

**BOROUGH OF MIFFLINBURG
UNION COUNTY, PENNSYLVANIA**

ORDINANCE NO: 2023 - 01

AN ORDINANCE OF THE BOROUGH OF MIFFLINBURG, UNION COUNTY, PENNSYLVANIA, VACATING A PORTION OF THE CUL-DE-SAC OF OAK AVENUE IN THE BOROUGH OF MIFFLINBURG, UNION COUNTY, PENNSYLVANIA

WHEREAS, in connection with the planned extension of Oak Avenue, Dave and Cindy Gutelius (“Gutelius”) have requested the Borough of Mifflinburg (“Borough”) vacate the remaining portion of the Oak Avenue cul-de-sac owned by the Borough to accommodate the extension of the cul-de-sac by Gutelius; and,

WHEREAS, Gutelius is the record owner of tracts of land situate along Oak Avenue located to the southwest of its intersection with North 8th Street in the Borough of Mifflinburg (“Borough”); and,

WHEREAS, Oak Avenue extends southwest from its intersection with North 8th Street and ends in a cul-de-sac circle;

WHEREAS, the Borough previously vacated a portion of Oak Avenue to Gutelius, leaving only the cul-de-sac circle in ownership of the Borough; and,

WHEREAS, the remaining portion of Oak Avenue ending in a cul-de-sac circle is unused by the public and is surrounded by lands owned by Gutelius; and,

WHEREAS, Gutelius has presented a final Land Development Plan (the “Plan”) for the Oak Avenue Subdivision Extension to the Borough Planning Commission that requires the Borough to vacate the remaining portion of the cul-de-sac to accommodate the extension of Oak Avenue; and,

WHEREAS, conditional approval of the Plan by the Borough Planning Commission requires the Borough to vacate said remaining portion of the Oak Avenue cul-de-sac; and,

WHEREAS, the Borough Code in Section 1731, 8 Pa.C.S. § 1731, authorizes the Borough to vacate a street or portion thereof by ordinance if, after due notice to all property owners affected and advertisement in a newspaper of general circulation, it is deemed prudent and advisable in the judgment of Borough Council to so vacate such street or portion thereof; and,

WHEREAS, after advertisement in a newspaper of general circulation and due notice to all affected property owners, Borough Council of the Borough of Mifflinburg has determined that it is necessary and proper to vacate the hereinafter described cul-de-sac of Oak Avenue subject to the provisions of this Ordinance.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of Mifflinburg, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section 1

The Borough of Mifflinburg, Union County, Pennsylvania, does hereby vacate all that certain tract of land comprising the cul-de-sac of Oak Avenue, as shown in Exhibit "A", to accommodate the proposed extension of the Oak Avenue cul-de-sac by Gutelius, as depicted on Exhibit "B", which are both attached hereto and made a part hereof.

Section 2

Upon the vacation and abandonment of the aforesaid cul-de-sac of Oak Avenue, title to the cul-de-sac so vacated shall revert to Gutelius as the owner of the abutting properties.

Section 3

The President or Vice President of Borough Council and the Secretary or Assistant Secretary of the Borough are hereby authorized and empowered to execute any quitclaim deeds, deed of dedication, or releases which may be necessary or desirable in the opinion of the Borough to clarify and establish title to the aforesaid abutting owner of the right-of-way vacated and abandoned by this Ordinance.

Section 4

In the event any provision, section, sentence, clause or part of this Ordinance is held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 5


This Ordinance shall take effect and be in force from and after its enactment as provided by law.

ORDAINED and **ENACTED** this 21st day of February, 2023 by the Borough Council of the Borough of Mifflinburg, Union County, Pennsylvania.

