

**TOWNSHIP OF PORTAGE
CAMBRIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015-3

AN ORDINANCE OF THE TOWNSHIP OF PORTAGE, CAMBRIA COUNTY, AND COMMONWEALTH OF PENNSYLVANIA AUTHORIZING THE CONVEYANCE OF ONE (1) PARCEL OF LAND SITUATE IN PORTAGE TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA TO THE TOWNSHIP OF PORTAGE, FROM THE IDENTIFIED GRANTOR, AND FURTHER AUTHORIZING ANY AND ALL ACTIONS BY THE MUNICIPAL OFFICIALS WHICH ARE NECESSARY OR PROPER TO EFFECTUATE THE PURPOSE AND INTENT OF THE DEED.

The Township of Portage hereby ordains as follows:

SECTION 1. That the Township of Portage desires to purchase and acquire from **DINO W. SCARTON** and **DEBORAH R. SCARTON**, Husband and Wife, with an address located at 105 Fremont Avenue, Portage, Pa 15946-1104, the following described parcels of land in the Township of Portage, County of Cambria and State of Pennsylvania, for the amount of consideration of **SIXTY THOUSAND AND 00/100 (\$60,000.00)** Dollars, to be set forth in the deed. Said land being situate in the Township of Portage, County of Cambria and State of Pennsylvania, being approximately 4.288 acres, more or less, and identified as Tax Map No. 48-36-420, and further to be identified by a survey prepared by the Buyer after execution of the Sales Agreement, located at Route 53, Portage Street, Portage Township, County of Cambria, State of Pennsylvania, 15946 more fully described in Exhibit "A" attached hereto, and to be identified by a survey prepared by the Buyer prior to the actual closing.

SECTION 2. The Township of Portage hereby authorizes its officers to sign, to attest, to acknowledge, to deliver the payment, and/or execute any and all deeds, documents, agreements, contracts, and any and all other documents necessary to accomplish the transfers, on behalf of the Township of Portage for the premises above described and/or undertake any and all actions required to be delivered and/or taken by the Township of Portage which are necessary to authorize and

approve the attached “deed description” and carry out this Ordinance and the undertakings of this municipality.

SECTION 3. It is declared that the adoption of this Ordinance and the execution, acknowledgment and delivery of the documents are necessary for the protection, benefit and preservation of the public health, safety and welfare of inhabitants of the Township of Portage.

SECTION 4. It is the express intent of the Township of Portage that the adoption of this Ordinance concerning the attached Deed shall not affect/effect and/or constitute a waiver of any immunity under any federal, state, and/or local law, rule, regulation, and/or case law, including, but not limited to, the Political Subdivision Tort Claims Act, and all members of the Township of Portage shall retain governmental immunity for all actions taken in their official capacity as members of the Township of Portage.

SECTION 5. It is the intent of the Municipality that the provisions of this Ordinance are severable and the invalidity of any Section, subsection, clause or provision of this Ordinance shall not affect or impair the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

SECTION 6. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

SECTION 7. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township of Portage that such remainder of this Ordinance shall be and shall remain in full force and effect.

SECTION 8. This Ordinance shall become effective immediately, or as soon as legally permissible and shall remain in effect unless and until subsequently repealed or amended.

ORDAINED and ENACTED at a duly assembled public meeting by the Township of
Portage, Cambria County, Pennsylvania this 2nd day of September, 2015.

ATTEST:

PORTAGE TOWNSHIP

By: Michelle Kostas
Secretary

By: William Cooper
Supervisor

By: Richard A. O'Shinsky
Supervisor

By: Jeffrey W. Kumba
Supervisor

AGREEMENT OF SALE
Mr. & Mrs. Dino W. Scarton
Husband & Wife
(DBV 929, at page 606)
DEED DESCRIPTION

ALL that certain parcel of land lying, being and situate in the Village of Jamestown, Township of Portage, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point corner of lands of John Servinsky, et ux. and Legislative Route 276; thence along said Legislative Route 276 North eighty-seven (87) degrees eight (08) minutes East one hundred seventy-seven and eighteen hundredths (177.18) feet to a stake; thence south eighty-four (84) degrees thirty-four (34) minutes East ninety-eight (98) feet to a stake; thence South seventy-eight (78) degrees thirty-seven (37) minutes East ninety-five and eighty-eight hundredths (95.88) feet to a stake; thence along lands now or formerly of Mary Mackoviak, et al. South four (4) degrees 0 minutes west four hundred ninety-four and twelve hundredths (494.12) feet to a stake on Lee Alley; thence along Lee Alley North eighty-six (86) degrees 0 minutes West three hundred seventy-seven and fifteen hundredths (377.15) feet to a stake on lands of John Servinsky, et ux.; thence along lands of John Servinsky, et ux.; North four (4) degrees fifty-eight (58) minutes East four hundred eighty-seven and eighty-two hundredths (487.82) feet to a stake and place of beginning. Containing 4.288 acres.

BEING part of the same premises title to which became vested in DINO W. SCARTON, Single by deed of PORTAGE AREA SCHOOLS, dated October 13, 1971, and recorded on April 17, 1972, in the Recorder of Deeds Office in and for Cambria County in Deed Book Volume 929, at page 606.

BEING identified as Tax Map No. 48-36-420.

Said land being more fully described in the Deed recorded in Deed Book Volume 929, at page 606, in the office of the Cambria County Recorder of Deeds. This is a conveyance of the Seller's real estate.

EXHIBIT A