

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-03

**AN ORDINANCE OF THE TOWNSHIP OF SUMMIT, ERIE
COUNTY, PENNSYLVANIA, VACATING DURST DRIVE AND
AMENDING THE OFFICIAL MAP OF SUMMIT TOWNSHIP
TO REFLECT THE VACATION OF DURST DRIVE.**

WHEREAS, Summit Township is responsible for securing the health, safety and welfare of the citizens of the Township; and

WHEREAS, the Second Class Township Code provides, among other things, that Summit Township has the authority to relocate, vacate or close any street or alley or portion thereof previously opened or laid out under its supervision; and

WHEREAS, the property owner who represents all of the property adjacent to an unutilized portion of Durst Drive Right-of-Way, has requested that such portion of the Durst Drive Right-of-Way be vacated; and

WHEREAS, Board of Supervisors of Summit Township desires to take such steps as may be necessary to effectuate the vacation of an unutilized Durst Drive Right-of-Way, as that portion of the road is inconvenient and burdensome to the Township; and

WHEREAS, the abovementioned Durst Drive Right-of-Way is property that abuts and consists of the following parcel of land, identified by their respective Erie County Tax Identification Numbers: (40) 012-046.0-001.00.

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code (Act 170, as amended) grants the Township powers to enact an ordinance adopting an Official Map and to provide for its administration, enforcement, and amendment; and

WHEREAS, through the adoption of Ordinance No. 2020-08, enacted on November 2, 2020, the Board of Supervisors of Summit Township adopted the Official Map of Summit Township, entitled “Summit Township Transportation Map” dated February 2020.; and

WHEREAS, the Board of Supervisors deems it necessary, for the purpose of promoting the health, safety, and general welfare of the Township to approve the vacation of the Durst Drive Right-of-Way and appropriately amend the Summit Township Transportation Map.

NOW THEREFORE, this ___ day of _____ 2024, be it enacted and ordained by the Board of Supervisors of Summit Township, Erie County, Pennsylvania as follows:

- 1) The recitations set forth above are incorporated herein as if fully set forth.
- 2) That Durst Drive Right-of-Way, which has been designated for vacation, is property that abuts and consists of a parcel of land, identified by Erie County Tax Identification Number: (40) 012-046.0-001.00, and is more fully described on the attached Exhibit A, and that will be consolidated into one (1) parcel as more fully described on the attached Exhibit A, is hereby declared to be vacated.
- 3) After having provided ten days written notice to the owners of property adjacent to the portion of the Durst Drive Right-of-Way which is designated for vacation, of the time and place set for a hearing on the proposed ordinance, the Board of Supervisors of Summit Township approve the subdivision plan.
- 4) The Board of Supervisors and Township Secretary are hereby authorized to execute any deed or other documents to permit the transfer of the property as depicted on Exhibit A on behalf of Summit Township.
- 5) This Ordinance hereby amends Ordinance No. 2020-08. The Township hereby adopts as the amended Official Map of Summit Township the map attached hereto as

Exhibit B, entitled “Summit Township Transportation Map” dated May 2024 with revisions as noted:

- a. Removal of Durst Drive from the map and associated right-of-way.
- b. Township parcels updated.

6) Severability

- a. 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 sentences, clauses, sections, or parts of this Ordinance.

7) Effective Date. This Ordinance shall take effect five (5) days after its enactment and adoption by the Board of Supervisors.

DULY ENACTED AND ORDAINED on the day and year first above written by the Board of Supervisors of Summit Township, Erie County, Pennsylvania.

SUMMIT TOWNSHIP SUPERVISORS

Jack F. Lee, Jr., Chairman

Mark A. Welka, Supervisor

ATTEST:

Lisa A. Vallimont, Secretary

Anthony W. Davis, Supervisor

SECRETARY CERTIFICATE

I hereby certify a true copy of the Summit Township, Erie County, Pennsylvania, Ordinance No. 2024-03 as amended, and adopted by the Board of Supervisors on _____, and was advertised in the Erie Times-New on _____ and _____.

Secretary