ATTEST:

BOROUGH OF MIFFLINBURG

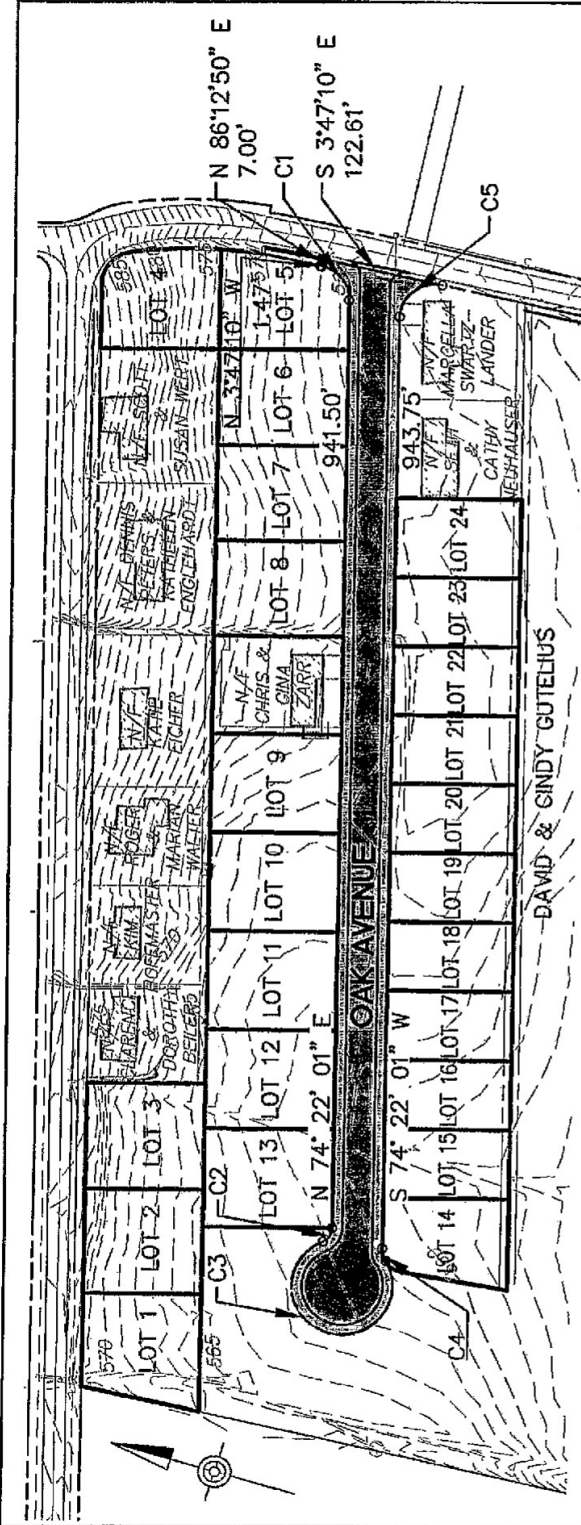
Margaret A. Metzger
Margaret A. Metzger, Secretary

By: 
Richard J. Fry, President

Approved this 21st day of February 2023

David Cooney
David Cooney, Mayor

Ex. "A"



NOTE:
 OAK AVENUE DEDICATION INCLUDES UTILITIES IN AREA SUCH AS ELECTRIC, SANITARY SEWER, STORM SEWER, AND WATER. ANY UTILITIES OUTSIDE OF OAK AVENUE ARE SHOWN IN SEPARATE EXHIBITS.

AREA = 57,946.9007 SQ. FT. OR 1.3303 ACRES.



SCALE 1" = 150'

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	47.74'	35.00'	78° 09' 00"	S 35° 17' 25" W	44.13'
C2	17.31'	15.00'	66° 07' 52"	S 72° 34' 01" E	16.37'
C3	242.46'	50.00'	277° 50' 23"	N 01° 34' 45" E	65.71'
C4	13.61'	25.77'	30° 15' 00"	S 57° 44' 32" W	13.46'
C5	62.21'	35.00'	101° 51' 00"	S 54° 42' 34" E	54.34'

