

05-178-CD

Re: Vacating an unopened portion

BENNETT STREET

In Re: Bennett Street et al  
2005-178-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Vacating an unopened portion of : Road Docket No. 04-178-ED  
Bennett Street :  
: :  
:

**REPORT OF THE BOROUGH COUNCIL OF NEWBURG,**  
**CLEARFIELD COUNTY, PENNSYLVANIA**

TO THE HONORABLE COURT:

The Borough Council of Newburg Borough, Clearfield County, Pennsylvania,  
respectfully represents as follows:

1. That they are the duly elected governing Council of Newburg Borough, Clearfield County, Pennsylvania.
2. That the street vacated is as follows:
  - (a) Being an unopened portion of Bennett Street fifty (50') feet in width and running from Market Street in an easternly direction approximately two hundred (200') feet to an intersection with State Route 36.

**FILED**

FEB 08 2005  
611636  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT TO COPY  
uwsb

(b) That attached hereto and made a part hereof and marked Exhibit "A" is a plot from the Clearfield County Assessment Map with the area having been vacated being marked in red.

3. That this vacation was approved following the request of Marion L. Brink, who owns the abutting property on both sides of the vacated street.

4. That the abutting property owner is Marion L. Brink, who was served with a copy of a Notice of the proposed enactment of the Ordinance affecting the roadway on the 13<sup>th</sup> day of October, 2004. Copy of said Notice is attached hereto and made a part of this Report designated as Exhibit "B".

5. That pursuant to the said Notices and following advertisement as required by law, the Borough Council of Newburg Borough did enact an Ordinance No. 5-2004 on the 10<sup>th</sup> day of November, 2004, copy of which is attached hereto and made a part of this Report designated as Exhibit "C".

6. That prior to the enactment of said Ordinance, a hearing was held at the Borough Building, Newburg Borough, on the 10<sup>th</sup> day of November, 2004 at 6:00 o'clock P.M., at which time no objection to the proposed vacating of said street was raised.

7. That Proof of Publication of the Notice of the meeting and proposed Ordinance is attached hereto as Exhibit "D".

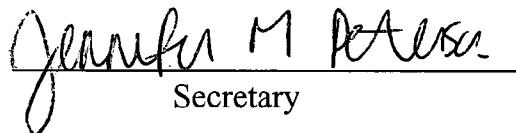
8. That a copy of the Notice of the enactment of the Ordinance affecting said street following approval of the Ordinance on the 10<sup>th</sup> day of November, 2004 was duly advertised. Copy of said Notice is attached hereto and made a part of this Report designated as Exhibit "E".

