BOROUGH OF MARYSVILLE

ORDINANCE NO. 665

AN ORDINANCE OF THE BOROUGH OF MARYSVILLE, PERRY COUNTY, PENNSYLVANIA, PROVIDING FOR THE VACATION AND ABANDONMENT TO THE ABUTTING PROPERTY OWNERS OF UNOPENED MYRTLE STREET EXTENSION

WHEREAS, the Pennsylvania Borough Code ("Borough Code"), 8 Pa. C.S. §1732, provides that any person or persons constituting a majority in number and interest of the owners of the real estate abutting upon any street or portion thereof may petition the council to vacate such street or portion thereof; and

WHEREAS, a petition has been made to the Borough Council of the Borough of Marysville ("Council") to vacate the unopened Myrtle Street Extension (the "Street") by The Nature Conservancy, joined in by : John D. Edkin, Jr. and Wendy L. Edkin; Edkin Rentals, LLC; Perry Masonic Temple Association; and Roger A. Barrick and Teresa L. Barrick, being all of the owners of land abutting the Street; and

WHEREAS, the Borough Code 8 Pa. C.S. §1731, directs that Council may by ordinance vacate or close any street or portion thereof previously opened or laid out but that no street or portion thereof that provides the sole means of access to any lot or tract of land shall be vacated unless those to whom access would be denied consent to such vacation; and
WHEREAS, neither the Street nor any portion thereof as described herein provide the sole means of access to any lot or tract of land; and

WHEREAS, the Street is unnecessary for the public convenience, and Petitioners and all owners of land abutting the Street desire to have the Street formally vacated as a public street; and

WHEREAS, Council has held a hearing on the petition after at least fifteen days' notice thereof in a newspaper of general circulation within the Borough of Marysville as directed by the Borough Code, 8 Pa. C.S. §1732.

NOW, THEREFORE, BE IT ENACTED by the Borough Council of the Borough of Marysville and IT IS HEREBY ENACTED, as follows:

Section 1. The Council of the Borough of Marysville, Perry County, Pennsylvania, does hereby vacate and close as a public street of the Borough of Marysville, ALL THAT CERTAIN former Street situate in the Borough of Marysville, more particularly bounded and described on the plan attached hereto as Exhibit "A".

Section 2. The appropriate officers of the Council are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Section 3. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts, or sections hereof. It is hereby declared as the intent of Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.

Section 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 5. This Ordinance shall become effective upon enactment as provided by law.

ADOPTED by the Borough Council of the Borough of Marysville this 22 day of July 2026.

ATTEST:

BOROUGH OF MARYSVILLE
BOROUGH COUNCIL

_____
Secretary

_____
Lance A. Barthel, President

APPROVED this 22 day of July 2026.

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Steven Palmer, Mayor