

OFFICIAL

**BOROUGH OF CRAFTON
ORDINANCE NO. _____**

AN ORDINANCE OF THE BOROUGH OF CRAFTON,
ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING
THE BOROUGH TO ENTER INTO A TEMPORARY LICENSE
AND COOPERATION AGREEMENT WITH CARLYNTON
SCHOOL DISTRICT FOR THE PURPOSE OF ALLOWING THE
SALE OF REAL PROPERTY LOCATED ON WEST STEUBEN
STREET.

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. §2301, *et seq.*, as amended, (the “Intergovernmental Cooperation Act”) and § 1202(24) of the Pennsylvania Borough Code, 8 Pa.C.S. §1202(24), as amended, the Borough of Crafton (“Borough”) is authorized to enter into joint cooperation agreements with other local governments for the performance or exercise of governmental functions, powers and responsibilities; and

WHEREAS, Carlynton School District (“Carlynton”) as a school district organized and operating under the Pennsylvania Public School Code of 1949, as amended, is a local government with whom the Borough may enter into such joint cooperation agreements; and

WHEREAS, Carlynton and the Borough desire to enter into an Intergovernmental Cooperation Agreement for the purpose of allowing the sale of real property located on Linden Avenue Pittsburgh, Pennsylvania and W. Steuben Street, Pittsburgh Pennsylvania; and

WHEREAS, Carlynton is the titled owner of real property located at 3 Linden Avenue, Pittsburgh, Pennsylvania 15205 and identified as Block and Lot 69-G-25 (“Carlynton Parcel”); and

WHEREAS, the Carlynton Parcel is comprised of 3.995 acres of land currently being used by the school as a recreational facility; and

WHEREAS, the Borough is the titled owner of real property located at W. Steuben Street, Pittsburgh, Pennsylvania 15205 and identified as Block and Lot 69-G-15 (“Borough Parcel”); and

WHEREAS, The Borough acquired the Borough Parcel from Carlynton by deed dated August 27, 1999 and recorded at Deed Book Volume 10600, page 132 in the Allegheny County Recorder of deeds (“Borough Deed”); and

WHEREAS, as required by the Pennsylvania School Code, the Borough Deed included a reverter clause providing that the Borough Parcel shall revert to Carlynton if it is no longer being used for municipal purposes; and

WHEREAS, the Borough Parcel is comprised of 1.249 acres of land currently being used by the Borough for recreational purposes; and

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Crafton, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

SECTION 1. The Temporary License and Cooperation Agreement with Carlynton that sets forth the terms, conditions and the Borough’s and Carlynton’s responsibilities related to the conveyance of the Borough Parcel to Carlynton, a copy of which is attached hereto and incorporated herein as Attachment “A”, is hereby approved.

SECTION 2. The appropriate Borough officials are hereby authorized and directed, in the name and on behalf of the Borough, to execute or cause to be executed the aforesaid Cooperation Agreement and to take such other actions as shall be necessary to effectuate its purpose.

SECTION 3. Pursuant to the requirements of the Intergovernmental Cooperation Act, the terms of the Temporary License and Cooperation Agreement and this Ordinance set forth: (1) the conditions of agreement for the cooperation of the Borough and the above-referenced municipalities; (2) the duration of the term of the agreement; (3) the purposes and objectives of the agreement; (4) the manner and extent of financing the agreement; and (5) the organizational structure necessary to implement the agreement. Due to the nature of the Temporary License and Cooperation Agreement, §§2307(6) and (7) of the Intergovernmental Cooperation Act do not apply.

SECTION 4. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

SECTION 5. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 6. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this __ day of _____, 2019, by the Council of the Borough of Crafton in lawful session duly assembled.

ATTEST:

BOROUGH OF CRAFTON

Carissima Kerns
Borough Secretary

By: _____
Coletta Perry
President, Borough Council

EXAMINED and **APPROVED** this _____ day of _____, 2019

James G. Bloom
Mayor