

*No. 15-16-OR*

**AN ORDINANCE**

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain easement areas from four parcels required to stabilize slope supporting Campbell's Run Road at Highland Avenue, in Carnegie Borough (Project No. 6072-0902), and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, the County Council of Allegheny deems it advisable to acquire certain easement areas, being: 658.2 square feet of temporary construction easement, required from a parcel of land of Joseph S. Dlugos, Parcel 1; 1,114.9 square feet of temporary construction easement from a parcel of land of James G. Moran, Parcel 4; 810.1 square feet of temporary construction easement required from a parcel of land of the Estate of Barbara J. Morris, Parcel 9 and 684.3 square feet of underground anchor easement required from a parcel of land of Gregory S. Troup, Parcel 17, all within Carnegie Borough, County of Allegheny and Commonwealth of Pennsylvania for the purpose of stabilizing slope supporting Campbell's Run Road at Highland Avenue, Project No. 6072-0902, (the "Project"); and

**Whereas**, the Right-of-Way Drawings for said Project were recorded February 19, 2016 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 168, Page 52; and

**Whereas**, the County Executive authorized the Law Department to clear the right of way for said Project by his Executive Action approved October 28, 2015, No. 6747-15; and

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

**Whereas**, the County Council of Allegheny County deems it advisable to acquire by condemnation, certain land hereinafter described, as necessary, for the Project.

***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 in their entirety herein.

**SECTION 2. Authorization to Acquire Parcels.**

That Council deems it advisable and necessary to authorize the Law Department, in conjunction with the Department of Public Works, to obtain appraisals and title reports, to negotiate and acquire the parcels, to prepare the necessary petitions, resolutions and all other documents, including, but not limited to Declarations of Taking, Petitions to Deposit Estimated Just Compensation into Court and Petitions for Appointment of Viewers, all or some of which may be required for the Project.

**SECTION 3. Authorization to Acquire Property by Condemnation.**

That Council deems it advisable and necessary to acquire, in easement, required underground anchor easement and temporary construction easement and take under the power of eminent domain part of the property of the following persons or corporations and to acquire title thereto in easement, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
1	Joseph S. Dlugos	103-F-136
4	James G. Moran	103-F-142
9	Estate of Barbara J. Morris	103-F-152
17	Gregory S. Troup	103-F-264

Said properties are identified on a property drawing marked "Exhibit A", attached hereto and made part hereof. Entry upon, appropriation and the taking thereof is hereby authorized and directed, for the purpose of the Project.

**SECTION 4. Notice to Interested Parties.**

That Council directs the Department of Public Works in conjunction with the Law Department to notify interested parties as required by law of the adoption of this Ordinance with respect to property taken under the power of eminent domain.

**SECTION 5. Application to Court.**

That Council directs the Law Department to make immediate application to the Court of Common Pleas of Allegheny County for the purpose of having the value of said property legally ascertained.

**SECTION 6.** 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 7.** 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 10<sup>th</sup> day of May, 2016.

Council Agenda No. 9505-16

  
\_\_\_\_\_  
John DeFazio  
President of Council

Attest:   
\_\_\_\_\_  
Jared Barker  
Chief Clerk of Council

Chief Executive Office May 11, 2016.