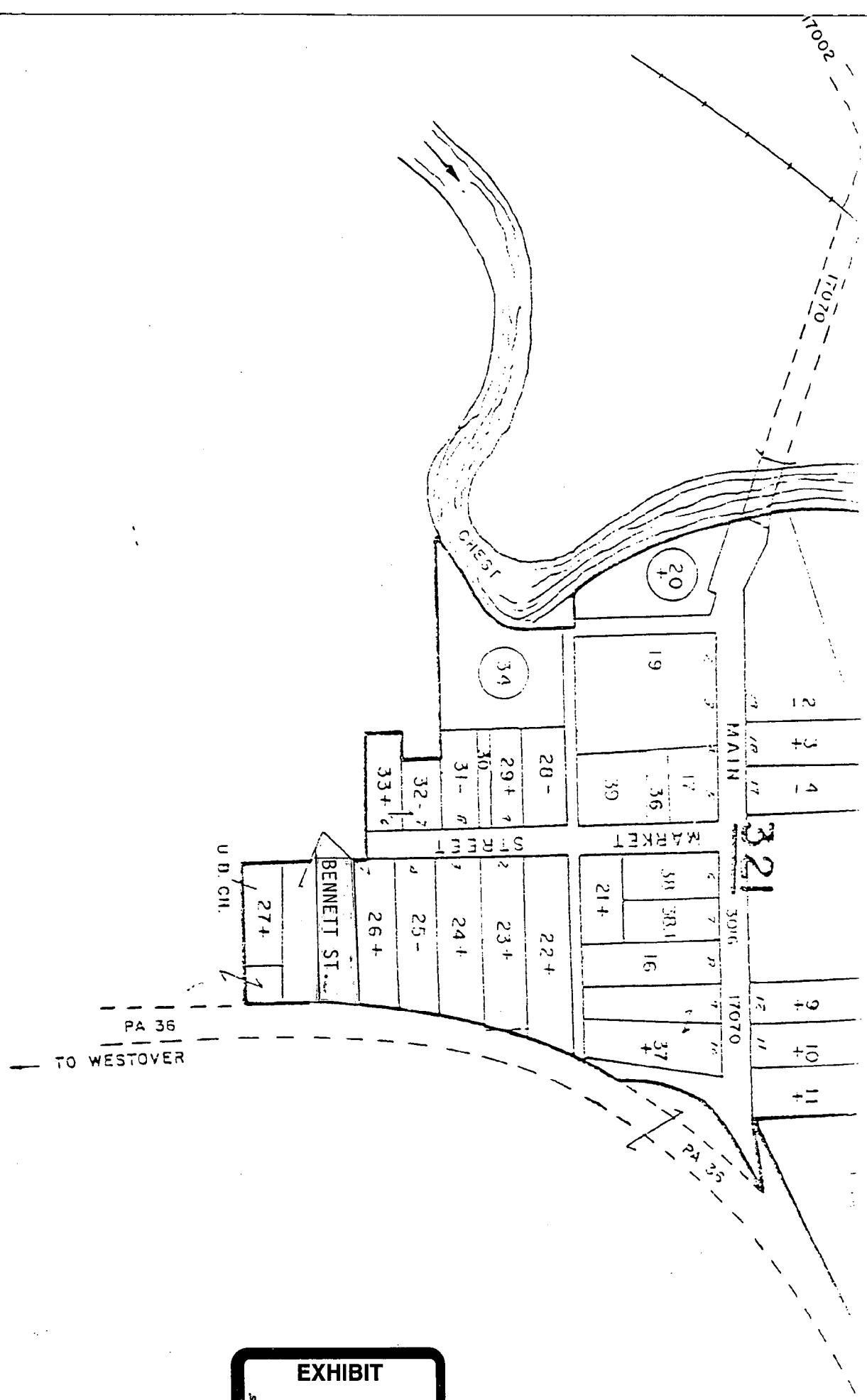
RESPECTFULLY SUBMITTED  
BY:

NEWBURG BOROUGH COUNCIL,  
C L E A R F I E L D C O U N T Y ,  
PENNSYLVANIA  
BY:

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary



**EXHIBIT**

"A"

Law Offices  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
e-mail: [bswlaw@pennswoods.net](mailto:bswlaw@pennswoods.net)  
Writer's direct e-mail: [annwood@pennswoods.net](mailto:annwood@pennswoods.net)

RICHARD A. BELL  
ANN B. WOOD

(814) 765-5537  
Fax: (814) 765-9730

PAUL SILBERBLATT 1954-1985  
F. CORTEZ BELL, JR. 1954-2002

Of Counsel  
Daniel C. Bell

October 12, 2004

RE: Bennett Street,  
Newburg Borough,  
Clearfield County, PA

Marion L. Brink  
92 Market Street  
P.O. Box 6  
LaJose, PA 15753

Dear Mrs. Brink:

Enclosed please find the Notice to you proposing vacation of the unopened portion of Bennett Street in Newburg Borough, Clearfield County, Pennsylvania. Please note that hearing on this proposed action will be held on November 10, 2004 at 6:00 P.M. at the Borough Building.

Very truly yours,

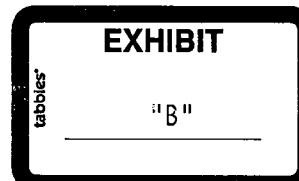
BELL, SILBERBLATT & WOOD  
By:

*Ann B. Wood*

Ann B. Wood

ABW/nms  
Enclosure  
cc: Newburg Borough Council

Certified Mail No. 7002 3150 0000 7860 2962  
Restricted Delivery  
Restricted Delivery



## NOTICE

Notice of proposed vacation of an unopened portion of Bennett Street, Newburg Borough, Clearfield County Pennsylvania, to Marion L. Brink, 92 Market Street, P.O. Box 6, LaJose, PA 15753.

Notice is hereby given that the Borough Council of Newburg Borough will meet at the Borough Building on November 10, 2004, at 6:00 P.M. for a hearing on proposed action to vacate an unopened portion of Bennett Street, being fifty (50') feet in width and running from Market Street in an easterly direction approximately two hundred (200') feet to an intersection with State Route 36.

You are hereby notified that you may appear at that time and place and present your position on the proposed action.

