

**CITY OF JOHNSTOWN, PENNSYLVANIA  
ORDINANCE NO. 5356**

Bill No. 5 of 2023

Introduced in Council: May 10, 2023

**AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY,  
PENNSYLVANIA, VACATING WAGONER PLACE FROM HAY AVENUE TO  
SUPPES AVENUE AS A PUBLIC THOROUGHFARE**

**WHEREAS**, the Cambria County Association for the Blind and Handicapped (CCABH) are owners of properties abutting Wagoner Place in the 8<sup>th</sup> Ward of the City of Johnstown; and

**WHEREAS**, CCABH has submitted a petition to vacate Wagoner Place and assume responsibility for all property located within to include maintenance of rights of way to any and all utilities; and

**WHEREAS**, the vacation of Wagoner Place from Hay Avenue to Suppes Avenue would not adversely impact to the public interest and welfare of the City of Johnstown, Pennsylvania; and

**WHEREAS**, existing underground water and sanitary sewer utilities within Wagoner Place are to become owned by the Cambria County Association for the Blind and Handicapped, and no overhead utilities exist on the alley.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the City Council of the City of Johnstown, Pennsylvania, the following is hereby enacted as follows:

**SECTION 1.** The entire 150 foot section of Wagoner Place is hereby vacated as a public thoroughfare.

**SECTION 2.** The City of Johnstown is neither liable nor responsible for any utility or sewer relocation cost, nor for any reuse costs incurred by the abutting property owners.

**SECTION 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** This ordinance and all actions contained within are effective upon final passage.

**PASSED FINALLY IN COUNCIL:** June 14, 2023

By the following vote:

Yeas: Ms. Huchel, Mr. Britt, Mr. Capriotti, Mayor Janakovic, Mr. Arnone, Rev. King, Mrs. Mock

Nays:  
Absent:



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Frank J. Janakovic, Mayor  
Michael Capriotti, Deputy Mayor

**ATTEST:**

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5356** as the same was passed finally by City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



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Ethan Imhoff, City Manager

# HIGHWAY PETITION

TO THE MEMBERS OF THE COUNCIL OF THE CITY OF JOHNSTOWN IN THE COUNTY OF CAMBRIA AND  
STATE OF PENNSYLVANIA

The petition of the undersigned respectfully represents:

That they are owners of property abutting on..... Wagoner Place ..... between  
Hay Avenue ..... and  
and its terminus  
in the 8th ..... Ward of the City of Johnstown; and that they desire said highway between the points mentioned  
to be vacated as a public road.

as shown on plan on file in the office of the City Engineer, and they respectfully petition the enactment of legislation  
providing for the same. They do, for themselves, their successors and assigns, hereby release the City of Johnstown  
from all liability for damages by reason of the enactment and enforcement of legislation in conformity with the payer of  
this petition.

NAME

**Cambria County Association for the Blind  
and Handicapped**

ADDRESS

**211 Central Avenue  
Johnstown, PA 15902-2945**

SEE BELOW FOR UPI NUMBERS

### Agreement to Vacate Utility Easement

Made this 27th FEBRUARY day of January, 2023, By and between the Greater Johnstown Water Authority, a Pennsylvania Municipal Authority with a principle place of business at 640 Franklin Street, Johnstown PA, 15901, hereinafter sometimes referred to as "GJWA",

And

Cambria County Association for the Blind and Handicapped Inc., a/k/a Cambria County Branch Of The Assoc For The Blind and Handicapped, with a principle office at 211 Central Ave, Johnstown, PA 15901, hereinafter sometimes referred to as CCABH".

