

**TOWN OF MCCANDLESS
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE No. 1442

AN ORDINANCE OF THE TOWN OF MCCANDLESS (A HOME RULE MUNICIPALITY), ALLEGHENY COUNTY, PENNSYLVANIA; AUTHORIZING THE POTENTIAL PURCHASE BY THE TOWN OF A CERTAIN PARCEL OF REAL ESTATE, APPROXIMATELY 1.359 ACRES (59,197 SQUARE FEET) IN SIZE AND LOCATED NEAR THE INTERSECTION OF MCCANDLESS DRIVE AND BLAZIER DRIVE, FOR THE GROSS PURCHASE PRICE OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00), AUTHORIZING THE PAYMENT OF CERTAIN REASONABLE COSTS ANCILLARY TO SUCH ACQUISITION AND PROVIDING FOR THE REPEAL OF ALL INCONSISTENT ORDINANCES OR RESOLUTIONS AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Section 2964 of the Home Rule and Optional Plans Law, 53 Pa.C.S. §2964, municipalities adopting a home rule charter have the power to buy, sell, lease, hold and dispose of real and personal property; and

WHEREAS, the Home Rule Charter of the Town of McCandless requires, in Article V, Section 504 thereof, that actions of the Council which authorize any contract in excess of an amount equivalent to one-quarter of one percent (1/4%) of the previous year's budget, be taken by ordinance; and

WHEREAS, by Ordinance No. 678, adopted on June 23, 1975, codified in Article 117, Section 117.04 and Article 117, Section 117.07 of the Codified Ordinances of the Town of McCandless, designates any contract in excess of an amount equivalent to one-quarter of one percent (1/4%) of the previous year's budget as a Class B Ordinance and sets forth the procedure to enact a Class B Ordinance; and

WHEREAS, on November 11, 2014, the Town published Notice that a public hearing on this Ordinance would be held on Monday, November 17, 2014, at 7:30 p.m., in the McCandless Town Hall;

WHEREAS, the continued population growth of the Town of McCandless and its continued development has increased the need for public land for recreational and other appropriate municipal and/or public purposes; and

WHEREAS, the Town Council of the Town of McCandless has determined it to be in the best interest of the health, safety, and welfare of the residents and citizens of the Town of

McCandless to acquire certain real estate, located in the vicinity of the intersection of McCandless Drive and Blazier Drive, Parcel No. 945-C-173, Deed Book Volume 11971, Page 508, and as further described herein, for municipal and/or public purposes; and

WHEREAS, the Town of McCandless has negotiated a gross purchase price of Two Hundred Fifty Thousand (\$250,000.00) Dollars for such real estate; and

WHEREAS, the Town of McCandless has entered into a revocable Agreement of Purchase and Sale for such real estate, a copy of which is attached as Appendix A and incorporated by reference; and

WHEREAS, pursuant to the Agreement of Purchase and Sale, the due diligence period runs until December 29, 2014, and the closing must take place on or before January 28, 2015.

NOW THEREFORE, it is hereby **ORDAINED** by the Council of the Town of McCandless, Allegheny County, Commonwealth of Pennsylvania, as follows:

SECTION 1: The Town of McCandless hereby authorizes the purchase the following described real estate for the gross price of Two Hundred Fifty Thousand Dollars (\$250,000.00):

ALL that certain tract or parcel of land situate in the Town of McCandless, Allegheny County, Pennsylvania, bounded and described as follows:

BEGINNING AT a point common to Lot 1 and Parcel A in the Revised Parc LeGrand Estates Plan as recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania, in Plan Book Volume 235, Pages 11, 12, 12A and 12B, and Parcel B in the Subdivision Plan No. 1 State Farm Insurance Company as recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania, in Plan Book Volume 142, Pages 126 and 127, thence from said point of beginning by the line dividing Lot 1 and Parcel A in said Revised Parc LeGrand Estates N 74° 31' 03" a distance of 291.59 feet to a point on the westerly right-of-way line of McCandless Drive, 50.00 feet wide; thence by the westerly right-of-way line of McCandless Drive the following four (4) courses and distances:

In a southerly direction by a curve bearing to the left having a radius of 425.00 feet through an arc distance of 51.99 feet to a point of tangency;

S 03° 04' 51" W a distance of 124.39 feet to a point of curvature;

In a southerly direction by a curve bearing to the right having a radius of 375.00 feet through an arc distance of 110.99 feet to a point of tangency;

S 20° 02' 21" W a distance of 11.14 feet to a point on the line dividing Lot 1 and Parcel C in said Revised LeGrand Estates;

Thence by a line dividing Lot 1 and Parcel C in said Revised Parc LeGrand Estates N 74° 06' 00" W a distance of 247.75 feet to a point on the line dividing Lot 1 in said Revised Parc LeGrand Estates and Parcel B in said Subdivision Plan No. 1 State Farm Insurance Company; thence by the line dividing Lot 1 in said Revised Parc LeGrand Estates and Parcel B in said Subdivision Plan No. 1 State Farm Insurance Company N 01° 35' 00" W a distance of 148.97 feet to a point common to Lot 1 and Parcel A in said Revised Parc LeGrand Estates and Parcel B in said Subdivision Plan No. 1 State Farm Insurance Company, at the point of beginning.

Containing an area of 59,197 square feet or 1.359 acres.

SECTION 2: The President of the Town Council, the Town Manager, and the Town Attorney are each hereby authorized to prepare and to execute all documents (including but not limited to a deed and an agreement of purchase and sale) necessary to effectuate the Town's purchase of the above-described real estate.

SECTION 3: Pursuant to Section 6.2 of the Agreement and Purchase of Sale, the Town Manager's execution of said Agreement on October 27, 2014 is hereby ratified by the Town and the Town ordains that the Town Manager was and is authorized to execute said Agreement and that the Town is bound by his execution of said Agreement.

SECTION 4: The President of the Town Council and the Town Manager are each hereby authorized to terminate any agreement of purchase and sale of the above-described real estate if they determine that termination is in the best interest of the Town.

SECTION 5: The Town is hereby authorized to pay the reasonable ancillary costs necessary to the acquisition of said real estate (including but not limited to any real estate transfer tax and professional fees).

SECTION 6: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7: All Resolutions, Ordinances, or parts thereof, of the Town of McCandless which are contradictory to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such contradiction or inconsistency.

ORDAINED AND ENACTED into law this 24 day of November 2014, to become effective ten (10) days after proper advertisement hereof.

ATTEST:

TOWN OF MCCANDLESS COUNCIL:


Secretary


President

BUS_EST:384143-3 024399-166328