This notice is being given the 12th day of October, 2004.

Ann B. Wood, Esquire  
Solicitor for Newburg Borough

7002 3150 0000 7860 2962

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ <b>37</b>
Certified Fee	<b>2.30</b>
Return Receipt Fee (Endorsement Required)	<b>1.75</b>
Restricted Delivery Fee (Endorsement Required)	<b>3.50</b>
Total Postage & Fees	<b>\$ 7.92</b>

Postmark  
Here

2002 12 18

**Sent To** Marion L. Brink  
Street, Apt. No.;  
or PO Box No. 92 Market Street, P.O. Box 6  
City, State, ZIP+4 LaJose, PA 15753

PS Form 3800, June 2002      See Reverse for Instructions

*Restricted Delivery*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARION L. BRINK  
92 Market Street  
P.O. Box 6  
LaJose, PA 15753

*Restricted Delivery*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature **X Marion L. Brink**  Agent  Addressee

B. Received by (Printed Name) **MARION L. BRINK** C. Date of Delivery **10/13/04**

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label) **7002 3150 0000 7860 2962**

PS Form 3811, August 2001      Domestic Return Receipt      102595-02-M-1540

NEWBURG BOROUGH,  
CLEARFIELD COUNTY, PENNSYLVANIA

ORDINANCE NO. 5-2004

AN ORDINANCE OF THE BOROUGH COUNCIL OF  
NEWBURG BOROUGH, CLEARFIELD COUNTY,  
PENNSYLVANIA, VACATING AN UNOPENED PORTION  
OF BENNETT STREET IN THE BOROUGH.

The Borough Council of Newburg Borough, Clearfield County, Pennsylvania

enacts and ordains as follows:

**SECTION 1.- Declaration of Purpose**

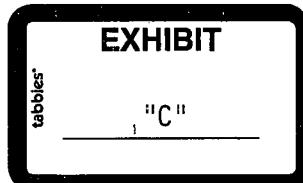
Section 1.01: Whereas, the Borough Code (53 P.S. §46721) permits Borough Council to vacate or close any street or portion thereof previously opened or laid out; and

Section 1.02: Whereas, the Borough Code (53 P.S. §46724) permits the Borough Council to remove any streets that have been laid out, but not opened, for a period of ten (10) years or longer from the plan of streets.

**SECTION 2. -VACATION**

Section 2.01: The Borough Council hereby vacates the section of Bennett Street as follows:

That unopened portion of Bennett Street being fifty (50') feet in width and running from Market Street in an easternly direction approximately two hundred (200') feet to an intersection with State Route 36 as shown in red on the map attached hereto.



SECTION 3.-EFFECTIVE DATE

Section 3.01: This ordinance shall become effective forty (40) days after the date of enactment herein.

Duly enacted this 10<sup>th</sup> day of November, 2004, by the Borough Council of Newburg, Clearfield County, Pennsylvania following hearing and notice as required by the Borough Code (53 P.S. §46741 and §46724), in lawful session duly assembled.

NEWBURG BOROUGH COUNCIL

Attest:

