

CITY OF JOHNSTOWN, PENNSYLVANIA

ORDINANCE NO. 5357

Bill No. 7 of 2023

Introduced in Council June 14, 2023

AN ORDINANCE OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING AND APPROVING THE TRANSFER OF ANY/ALL CITY REAL ESTATE INTEREST(S) EXISTING WITHIN A TRACT OF PROPERTY LOCATED IN THE 17TH WARD OF THE CITY OF JOHNSTOWN LYING ALONG AND BETWEEN THE STONYCREEK RIVER WALL AND INCLINED PLANE TO THE CAMBRIA COUNTY TRANSIT AUTHORITY AND FURTHER AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE CITY TO DO ALL THINGS NECESSARY TO CARRY OUT THIS SALE AND TAKE ANY/ALL ACTIONS INCIDENTAL TO SAME

WHEREAS, the City of Johnstown, Cambria County, Pennsylvania (the “City”) is a third class city and home rule municipality governed by the Home Rule Charter of the City of Johnstown, as adopted on May 18, 1993 and effective on January 1, 1994, as amended (the “Charter”); and

WHEREAS, a tract of land exists as an orphan parcel situated in the 17th Ward of the City of Johnstown lying between and along the wall of the Stonycreek River and the lands of the Cambria County Transit Authority known as the “Inclined Plane” for which the only potential owners of said land have been identified as the City of Johnstown and/or the Westmont Borough; and

WHEREAS, the Cambria County Transit Authority (“CAMTRAN”) has requested that the City and Borough each separately complete a Quitclaim Deed and related Consent Form for purposes of transferring any/all ownership interest it may have in said property to CAMTRAN; and

WHEREAS, the City in accordance with its Charter and Ordinance No. 5287 adopted April 15, 2020 and codified at Section 236.21 of the Codified Ordinances of the City, desires to convey any such ownership interest it may have in the above-referenced property tract to the Cambria County Transit Authority, which is a transit authority, body corporate and politic group organized under the Pennsylvania Metropolitan Transportation Act, 74 Pa.C.S. 1701 et seq

WHEREAS, whereas, the City has worked with CAMTRAN and the Westmont Borough to develop a Quitclaim Deed and relevant Consent Forms related to a Joinder Affidavit to be included with said Deed, all of which together set forth the parties’ agreement for the transfer of any ownership interest within the tract of land to CAMTRAN, and all of which together are attached hereto as Exhibit A; and

WHEREAS, the Quitclaim Deed(s) Joinder Affidavit and Consent Form to be executed by the City of Johnstown, all of which are hereinafter referred to collectively as “Exhibit A” provide for the sale and transfer of any ownership interest the City of Johnstown may have in the above-referenced property tract for consideration in the amount of One (\$1.00) Dollar; and

WHEREAS, the City desires to enact this Ordinance to authorize and prove the sale and conveyance of any/all ownership interest it has in the real estate parcel/property tract identified above and further detailed within Exhibit A, and further wishes to authorize the undertaking of any/all incidental actions in connection therewith;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Johnstown, Pennsylvania as follows:

SECTION 1. The sale, transfer, and conveyance by Quitclaim Deed of the property tract identified above as situated within the 17th Ward of the City of Johnstown lying between and along the Stonycreek River Wall and the Inclined Plane, as further detailed within Exhibit A, to the Cambria County Transit Authority, and all related terms and conditions pertinent to same as referenced in Exhibit A are hereby approved.

SECTION 2. Any of the Mayor, the City Manager and the Finance Director, and such other authorized officers of the City (each, a “Proper Officer”) is hereby authorized, directed and empowered to execute and deliver any/all documents necessary to effectuate the sale and transfer of the above-referenced property tract identified above and further detailed within Exhibit A to the Cambria County Transit Authority on behalf of the City Council of the City of Johnstown.

SECTION 3. Any of the Proper Officers of the City is hereby authorized, directed and empowered to execute any and all agreements, consents, assignments, certificates, instruments, permits, licenses and other documents determined to be necessary or proper by such Proper Officer to effectuate the Sale and Conveyance of the property tract identified above and further detailed within Exhibit A and any/all actions contemplated by the terms and conditions set forth within Exhibit A.

SECTION 4. Any of the Proper Officers of the City is hereby authorized, directed and empowered on behalf of the City to execute any and all papers and documents and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the provisions of this Ordinance.

SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith be and the same hereby are repealed, rescinded, cancelled and annulled.

SECTION 6. In the case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance and this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.

SECTION 7. This Ordinance shall become effective immediately, or otherwise on the earliest date permitted by law.

PASSED FINALLY IN COUNCIL:

By the following vote:

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

Nays:

Absent: Mr. Capriotti



Frank J. Janakovic, Mayor
Michael Capriotti, Deputy Mayor

ATTEST: I do hereby certify that the following is a true and correct copy of Ordinance No. **5357** as the same was enacted by the City Council of the City of Johnstown, Cambria County, Pennsylvania.



Ethan Imhoff, City Manager