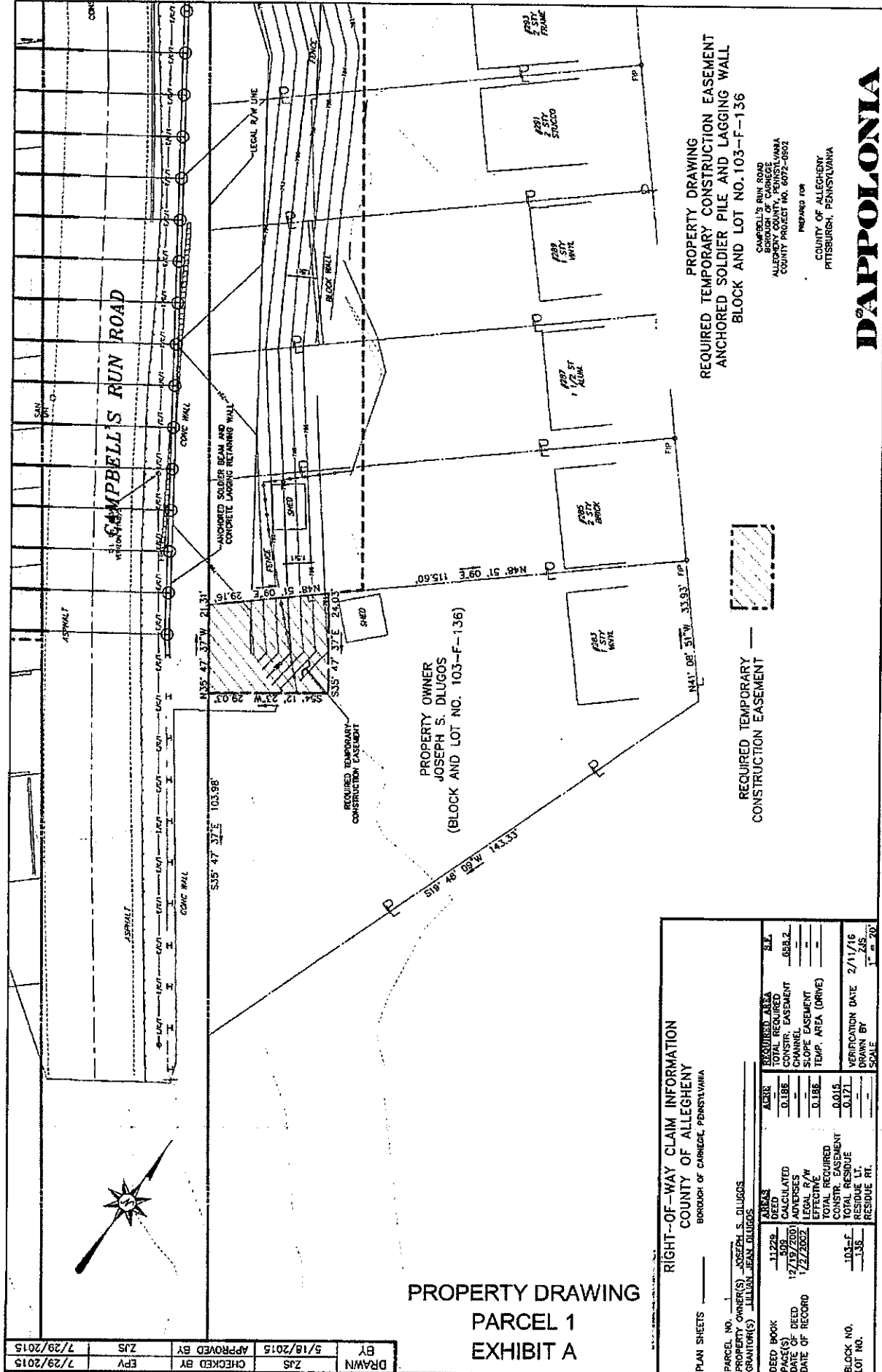
Approved:   
\_\_\_\_\_  
Rich Fitzgerald  
Chief Executive

Attest:   
\_\_\_\_\_  
Sonya Dietz  
Executive's Secretary

SUMMARY HISTORY OF PROPERTY OWNER CONTACTS FOR  
ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION  
JOSEPH S. DLUGOS, PARCEL 1  
JAMES G. MORAN, PARCEL 4  
BARBARA J. MORRIS ESTATE, PARCEL 9  
GREGORY S. TROUP, PARCEL 17  
TO STABILIZE SLOPE SUPPORTING  
CAMPBELL'S RUN ROAD AT HIGHLAND AVENUE  
February 22, 2016

The Public Works Department seeks authorization to acquire property by condemnation required to construct a wall to stabilize a slope that supports Campbell's Run Road at Highland Avenue in Carnegie Borough. Permanent and temporary easements are required to construct the project. After diligent effort, the County has not been able to amicably acquire the properties identified in the Ordinance. Public Works will continue its efforts to resolve any condemnation through a negotiated settlement with the property owners.

We seek authorization by County Council, as soon as possible, as required by the County Administrative Code, so we may file Declarations of Taking and either pay the property owners or deposit estimated just compensation with the Department of Court Records, in order to obtain possession in time for the 2016 construction season.



