

BOROUGH OF CHAMBERSBURG

ORDINANCE NO. 2014-05

AN ORDINANCE TO ESTABLISH AND ADOPT THE "OFFICIAL MAP" OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS IT RELATES TO TRANSPORTATION CORRIDORS.

BE IT ORDAINED BY THE BOROUGH OF CHAMBERSBURG AND IT HEREBY IS ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. Legislative Findings: The Mayor and Town Council of the Borough of Chambersburg find it necessary and appropriate to anticipate and plan for future traffic needs in and through the Borough based on anticipated growth within the Borough and adjacent municipalities and accordingly adopt the following ordinance.

Section 2. Adoption of Map: There is hereby adopted as the OFFICIAL MAP of the Borough of Chambersburg the map attached hereto and labeled EXHIBIT A graphically depicting sixteen (16) separate transportation improvement proposals which proposals are summarized narratively in EXHIBIT B also attached hereto, both exhibits by this reference being incorporated in this ordinance as though fully set forth herein.

Section 3. Authority: This ordinance is enacted pursuant to authority granted by Article IV of the Pennsylvania Municipalities Planning Code, Act of the legislature 247 of 1968 as reenacted as Act 170 of 1988 and as from time-to-time thereafter amended.

Section 4. Reservation: Pursuant to Article IV of the Pennsylvania Municipalities Planning Code, the Borough desires to reserve for future taking or acquisition for public use street related land as may be necessary to establish new or to improve existing roads. For purposes of identifying and reserving land for future traffic needs, the areas identified on the OFFICIAL MAP are approximations however, for purposes of acquisition boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor.

Section 5. Contents: The OFFICIAL MAP of the Borough of Chambersburg depicts by map graphics and explanatory textual notes, a total of sixteen (16) separate and distinct proposals throughout the Borough that define proposed new and improved roads, streets, and intersections.

Section 6. Time Limits: Limitation on the future taking or acquisition for public use relating to any one or more of the sixteen (16) OFFICIAL MAP proposals shall be in effect indefinitely or until such time as either the Borough or affected property owners propose a use of their land, impacting on one or more of the OFFICIAL MAP defined sites.

Section 7. Effect of OFFICIAL MAP: The adoption of any street, street lines or other street related easements as part of the OFFICIAL MAP shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of street related land, nor shall it obligate the Borough to improve or maintain any such street.

Section 8. Buildings in Mapped Streets. For the purpose of preserving the integrity of the OFFICIAL MAP, no permit shall be issued for any building within the lines of any street, shown or laid out on the OFFICIAL MAP. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall have been included in the OFFICIAL MAP, and any such building or improvement shall be removed at the expense of the owner. However, when the property of which the reserved location forms a part, cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the Borough for the grant of a special encroachment permit to build. Before granting any special encroachment permit authorized in this section, the Borough may submit the application for a special encroachment permit to the Borough Planning and Zoning Commission and allow the Planning and Zoning Commission 30 days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard. A refusal by the Borough to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the same time limitation and procedures set forth in ARTICLE XVIII of Chapter 300 of the Code of the Borough.

Section 9. Effect of Approved Plats on OFFICIAL MAP. After adoption of the OFFICIAL MAP, or part thereof, all streets, shown on finally approved recorded subdivision plats shall be deemed amendments to the OFFICIAL MAP without an additional public hearing.

Section 10. Validity: If a section, subsection, sentence, clause, graphic depiction or any part of the OFFICIAL MAP of the Borough of Chambersburg, or this Ordinance, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof

Section 11. Recording: Upon adoption of this Ordinance, a copy of the OFFICIAL MAP, verified by Town Council, shall be submitted to the Recorder of Deeds of Franklin County, to be recorded within sixty (60) days of the effective date hereof

Section 12. Effective Date: This Ordinance shall take effect in accord with law.

Enacted by the Mayor and Town Council of the Borough of Chambersburg this 25th day of August, 2014.



President of Town Council

ATTEST:



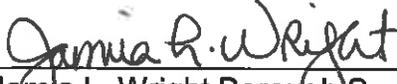
Borough Secretary



Mayor

CERTIFICATION

I, Jamia L. Wright, Borough Secretary, hereby certify that the foregoing ordinance was advertised in the Public Opinion Newspaper on August 8, 2014, and on August 15, 2014, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of the Council held on August 25, 2014.



Jamia L. Wright Borough Secretary