



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed Finally

**File created:** 11/16/2004      **In control:** Committee on Public Works & Environmental Services

**On agenda:**      **Final action:** 11/30/2004

**Enactment date:** 11/30/2004      **Enactment #:** 601

**Effective date:** 12/10/2004

**Title:** Resolution rescinding Resolution No. 968, approved December 17, 1996, entitled "Resolution vacating a portion of Weak Way 20 feet wide from Crystal Way to its easterly terminus in the 14th Ward, 5th Council District of the City of Pittsburgh."

**Sponsors:**

**Indexes:** VACATING A STREET

**Code sections:**

**Attachments:** 1. 2004-0825.doc

Date	Ver.	Action By	Action	Result
12/10/2004	1	Mayor	Signed by the Mayor	
11/30/2004	1	City Council	Passed Finally	Pass
11/23/2004	1	Committee on Public Works & Environmental Services	AFFIRMATIVELY RECOMMENDED	Pass
11/16/2004	1	City Council	Read and referred	

Presented by Mr. Ravenstahl

Resolution rescinding Resolution No. 968, approved December 17, 1996, entitled "Resolution vacating a portion of Weak Way 20 feet wide from Crystal Way to its easterly terminus in the 14<sup>th</sup> Ward, 5<sup>th</sup> Council District of the City of Pittsburgh."

WHEREAS, Resolution No. 968 of 1996, approved December 17, 1996, approved the vacation of a portion of Weak Way 20 feet wide from Crystal Way to its easterly terminus; and

WHEREAS, introduction and passage of Resolution No. 968 was based upon a Petition which the City believed to be from all owners of property fronting on or abutting the portion of Weak Way to be vacated; and

WHEREAS, it was subsequently discovered that a portion of the vacated area abutted the property of Jerome C. Heffner and Sandra L. Heffner, his wife, and Mr. and Mrs. Heffner were not among the petitioners who petitioned the City for the vacation; and

WHEREAS, Mr. and Mrs. Heffner upon learning of the vacation have objected to it, and filed a lawsuit in the Court of Common Pleas of Allegheny County at No. G.D. 02-22947 against the City and those property owners who joined in the Petition to Vacate; and

WHEREAS, since the Heffner property abutted a portion of the vacated area, and the Heffners did not join in

the petition to vacate, the vacation was defective and should be rescinded.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** Resolution No. 968 of 1996, approved December 17, 1996 is hereby rescinded.

**Section 2.** Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.