**PROPERTY DRAWING  
PARCEL 1  
EXHIBIT A**

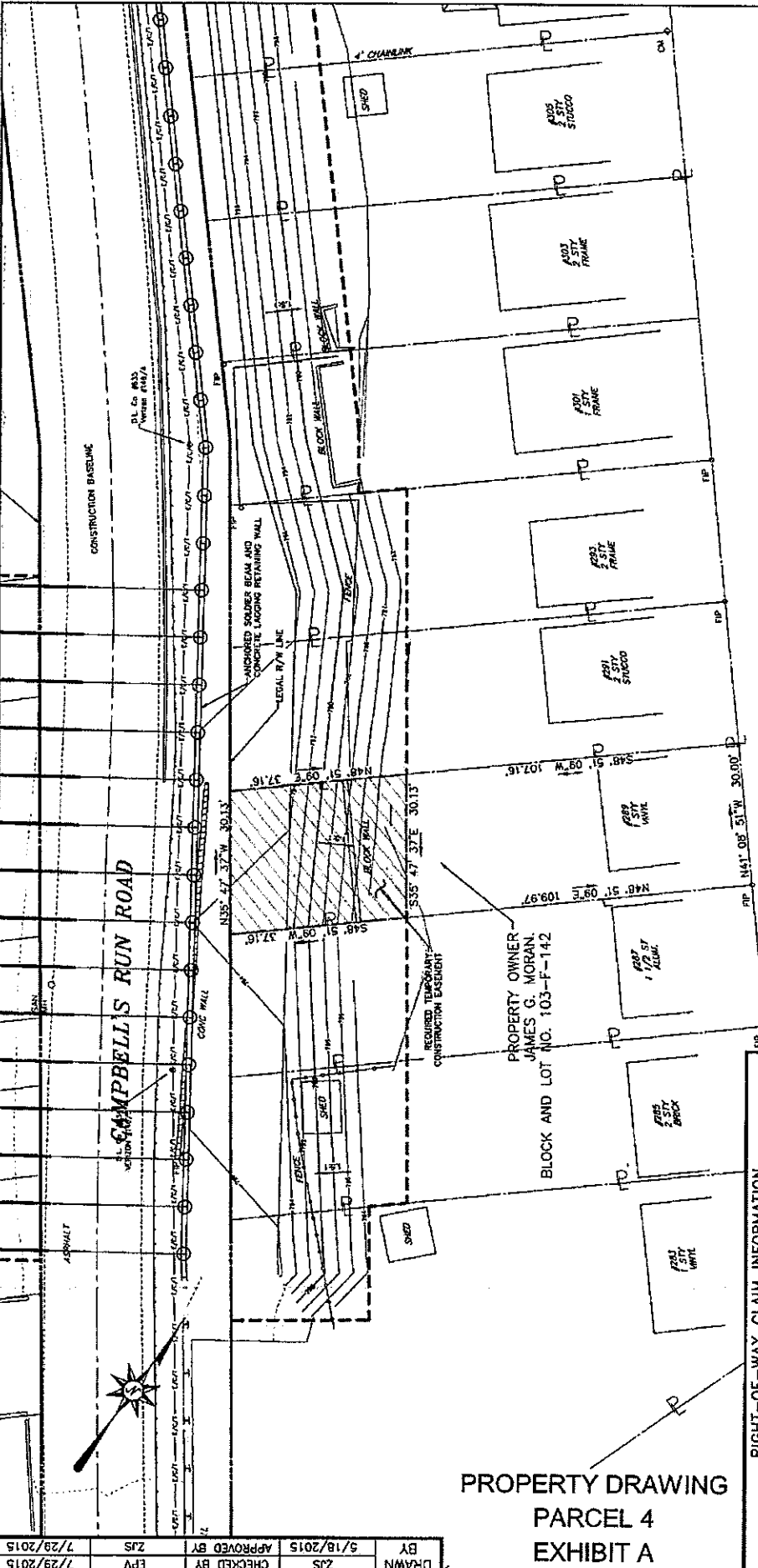
PROPERTY DRAWING  
REQUIRED TEMPORARY CONSTRUCTION EASEMENT  
ANCHORED SOLDIER PILE AND LAGGING WALL  
BLOCK AND LOT NO. 103-F-136

CAMPBELL'S RUN ROAD  
BOROUGH OF CARBIDE  
ALLEGHENY COUNTY, PENNSYLVANIA  
COUNTY PROJECT NO. 8072-0092  
PREPARED FOR  
COUNTY OF ALLEGHENY  
PITTSBURGH, PENNSYLVANIA

