

**BOROUGH OF DELAWARE WATER GAP
ORDINANCE NO. 2021 - _____**

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

BE IT ORDAINED BY THE BOROUGH OF DELAWARE WATER GAP AND IT HEREBY IS ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. Legislative Findings: The Mayor and Council of the Borough of Delaware Water Gap 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. Authority: This ordinance is enacted pursuant to authority granted by Article IV of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10401 (Grant of Power) and 53 P.S. § 10402 (Adoption of the official map and amendments thereto).

Section 3. Adoption of Map: There is hereby adopted as the Official Map of the Borough of Delaware Water Gap the map attached hereto and labeled Exhibit A graphically depicting the existing public road system located within the Borough. By this reference, Exhibit A is incorporated in this ordinance as though fully set forth herein.

Section 4. 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 5. 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.

Section 6. 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 7. Severability: The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance is for any reason ultimately found to be

unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the legislative intent of the Borough Council that such remainder shall be, and shall remain, in full force and effect.

Section 8. Repealer: All ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this Ordinance are hereby repealed, but only insofar as same are in direct conflict or directly inconsistent with this Ordinance.

Section 9. Effective Date: This Ordinance shall take effect five (5) days after enactment.

ORDAINED AND ENACTED into an ordinance at a Regular Meeting of the Council of the Borough of Delaware Water Gap, Monroe County, Pennsylvania, this ____ day of May, 2021.

ATTEST:

BOROUGH OF DELAWARE WATER GAP

Secretary

By:_____

John Shoemaker
Council President

{BOROUGH SEAL}

MAYOR'S APPROVAL

APPROVED this _____ day of _____, 2021, by Larry Freshcorn, Mayor.

By:_____

LARRY FRESHCORN
Mayor of the Borough of Delaware
Water Gap