

**BOROUGH OF NORTH APOLLO**

**ORDINANCE NO. 299 OF 2008**

**AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COUNTY OF ARMSTRONG AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE VACATING OF THAT PORTION OF 20<sup>th</sup> STREET LOCATED EAST OF MOORE AVENUE.**

**WHEREAS**, the Borough Council of North Apollo Borough has researched its records and cannot find any record of ever having accepted the entire length of 20<sup>th</sup> Street; and,

**WHEREAS**, there is an issue as to whether or not the portion of 20<sup>th</sup> Street located East of Moore Avenue is a public thoroughfare in the Borough of North Apollo; and,

**WHEREAS**, the Borough Council of North Apollo Borough has never received any Liquid Fuels Tax Allocation for that portion of 20<sup>th</sup> Street located East of Moore Avenue; and,

**WHEREAS**, the portion of 20<sup>th</sup> Street West of Moore Avenue, is a public street and the Borough does receive Liquid Fuels Tax Allocation for that portion of 20<sup>th</sup> Street; and,

**WHEREAS**, the Borough Council of North Apollo Borough does have a storm sewer which parallels that portion of 20<sup>th</sup> Street, located East of Moore Avenue;

**NOW THEREFORE**, be it enacted and ordained by the Borough Council of North Apollo Borough, County of Armstrong, and Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of same, as follows:

Article 1: All of that portion of 20<sup>th</sup> Street located East of Moore Avenue shall be vacated pursuant to Section 1741 of the Borough Code of the Commonwealth of Pennsylvania.

Article 2: The Borough Council of North Apollo Borough shall retain its ownership interest in the right of way and storm sewer owned by the Borough Council of North Apollo Borough which parallels that section of 20<sup>th</sup> Street which is being vacated pursuant to this Ordinance.

Article 3: This Ordinance shall be effective forty (40) days from the date of its enactment pursuant to Section 1741 of the Borough Code of the Commonwealth of Pennsylvania.

Article 4: Should any paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect.

Article 5: All ordinances or resolutions conflicting with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED THIS 2<sup>nd</sup> DAY OF September, 2008.

**BOROUGH COUNCIL OF NORTH APOLLO**

BY: *Thomas Newton*  
**THOMAS NEWTON,**  
Council President

ATTESTING:

*Edward L. Stitt Jr.*  
**EDWARD L. STITT, JR.,**  
Borough Secretary

Examined and approved by me this  
2<sup>nd</sup> day of September, 2008.

*Jack Horneman*  
**JACK HORNEMAN, Mayor**

I hereby certify this to be a true and correct copy of Ordinance 299-2008, duly adopted at an advertised public meeting by North Apollo Borough Council on Tuesday, September 2, 2008, and approved by the Mayor on Tuesday, September 2, 2008.

*Edward L. Stitt Jr.*  
**Edward L. Stitt Jr.**  
Borough Secretary