Whereas, the CCABH owns land and operates business and industrial facilities on certain properties identified as tax map number parcels 78-003. -315.000, 78-003. -308.000, 78-004. -200.000, 78-004. -201.000, 78-004. -202.000, 78-004. -203.000, 78-003. -300.000, 78-003. -301.000, 78-003. -303.000, 78-003. -304.000 and 78-003. -305.000 in the Eight Ward of the City of Johnstown, consisting of all the property bounded by Suppes Avenue, Linton Street, Hay Avenue and Central Avenue, with the exception of the Right of Ways for Flicker Place and Wagoner Place, and

Whereas, the CCABH has prepared a subdivision plan, attached hereto as Exhibit "A", which requests merger of the above referenced lots and the abandonment of Wagoner Place, and

Whereas, The GJWA owns and operates both potable water mains and sanitary sewer mains, hereinafter, collectively, "the facilities", in Wagoner Place, which the CCABH has requested the facilities within Wagoner Place be dedicated to CCABH and the utility easement within the right of way of Wagoner Place to be vacated, and

Whereas, the GJWA is willing to consent to the dedication of the facilities and abandonment of the utility easement upon the following terms and conditions and the CCABH agrees to comply with said conditions.

- 1) The GJWA hereby conveys to the CCABH all of its facilities in Wagoner Place and hereby vacates the right of way within the Wagoner Place, between the northerly edge of the property currently identified as Cambria County Tax map No. 78-003. -308.000 and the southerly edge of the right of way of Hay Avenue.
- 2) The CCABH agrees that water or sanitary sewer connections for any new buildings shall tap directly into GJWA lines and not the portions of lines dedicated to the CCABH herein.
- 3) This is an entire agreement, no modifications, of this agreement shall be binding upon the parties unless committed to writing and approved by the Boards of the both the CCABH and the GJWA.

We adopt this Agreement as of the date set forth above, the parties intend this to be a recordable document.

Approved by the Board of the Greater Johnstown Water Authority at a public meeting held the 12<sup>th</sup> day of January, 2023.

Attest:

[Signature] (seal)

Anthony Caputo, Secretary

[Signature]

Don C. Hall II, Chairman

Approved by the Board of the Cambria County Association for the Blind and Handicapped at a properly scheduled meeting the 27<sup>th</sup> day of Feb. 2023

Attest:

[Signature] (seal)

Dr. George S. Ashman, Chairman

[Signature]

Mr. John Boderocco, Secretary

STATE OF PENNSYLVANIA :  
: SS.

COUNTY OF CAMBRIA :

On this, the 28<sup>th</sup> day of February, 2023, before me, the undersigned officer, personally appeared Don C. Hall II and Anthony Caputo, the Chairman and Secretary of the Greater Johnstown Water Authority, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained, being so authorized to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature] (SEAL)

Notary Public

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
Karen J. Barbin, Notary Public  
Cambria County  
My Commission Expires January 2, 2027  
Commission Number 1006554

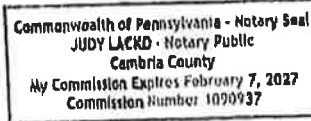
STATE OF PENNSYLVANIA :  
 : SS.  
COUNTY OF CAMBRIA :

On this, the 27th day of Feb, 2023, before me, the undersigned officer, personally appeared George S. Ashman and Rita Anderson, the Chairman and Secretary of the Cambria County Association for the Blind and Handicapped, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Instrument, and acknowledged that they executed the same for the purposes therein contained, being so authorized to do.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Judy Lacko (SEAL)  
Notary Public

My Commission Expires:



5' 8" STORM SEWER  
HAY STREET 50' R/W

CITY MONUMENT  
No. 107B

CITY MONUMENT  
No. 107A

N82°52'49"E 340.25'

N82°52'49"E  
204.03'

N82°52'49"E  
120.00'

SANITARY LINE TO  
BE DEDICATED TO  
CCABH AND  
UTILITY EASEMENT  
TO BE VACATED

C.C.A.B.H.  
# 2019-00010808

WATER LINE TO BE  
DEDICATED TO  
CCABH AND  
UTILITY EASEMENT  
TO BE VACATED

WAGONER PLACE  
15' R/W

S07°10'12"E 127.53'

S07°10'12"E 127.54'

S12°E 308.04'

CAMBRIA COUNTY ASSOCIATION  
FOR THE BLIND AND HANDICAPPED  
DBV 1118 P 872

N82°53'07"E 232.84'

N82°53'07"E  
71.09'

S07°10'12"E  
7.50'

