Cumberland County, Pennsylvania in accordance with Section 1721.2(d) of the Borough Code, 8 Pa.C.S. §1721.2(d).
5. **Effective Date.** This ordinance shall become effective at the earliest time permitted under Pennsylvania law.

[Remainder of page intentionally left blank.]

ENACTED and ORDAINED by the Council of the Borough of Mechanicsburg this 6th day of June, 2023.

ATTEST:

BOROUGH OF MECHANICSBURG

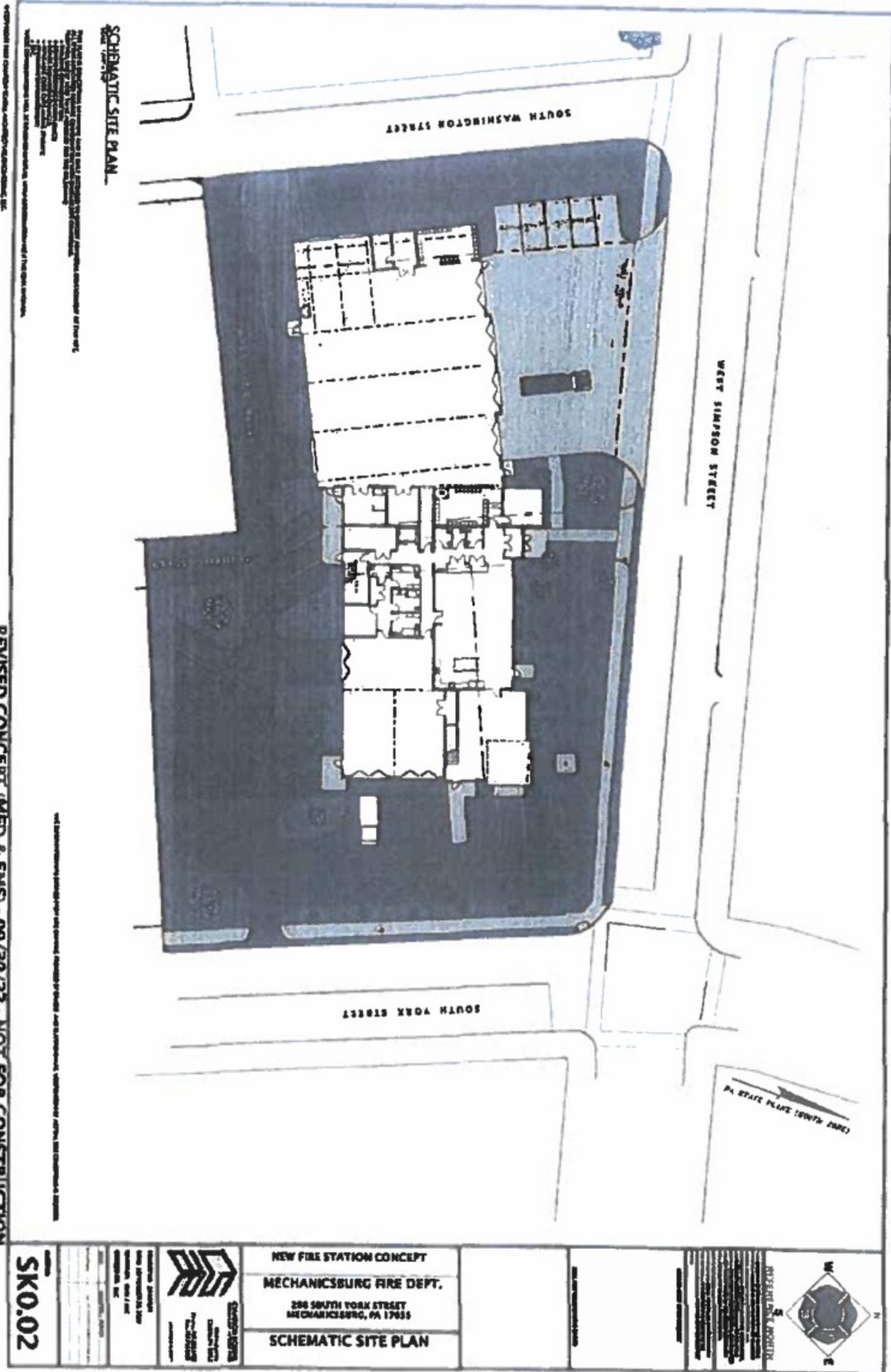

Secretary


~~(Vice)~~ President

Approved this 6th day of June, 2023


Mayor

EXHIBIT A



SCHEMATIC SITE PLAN

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE CONSULTING ENGINEER AND ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF THE CONSULTING ENGINEER AND ARCHITECT IS PROHIBITED.

