

**RESOLUTION OF BOROUGH OF INDIAN LAKE
FOR MAINTENANCE OF WEST SHORE TRAIL**

A RESOLUTION OF THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA, COMMITTING TO THE MAINTENANCE OF WEST SHORE TRAIL, FORMERLY STONYCREEK TOWNSHIP ROAD 728, FROM CAUSEWAY DRIVE TO THE TOE OF THE BREAST OF INDIAN LAKE.

WHEREAS, the BOROUGH OF INDIAN LAKE ("Borough"), Somerset County, Pennsylvania, is a municipality organized and governed by the Pennsylvania Borough Code, as amended, 53 P.S. § 45101, et. seq (the "Code"); and,

WHEREAS, 53 P.S. § 46775 permits a borough to expend money for improvement of streets outside the limits of the Borough for the purposes contained in the Code; and,

WHEREAS, West Shore Trail, also known as West Shore Trail Extension and formerly identified as Stonycreek Township Road 728, was vacated as a public right-of-way by proceedings entered by the Stonycreek Township Supervisors in June of 1962; and,

WHEREAS, at that time, the public use was removed and by operation of law all adjoining property owners to the vacated road thereby acquired an ownership interest to the centerline. Each adjoining property owner, their successors and assigns, continue to have a private right to the continued use of the roadway. Indian Lake Borough is one of the property owners that adjoins this roadway; and,

WHEREAS, during the course of the dam remediation, it became necessary for this road to be upgraded and the Borough took steps to refurbish the road prior to the construction process as well as established measures to minimize inconvenience as the result of vehicular traffic, including delivery of supplies and materials; and,

WHEREAS, subsequent to the completion of the construction, the Borough had expressed the intention to restore the road to its previous condition and maintaining it, including snow removal; and,

WHEREAS, the Borough wishes to confirm the representations of its Mayor by the within Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Indian Lake Borough Council as follows:

1. Indian Lake Borough, in accordance with the authority provided under the Borough Code, agrees to expend funds and labor for the maintenance of West Shore Trail, also known as West Shore Trail Extension and formerly identified as Stonycreek Township Road

728, in its present condition or such other upgrades and improvements as the Borough shall determine from Causeway Drive to the toe of the breast of Indian Lake Dam.

2. The Borough shall be responsible for the snow removal, as needed, of West Shore Trail from Causeway Drive to the toe of the breast of Indian Lake Dam.

3. The Borough's maintenance commitment shall not affect the property interests of any adjoining property owners as may be obtained as a result of the vacation of the public right-of-way proceedings enacted by Stonycreek Township.

4. The Borough may adopt amendments to this Resolution which are necessary to implement the provisions and purposes contained therein.

DULY ADOPTED this 8th day of July, 2009, by the Borough Council of Indian Lake, in lawful session duly assembled.

Attest:

INDIAN LAKE BOROUGH

Thomas J. Meyant
Secretary

By [Signature] (SEAL)
Its COUNCIL PRESIDENT

(Corporate Seal)