Jennifer M. Peterson  
Secretary of Council

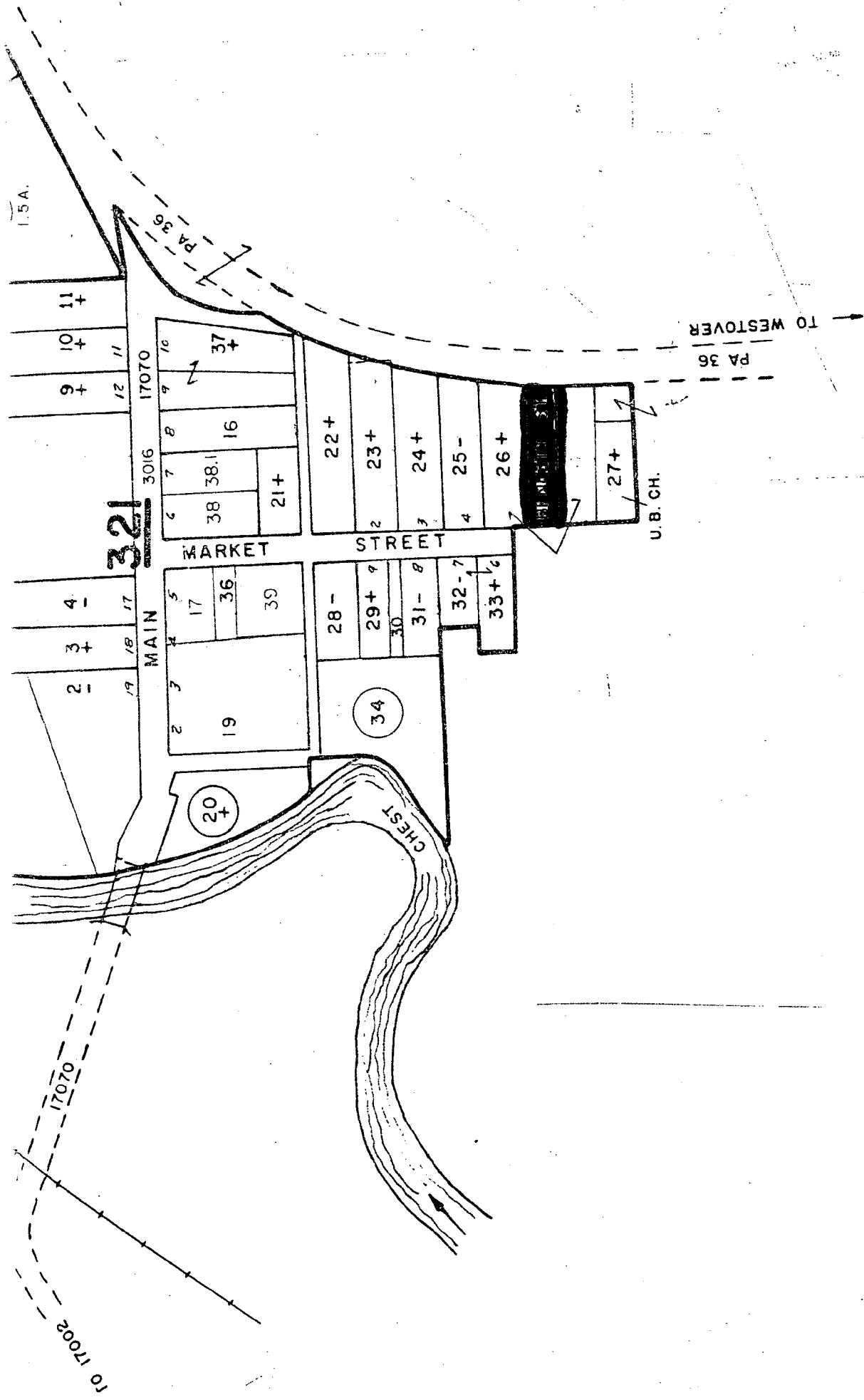
Richard P. Jernod Vice,  
v 10 President of Council

EXAMINED AND APPROVED this 10 day of November, 2004.

Margaret Eppolito  
Mayor

ATTEST:

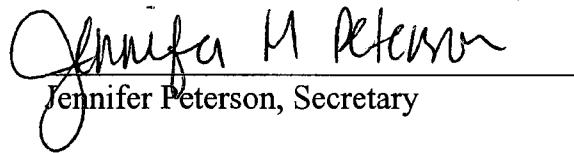
I hereby certify that the foregoing Ordinance was adopted at public meeting on November 10, 2004, by the Newburg Borough Council, Clearfield County, Pennsylvania.



CERTIFICATION

I, the undersigned, Secretary of Newburg Borough, Clearfield County, Pennsylvania, certify that the foregoing is a true and correct copy of an Ordinance of the Board of Newburg Borough Council which was duly enacted by affirmative vote of a majority of all members of the Board of the Newburg Borough at a meeting duly held on November 10, 2004 and approved by the Mayor on November 10, 2004; that said Ordinance has been duly recorded in the Ordinance Book of the Borough; said Ordinance has been duly published, as required by law; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 10 day of November, 2004.

  
\_\_\_\_\_  
Jennifer Peterson, Secretary

ORDINANCE NOTICE

Notice is hereby given that on the 10th day of November, 2004, at 6:00 P.M., at its Regular Meeting at the Borough Building, the Newburg Borough Council intends to discuss and adopt an Ordinance known as:

AN ORDINANCE OF THE BOR-

OUGH COUNCIL OF NEWBURG BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA, VACATING AN UNOPENED PORTION OF BENNETT STREET IN THE BOROUGH.