REVISED CONCEPT (MFD & EMS) - 09/30/22 - NOT FOR CONSTRUCTION

	<p>NEW FIRE STATION CONCEPT MECHANICSBURG FIRE DEPT. 286 SOUTH YORK STREET MECHANICSBURG, PA 17055</p>	
	<p>SCHEMATIC SITE PLAN</p>	
<p>SKO.02</p>	<p>DATE: 09/30/22</p>	<p>SCALE: AS SHOWN</p>

EXHIBIT A

EXHIBIT B

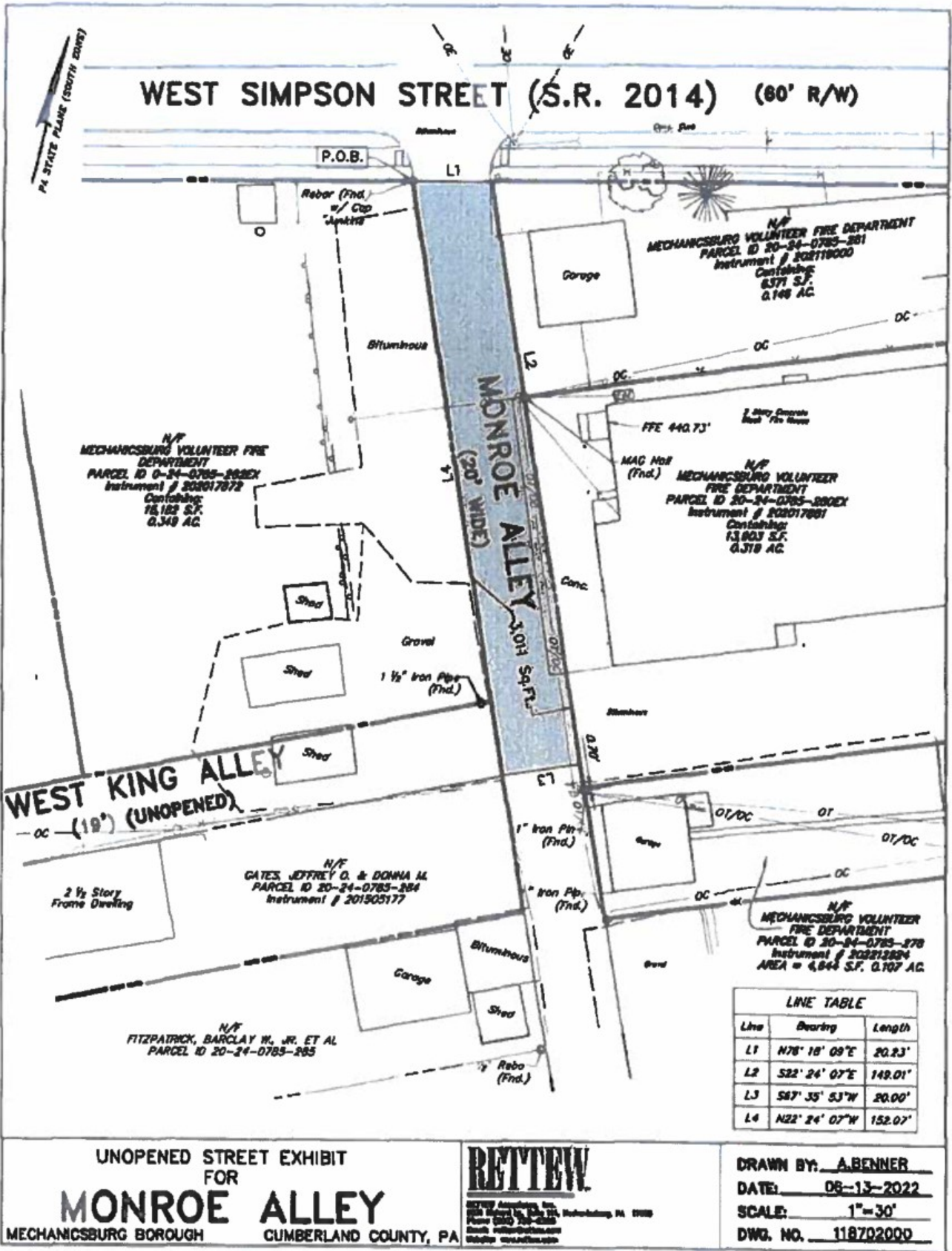


EXHIBIT C

LEGAL DESCRIPTION

ALL THAT CERTAIN parcel of land located in Mechanicsburg Borough, Cumberland County, Commonwealth of Pennsylvania; as shown on an exhibit prepared by RETTEW Associates, Inc., dated June 13, 2022 and being more fully bounded and described as follows:

BEGINNING at an existing rebar with a cap labeled "Junkins" found in the southerly right of way line of West Simpson Street (S.R. 2014) (60 feet wide) at the northeast corner of lands now or