**D'APPOLONIA**

RIGHT-OF-WAY CLAIM INFORMATION		COUNTY OF ALLEGHENY		BOROUGH OF CARBIDE, PENNSYLVANIA	
DEED BOOK	11228	ACRES	0.188	REQUIRED AREA	S/L
PAGE(S)	508	CALCULATED	0.188	TOTAL REQUIRED	0.688.2
DATE OF DEED	12/19/2001	ADVERSE	-	CHANNEL	-
DATE OF RECORD	1/27/2002	LEGAL R/W	0.188	SLOPE EASEMENT	-
		EFFECTIVE	0.188	TEMP. AREA (DRIVE)	-
		TOTAL REQUIRED	0.615	VERIFICATION DATE	2/11/16
		CONSTR. EASEMENT	0.171	DRAWN BY	ZAS
		TOTAL RESIDUE	0.171	SCALE	1" = 20'
		RESIDUE LT.	-		
		RESIDUE RT.	-		

PLAN SHEETS	1
PROPERTY OWNER(S)	JOSEPH S. DILUGOS
GRANTOR(S)	LILLIAN JEAN DILUGOS
DRAWN	ZAS
CHECKED BY	EPV
APPROVED BY	ZJS
DATE	7/29/2015



PROPERTY DRAWING  
 REQUIRED TEMPORARY CONSTRUCTION EASEMENT  
 ANCHORED SOLDIER PILE AND LAGGING WALL  
 BLOCK AND LOT NO. 103-F-142

CAMPBELL'S RUN ROAD  
 BOROUGH OF CARNEGIE  
 ALLEGHENY COUNTY, PENNSYLVANIA  
 COUNTY PROJECT NO. 8072-002

PREPARED FOR

COUNTY OF ALLEGHENY  
 PITTSBURGH, PENNSYLVANIA

**D'APPOLONIA**



REQUIRED TEMPORARY  
 CONSTRUCTION EASEMENT

PROPERTY OWNER  
 JAMES G. MORAN,  
 BLOCK AND LOT NO. 103-F-142

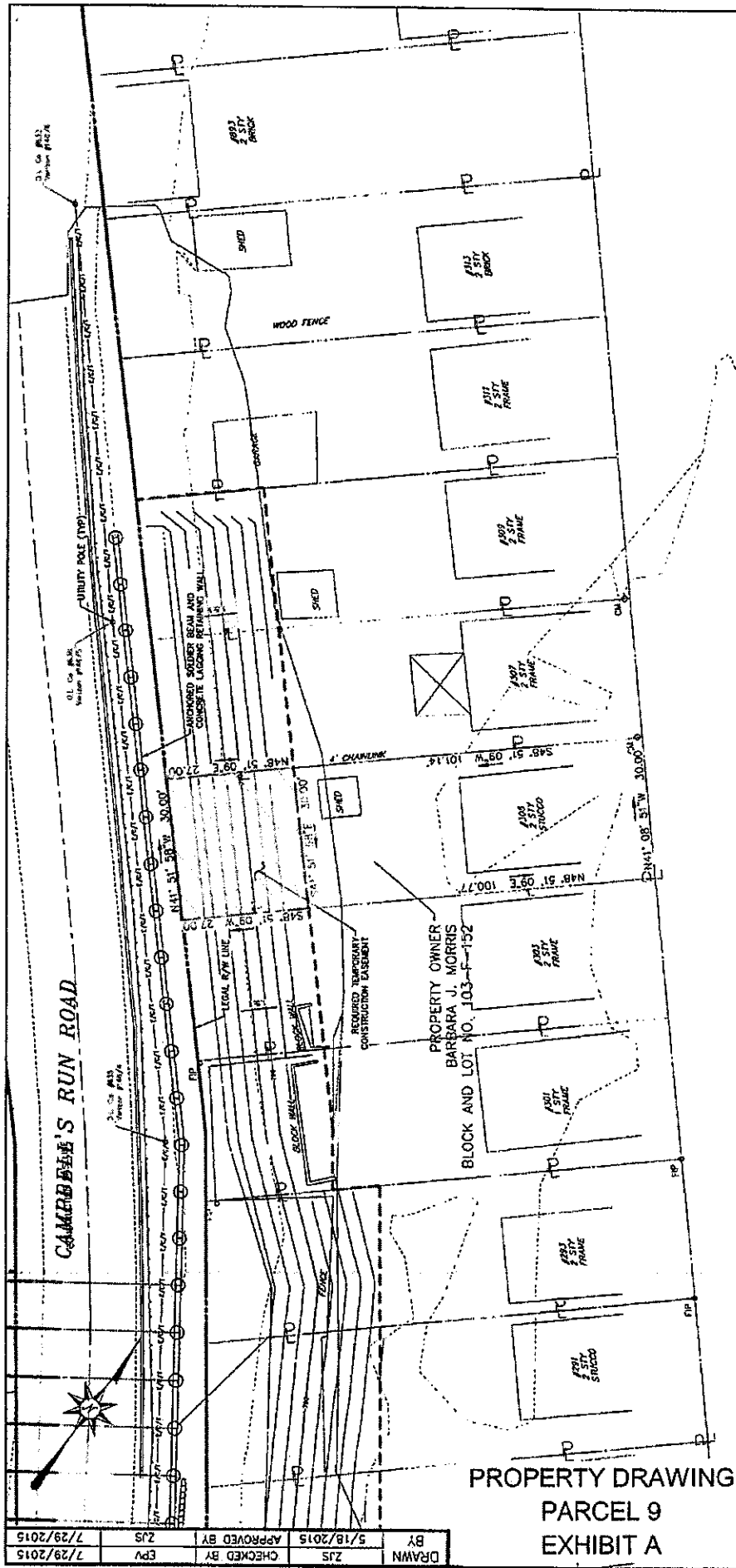
**RIGHT-OF-WAY CLAIM INFORMATION**  
 COUNTY OF ALLEGHENY  
 BOROUGH OF CARNEGIE, PENNSYLVANIA

