

No. 20-17-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to sell a 12,310.8 square foot parcel of excess vacant parcel of land, located on the northeasterly side of Summit Street, 200 feet west of westerly right-of-way line of Boyle Avenue, situate in the 8th Ward, City of McKeesport, tax parcel No. 461-A-164, for the fair market value amount of \$4,300.00, to McKeesport Alliance Church.

Whereas, Allegheny County acquired Lot No. 1 and Lot No. 3 in Purpart No. 2 in the William Fawcett Heirs' Plan, recorded in the Allegheny County Department of Real Estate in Plan Book Volume 16, Pages 114-115, from Chester B. Bennett, by Order of Common Pleas Court No. 854 April Term 1949 for the purpose of establishing and maintaining an airdrome or aviation landing field; and,

Whereas, the buildings on the property have been razed and the property no longer serves a public purpose; and,

Whereas, Lot No. 2, being located between Lot No. 1 and Lot No. 3 in said plan, was acquired by Harry C. Smith from Daniel M. Bennett and Rebecca Bennett (his wife), Richard E. Hurrell and Margaret A. Hurrell (his wife), William F. Bennett (widower) and Jennie B. Flenniken (widow) by their deed dated November 26, 1919 and recorded in the Allegheny County Department of Real Estate in Deed Book Volume 2143, Page 5.

Whereas, no recorded document was found to convey Lot No. 2 to Allegheny County and the said three lots are collectively designated by the Allegheny County Department of Real Estate Department as tax parcel No. 461-A-164, as depicted and outline in red on a drawing by Merlyn J. Jenkins & Associates, Inc. dated December 23, 2015, attached and marked "Exhibit A"; called "Parcel"; and

Whereas, by its Release Agreement No. 201406, recorded May 19, 2017 in the Allegheny County Department of Real Estate in Deed Book Volume 16802, Page 394, the Federal Aviation Administration released its rights to use the Parcel; and

Whereas, the County Manager has determined that it is no longer in the interest of Allegheny County to maintain the Parcel, and

Whereas, through the Department of Public Works, the County Manager had the Parcel appraised by an independent general real estate appraiser who has determined that the fair market value of said Parcel to be \$4,300.00; and

Whereas, McKeesport Alliance Church, owner of property adjacent to the Parcel, has offered to acquire the Parcel for the fair market value, as authorized by its board and the Western PA District office of the Alliance Church, and have borne the entire cost associated with the appraisal and has provided an acceptable survey drawing previously prepared for the Federal Aviation Administration, as required by §5-701.03 of the Allegheny County Administrative Code; and

Whereas, said sale constitutes a valid public purpose serving the interests of the residents of the County of Allegheny, and

Whereas, the County Council of Allegheny County now deems it advisable to sell the Parcel, enabling development to occur and returning it to the tax roll as taxable real estate, unless the Department of Real Estate determines the parcel to be tax exempt, at the appraised fair market value of \$4,300.00.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

SECTION 2. Authorization to Sell Parcel.

The appropriate County officers and officials are authorized to take any and all other such action to carry out the purposes of this Ordinance to convey the Parcel, depicted in Exhibit A, to McKeesport Alliance Church for the fair market value of \$4,300.00 and to prepare and execute such documents as may be necessary to complete said transaction.

SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.


SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 22nd day of August, 2017

Council Agenda No. 10216-17



John DeFazio
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office August 24, 2017

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Sonya Dietz
Executive's Secretary

SUMMARY PAGE
DRAFT ORDINANCE TO SELL EXCESS PARCEL OF LAND
TAX PARCEL NO. 461-A-164
TO McKEESPORT ALLIANCE CHURCH
May 31, 2017

Two lots acquired by the County, through the Court of Common Pleas in 1949, and the lot between them, have been used by the Federal Aviation Administration for a radio beacon to guide aircraft landing at Allegheny County Airport. The FAA released its rights to use the three lot parcel by an agreement recorded May 19, 2017 and demolished the buildings on the site.

The McKeesport Alliance Church, with its church occupying adjacent property, offered to purchase the parcel for the appraised value of \$4,300.00.

We seek authorization by County Council to sell the excess parcel to the adjacent property owner for the appraised fair market value of \$4,300.00.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: June 15, 2017

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to sell a 12,310.8 square foot parcel of excess vacant parcel of land, located on the northeasterly side of Summit Street, 200 feet west of westerly right-of-way line of Boyle Avenue, situate in the 8th Ward, City of McKeesport, tax parcel No. 461-A-164, for the fair market value amount of \$4,300.00, to McKeesport Alliance Church.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

JUN 15 2017
COUNTY MANAGER
WILLIAM D. MCKAIN