formerly of the Mechanicsburg Volunteer Fire Department, as described in Instrument number 202017872 and recorded in the Recorder of Deeds office in the Cumberland County Courthouse;

Thence along the southerly right of way line of West Simpson Street, N 76° 18' 09" E a distance of 20.23 feet to the easterly right of way line of Monroe Alley (20 feet wide) at the northwest corner of other lands now or formerly of Mechanicsburg Volunteer Fire Department as described in Instrument # 202119000;

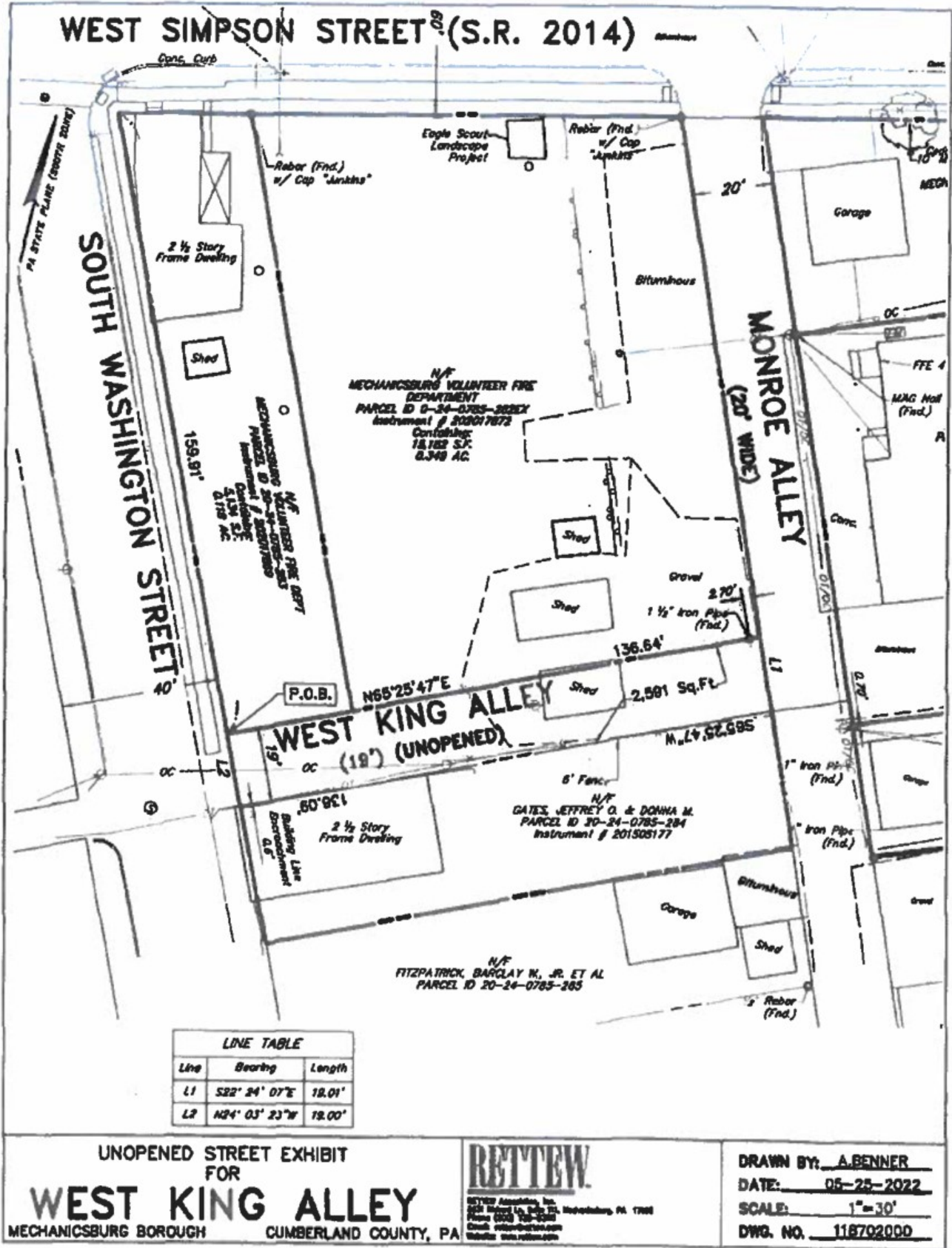
Thence along the westerly Mechanicsburg Volunteer Fire Department as described in Instrument # 202119000 and other lands now or formerly of Mechanicsburg Volunteer Fire Department as described in Instrument # 202017881, S 22° 24' 07" E a distance of 149.01 feet;