PLAN SHEETS	2
PARCEL NO.	4
PROPERTY OWNER(S)	JAMES G. MORAN, SINGLE
GRANTOR(S)	ABRAHAM L. BOGARD
DEED BOOK	18212
DATE OF DEED	9/17/2011
DATE OF RECORD	9/18/2012
BLOCK NO.	103-F
LOT NO.	142
VERIFICATION DATE	7/27/2015
DRAWN BY	ZJS
SCALE	1" = 20'

**PROPERTY DRAWING**  
**PARCEL 4**  
**EXHIBIT A**

DRAWN BY	ZJS	CHECKED BY	EPV	DATE	7/29/2015
APPROVED BY	ZJS	DATE	5/18/2015	APPROVED BY	ZJS
DATE	7/29/2015				

11-2011-125046 - Campbell's Run Road Property Easement, Project 8072-002 Temporary Construction Easement.dwg



PROPERTY DRAWING  
 REQUIRED TEMPORARY CONSTRUCTION EASEMENT  
 ANCHORED SOLDIER PILE AND LAGGING WALL  
 BLOCK AND LOT NO. 103-F-152

CAMPBELL'S RUN ROAD  
 BOROUGH OF CARNECK  
 ALLEGHENY COUNTY, PENNSYLVANIA  
 COURT PROJECT NO. 0972-0902  
 PREPARED FOR  
 COUNTY OF ALLEGHENY  
 PITTSBURGH, PENNSYLVANIA



