

ORDINANCE NO. 03-2022

**MIFFLIN TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA,**

**AN ORDINANCE FORMALLY VACATING DEIBLER ROAD  
TOWNSHIP ROAD T-661**

*WHEREAS*, the Mifflin Township Board of Supervisors (the “Board of Supervisors”) do hereby vacate Deibler Road/Township Road T-661 upon the petition of the property owner adjoining the road;

*WHEREAS*, the vacating of Deibler Road is under and subject to the terms and conditions set forth herein; and

*NOW, THEREFORE*, be it ENACTED and ORDAINED as follows:

**Section 1. Deibler Road to be Vacated.** The Board of Supervisors do hereby formally vacate Deibler Road, as more fully described as follows:

**ALL THAT CERTAIN** public right-of-way being approximately .31 miles and known as “Deibler Road” adjoining lands of David S. Lapp and Barbara A. Lapp, his wife, appearing of record in Dauphin County Deed Instrument No. 20100027465/UPI 44-001-002); Dauphin County Deed Instrument No. 20190024423/UPI 44-001-053; and Dauphin County Deed Instrument No. 20210034478/UPI 44-001-040 identified as Township Road T-661 on the Mifflin Township, Dauphine County, Pennsylvania Liquid Fuels Map, and depicted on the map attached hereto as Exhibit “A”.

**Section 2. Effect of Vacating of Deibler Road upon Public and Private Rights.** Upon the vacating of Deibler Road, all public rights in and to the road shall cease UNDER and SUBJECT TO any private easement rights.

**Section 3. Quit Claim Deed.** Upon request and after the adoption of this Ordinance, Mifflin Township may execute a quit claim deed to the property owner adjoining Deibler Road. The issuance of any deed shall be under and subject to the following clause being included in the deed: “The owner by acceptance of the property does hereby release and indemnify Mifflin Township from all damages sustained as a result of the vacating of Deibler Road. This conveyance is UNDER and SUBJECT TO any private easement rights”.

**Section 4. Effective date.** This ordinance shall be effective immediately following its adoption.

**Section 5. Filing of Public Record.** A copy of this Ordinance and the plan attached hereto as Exhibit “A” shall be filed in the Office of the Clerk of the Court of Common Pleas of Dauphin County, Pennsylvania”.

**Section 6. Exceptions, Appointment of Board of Viewers.** Any resident or property owner affected by this Ordinance may, within thirty (30) days after its date of adoption and only after entering into court sufficient surety to indemnify the Board of Supervisors for all costs incurred in the proceedings, file exceptions to this Ordinance together with a petition for a review. Upon receipt of the exception and surety, the court of common pleas shall appoint viewers from the county board of viewers for the purpose of reviewing the Ordinance and exceptions thereto. After the expiration of the term allowed for filing exceptions or upon the order of the court upon disposition of any exceptions, the court of common pleas, on application by petition by the Board of Supervisors or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding unless the damages and benefits are otherwise agreed upon.

**Section 7. Public Notice.** This ordinance has been advertised in a newspaper of general circulation not less than seven (7) days and no more than sixty (60) days prior to the date of the hearing. In addition, the property owner who has petitioned to vacate the road has been notified in accordance with law.

**Adopted** by the Mifflin Township Board of Supervisors after a hearing held on Tuesday, March 8, 2022, at 6:30 p.m. at the Mifflin Township Municipal Building, 543 Municipal Road, Millersburg, Pennsylvania 17061.

**ENACTED BY THE MIFFLIN TOWNSHIP BOARD OF SUPERVISORS THIS  
8TH DAY OF March, 2022.**

**ATTEST:**

**MIFFLIN TOWNSHIP BOARD OF  
SUPERVISORS:**

  
SECRETARY

  
CHAIRPERSON

  
VICE-CHAIRPERSON

  
SUPERVISOR

44-001-035

228.29'  
275.29'

DEIBLER'S GAP RD  
552.3'

75.28'  
131.84'

177.38'

94.1'  
94.1'

44-001-040

1346.09'

817.13'

**PROPERTY OWNER:  
DAVID S. LAPP  
DEED REF. NO. -  
20100027465**

44-001-002

**.31 of a mile**

DEIBLER RD

459.9'

242.86'

110.56'

193.26'

294.57'

787.59'

**PROPERTY OWNER:  
DAVID S. LAPP  
DEED REF. NO. -  
20190024423**

44-001-053

200'

452.91'

94.48'

115.42'

358.95'

44-001-040

**PROPERTY OWNER:  
DAVID S. LAPP  
DEED REF. NO. -  
20210034478**

510.21'

44-001-037