The Borough Council of Newburg Borough, Clearfield County, Pennsylvania enacts and ordains as follows:

SECTION 1. - Declaration of Purpose

Section 1.01: Whereas, the Borough Code (53 P.S. §46721) permits Borough Council to vacate or close any street or portion thereof previously opened or laid out; and

Section 1.02: Whereas, the Borough Code (53 P.S. §46724) permits the Borough Council to remove any streets that have been laid out, but not opened, for a period of ten (10) years or longer from the plan of street.

SECTION 2. - VACATION

Section 2.01: The Borough Council hereby vacates the section of Bennett Street as follows:

That unopened portion of Bennett Street being fifty (50') feet in width and running from Market Street in an easterly direction approximately two hundred (200') feet to an intersection with State Route 36 as shown in red on the map which is attached to the original Ordinance.

SECTION 3. - EFFECTIVE DATE

Section 3.01: This ordinance

shall become effective forty (40) days after the date of enactment herein.

A Public Hearing on the proposed vacation shall be held on the 10th day of November, 2004 at 6:00 P.M. at the Borough Building.

Ann B. Wood, Esquire  
Newburg Borough Solicitor

10:20-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

: SS:

COUNTY OF CLEARFIELD

On this 20th day of October, A.D. 2004, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of October 20, 2004

And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison

COMMONWEALTH OF PENNSYLVANIA

Notary Public

Clearfield, Pa.

Notarial Seal

My Commission Expires  
October 31, 2007

Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

EXHIBIT

tables

"D"

Law Offices  
BELL, SILBERBLATT & WOOD  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
e-mail: [bswlaw@pennswoods.net](mailto:bswlaw@pennswoods.net)  
Writer's direct e-mail: [annwood@pennswoods.net](mailto:annwood@pennswoods.net)

RICHARD A. BELL  
ANN B. WOOD

(814) 765-5537  
Fax: (814) 765-9730

PAUL SILBERBLATT 1954-1985  
F. CORTEZ BELL, JR. 1954-2002

OF Counsel  
Daniel C. Bell

November 16, 2004

RE: Newburg Borough  
Bennett Street Ordinance

The Progress  
206 East Locust Street  
Clearfield, PA 16830

To Whom It May Concern:

Please publish the attached Notice one (1) time on or before Saturday, November 20, 2004 and submit billing and proof of publication to our office.

Very truly yours,

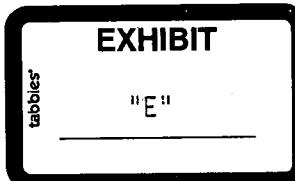
BELL, SILBERBLATT & WOOD

*Ann B. Wood*

Ann B. Wood

ABW/nms  
Enclosure

HAND DELIVERED



## NOTICE

Notice of the vacation of an unopened portion of Bennett Street, Newburg Borough, Clearfield County Pennsylvania, to Marion L. Brink, 92 Market Street, P.O. Box 6, LaJose, PA 15753.

Notice is hereby given that the Borough Council of Newburg Borough, following hearing at a Regular Meeting of the Newburg Borough Council on November 10, 2004, at 6:00 P.M., enacted an ordinance vacating an unopened portion of Bennett Street, being fifty (50') feet in width and running from Market Street in an easternly direction approximately two hundred (200') feet to an intersection with State Route 36.

This notice is being given the 16 day of November, 2004.

Ann B. Wood, Esquire  
Solicitor for Newburg Borough

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

: SS:

RECEIVED NOV 24 2004

COUNTY OF CLEARFIELD

NOTICE

Notice of the vacation of an unopened portion of Bennett Street, Newburg Borough, Clearfield County, Pennsylvania, to Marion L. Brink, 92 Market Street, P.O. Box 6, LaJose, PA 15753.

Notice is hereby given that the Borough Council of Newburg Borough, following hearing at a Regular Meeting of the Newburg Borough Council on November 10, 2004, at 6:00 P.M., enacted an ordinance vacating an unopened portion of Bennett Street, being fifty (50') feet in width and running from Market Street in an easterly direction approximately two hundred (200') feet to an intersection with State Route 36.

This notice is being given the 16 day of November, 2004.

Ann B. Wood, Esquire  
Solicitor for Newburg Borough  
11:18-1d-b

On this 23rd day of November, A.D. 2004 before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of November 18, 2004. And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison

COMMONWEALTH OF PENNSYLVANIA

Notary Public

Clearfield, Pa.

Notarial Seal

Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

My Commission Expires  
October 31, 2007