**D'APPOLONIA**

REQUIRED TEMPORARY  
 CONSTRUCTION EASEMENT

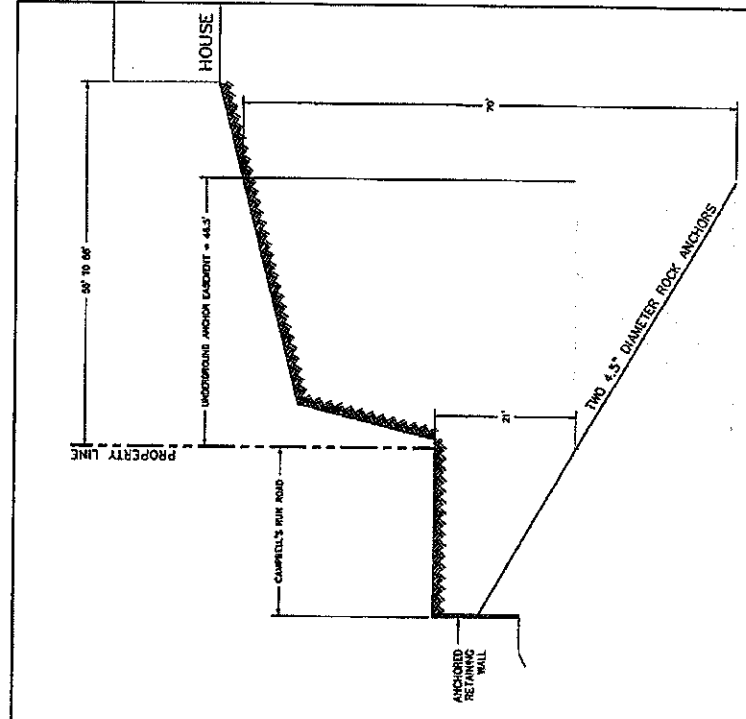
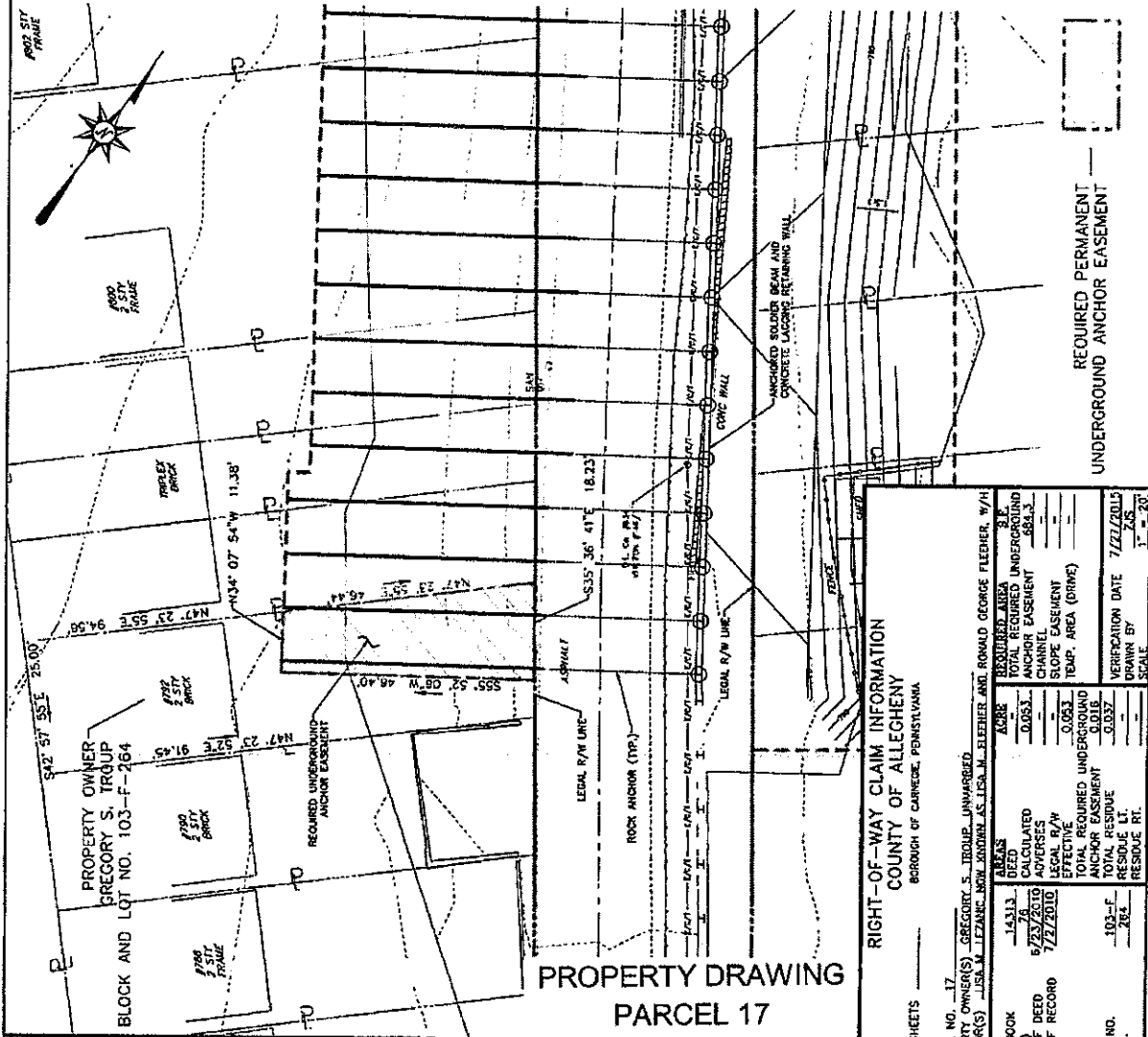
PROPERTY DRAWING  
 PARCEL 9  
 EXHIBIT A