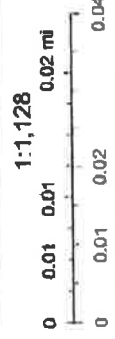
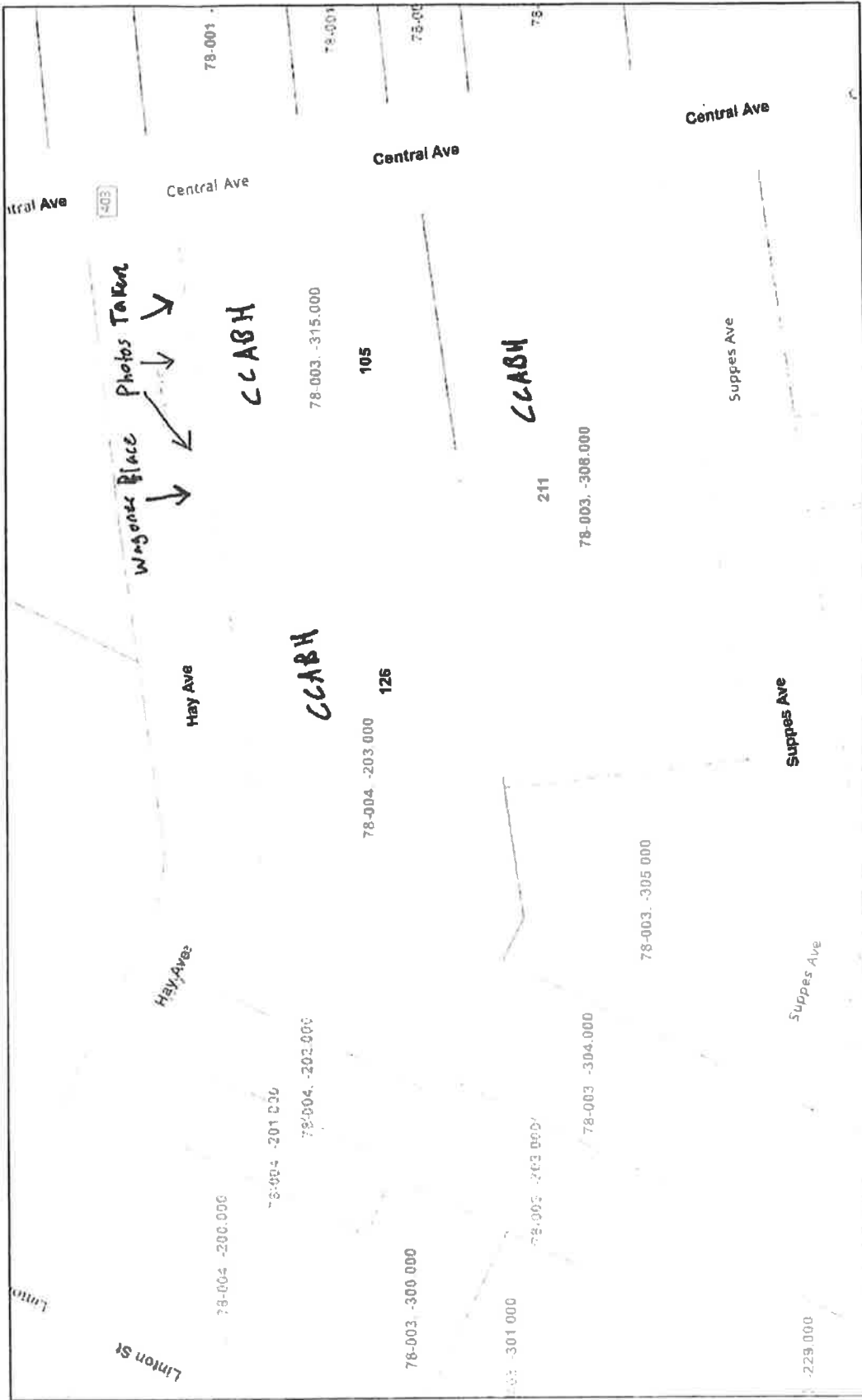
N82°53'07"E  
120.00'

N07°10'12"W  
7.50'

N82°53'07"E

CENTRAL AVENUE  
60' R/W

# Wagoner Place



May 2, 2023

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