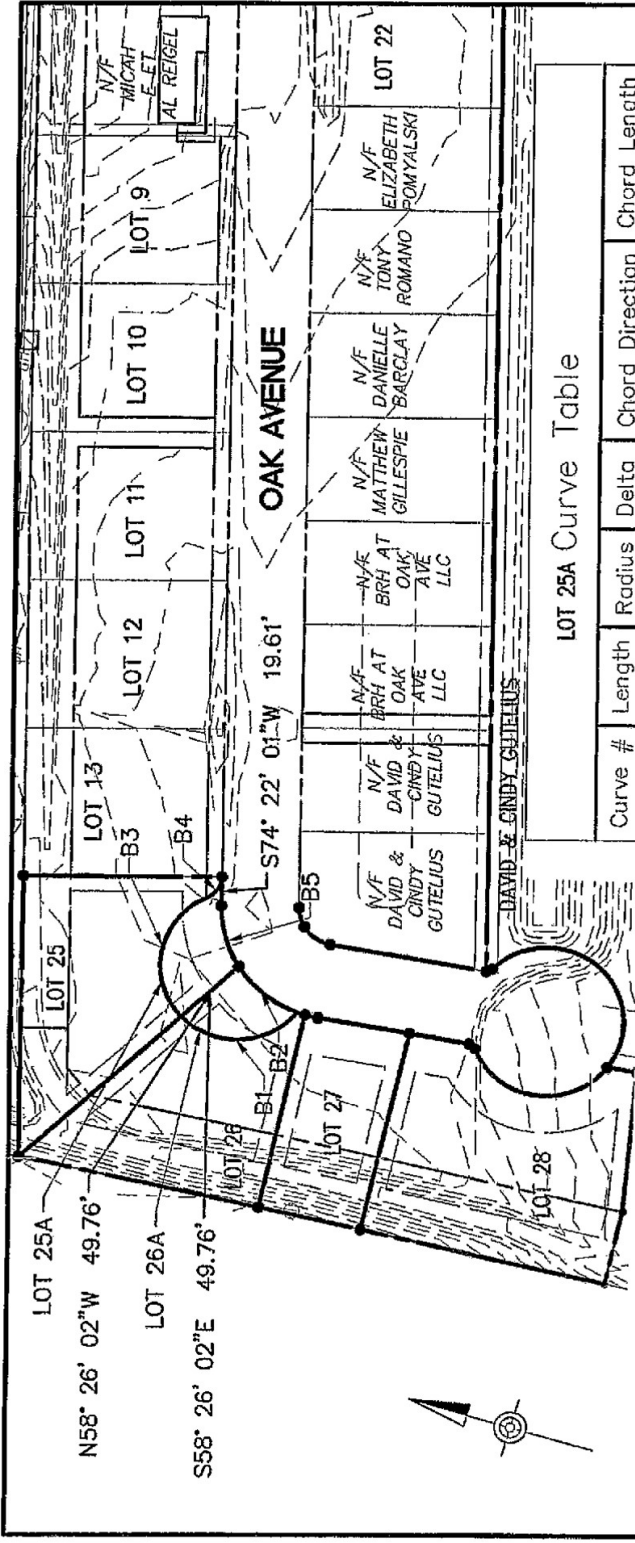
DATE: 02.23.2018
 SHEET NO: **EXHIBIT C**
 PROJECT NO: 11187-001
 SCALE: AS SHOWN

OAK AVENUE DEDICATION EXHIBIT
 EIGHTH STREET SUBDIVISION
 FOR
 DAVE AND CINDY GUTELIUS

Architects Engineers Surveyors
 1780 Route 522
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Ex. "B"



NOTE:
OAK AVENUE DEDICATION INCLUDES UTILITIES IN AREA SUCH AS ELECTRIC, SANITARY SEWER, STORM SEWER, AND WATER. ANY UTILITIES OUTSIDE OF OAK AVENUE ARE SHOWN IN SEPARATE EXHIBITS.

LOT 25A AREA = 2,564.4792 SQ. FT. OR 0.0589 ACRES.
LOT 26A AREA = 1,936.9540 SQ. FT. OR 0.0445 ACRES.



SCALE: 1" = 100'

LOT 25A Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
B1	84.41	50.02	96.69	N18° 14' 40"W	74.75
B2	49.67	75.84	37.53	S22° 54' 40"W	48.79

LOT 26A Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
B3	96.31	50.00	110.36	N85° 18' 27"E	82.10
B4	17.32	15.04	65.99	S72° 35' 33"E	16.38
B5	43.22	75.79	32.67	S58° 01' 31"W	42.64

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OAK AVENUE VACATION EXHIBIT
OAK AVENUE EXTENSION SUBDIVISION
FOR
DAVE AND CINDY GUTELIUS

DATE: 11.05.2022
SHEET NO: EXHIBIT B
PROJECT NO: 11187-003
SCALE: AS SHOWN