RIGHT-OF-WAY CLAIM INFORMATION		COUNTY OF ALLEGHENY		BOROUGH OF CARNECK, PENNSYLVANIA	
PARCEL NO.	0	PROPERTY OWNER(S)	BARBARA J. MORRIS	CONSTR. EASEMENT	810.1
PROPERTY OWNER(S) (GUARANTY)	JOSHEE J. ZELESKI AND JOYCELYN ZELESKI - HALL	DEED	8731	SOLDIER PILE AND LAGGING WALL	0.019
DEED BOOK	449	DATE OF DEED	5/29/1992	LEGAL R/W	0.019
DATE OF RECORD	6/22/1992	EFFECTIVE DATE	6/22/1992	TOTAL REQUIRED CONSTR. EASEMENT RESIDUE LT.	0.019
				RESIDUE RT.	0.019
BLOCK NO.	103-F	VERIFICATION DATE	7/22/2015	DRAWN BY	ZAS
LOT NO.	152	SCALE	1" = 20'		

DRAWN	ZJS	CHECKED BY	EPV	7/29/2015
BY	ZJS	APPROVED BY	ZJS	7/29/2015

DRAWN	ZJS	CHECKED BY	EV	7/29/2015
BY	ZJS	APPROVED BY	ZJS	7/29/2015

**PROPERTY DRAWING  
PARCEL 17  
EXHIBIT A**



**TYPICAL SECTION**  
N. T. S.

**RIGHT-OF-WAY CLAIM INFORMATION  
COUNTY OF ALLEGHENY  
BOROUGH OF CARNEGIE, PENNSYLVANIA**

PARCEL NO. 17	PROPERTY OWNER(S) GREGORY S. TROPE, UNMARRIED	ACRE	REQUIRED AREA 3.17
GRANTOR(S) J. S. M. LEZARIC, DON. J. DONOHUE, J. S. LEA, M. FLEHER AND RONALD GEORGE FLEHER, W/H		TOTAL REQUIRED UNDERGROUND ANCHOR EASEMENT	584.3
DEED BOOK 14313	DEED 6/23/2010	CHANNEL	
ADVERSE EFFECTIVE W/H		TEMP. AREA (DIRME)	0.063
DATE OF RECORD 7/22/2010		TOTAL REQUIRED UNDERGROUND ANCHOR EASEMENT	0.016
		TOTAL RESIDUE	0.037
		RESIDUE LT.	
		RESIDUE RT.	
BLOCK NO. 103-F	VERIFICATION DATE 7/27/2010	PREPARED BY	D. S. J.
LOT NO. 264	SCALE		1" = 20'

**PROPERTY DRAWING  
REQUIRED PERMANENT UNDERGROUND ANCHOR EASEMENT  
ANCHORED SOLDIER PILE AND LAGGING WALL  
BLOCK AND LOT NO. 103-F-264**

DAPPOLONIA  
COUNTY OF ALLEGHENY  
PITTSBURGH, PENNSYLVANIA



**DAPPOLONIA**



RECEIVED  
ALLEGHENY COUNTY COUNCIL

2016 MAR -3 AM 10: 29 *a*

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: March 3, 2016

RE: Proposed Ordinance

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Attached is an Ordinance authorizing the County of Allegheny to acquire by condemnation certain easement areas from four parcels required to stabilize slope supporting Campbell's Run Road at Highland Avenue, in Carnegie Borough (Project No. 6072-0902), and to take such further action as may be necessary under applicable law, including the Eminent Domain Code

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.

2016 MAR -3 AM 10: 28  
RECEIVED  
ALLEGHENY COUNTY COUNCIL