Thence crossing the existing 20 foot wide right of way of Monroe Alley S 67° 35' 53" W a distance of 20.00 feet to the northeasterly corner of the lands now or formerly of Jeffrey O. & Donna M. Gates as recorded in Instrument # 201505177 at the southeast corner of West King Alley (un-opened) (19 feet wide) (to be vacated);

Thence along the easterly line of West King Alley (un-opened) and lands now or formerly of the Mechanicsburg Volunteer Fire Department, as described in Instrument number 202017872 N 22° 24' 07" W a distance of 152.07 feet to the southerly right of way line of West Simpson Street, the POINT OF BEGINNING;

The above described land being a portion of Monroe Alley (20 feet wide) Containing 3,011 square feet.

EXHIBIT D



UNOPENED STREET EXHIBIT
FOR
WEST KING ALLEY
MECHANICSBURG BOROUGH CUMBERLAND COUNTY, PA

REVIEW
REVIEW Associates, Inc.
2021 Walnut St., Suite 201, Mechanicsburg, PA 17055
Phone: (717) 766-0201
Email: info@review.com
Website: www.review.com

DRAWN BY: A. BENNER
DATE: 05-25-2022
SCALE: 1" = 30'
DWG. NO. 118702000

EXHIBIT E

LEGAL DESCRIPTION

ALL THAT CERTAIN parcel of land located in Mechanicsburg Borough, Cumberland County, Commonwealth of Pennsylvania; as shown on an exhibit prepared by RETTEW Associates, Inc., dated May 25, 2022 and being more fully bounded and described as follows:

BEGINNING at a point in the easterly right of way line of South Washington Street (40 feet wide) at the southwest corner of lands now or formerly of the Mechanicsburg Volunteer Fire Department, as described in Instrument number 202017869 and recorded in the Recorder of Deeds office in the Cumberland County Courthouse, said point being located 159.91 feet south of the intersection of the southerly right of way line of West Simpson Street (S.R. 2014) (60 feet wide) with the easterly right of way line of South Washington Street;

Thence along the southerly line of said lands and the southerly line of other lands of Mechanicsburg Volunteer Fire Department described in Instrument number 202017872, N 65° 25' 47" E a distance of 136.64 feet to the westerly right of way line of Monroe Alley (20 feet wide) (to be vacated) at the southwest corner Lands of Mechanicsburg Volunteer Fire Department passing through a 1 ½" iron pipe found 2.7 feet from the end of the aforementioned course and distance;

Thence along the westerly right of way line of Monroe Alley S 22° 24' 07" E a distance of 19.01 feet to the northeast corner of lands now or formerly of Jeffrey O. & Donna M. Gates as described in Instrument number 201505177 and recorded in the recorder of deeds office in the Cumberland County Courthouse;

Thence along the northerly line of the lands now or formerly of Jeffrey O. & Donna M. Gates S 65° 25' 47" W a distance of 136.09 feet to the easterly right of way line of South Washington Street;

Thence along the easterly right of way line of South Washington Street N 24° 03' 23" W a distance of 19.00 feet to the POINT OF BEGINNING;

The above described land being an un-opened portion of West King Alley (19 feet wide) Containing 2,591 square feet.