

Bill No. **3148-07**

No. **23-07-OR**

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, granting authority to the County of Allegheny to convey its interest in a strip of land, approximately 2.57 feet x 145 feet situated in the Borough of West View and in the School District of North Hills that is jointly owned by the County of Allegheny, Borough of West View and the School District of North Hills to Christine L. Boyd, formerly known as Christine L. Fecik and Douglas G. Boyd, husband and wife.

Whereas, the County of Allegheny, Borough of West View and the School District of North Hills acquired title to said strip of land, being more particularly described as set forth in Attachment A hereto (herein "the Parcel"), pursuant to a Sheriff's Sale and by Sheriff's Deed dated December 22, 1972, recorded in Deed Book Volume 4519, Page 283 in the Recorder of Deeds' Office of Allegheny County; and

Whereas, the Parcel inadvertently was not included in a subsequent Sheriff's Deed to a third party bona fide purchaser resulting in a defect in title for later conveyances in the chain of title; and

Whereas, the Claims Counsel of Chicago Title Insurance Company has requested that the County of Allegheny, Borough of West View and the School District of North Hills convey its interest in the Parcel by Quit Claim Deed to remove the title defect resulting from the error in the description of the Parcel contained in the subsequent Sheriff's Deed; and

Whereas, the Borough of West View and the School District of North Hills have agreed to convey their interest, if any, by Quit Deed without consideration, along with the County of Allegheny to cure the title defect; and

Whereas, Article IV, Section 2(1) of the Allegheny County Home Rule Charter vests County Council with the power and duty by ordinance to convey real property owned by the County.

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

Section 1. The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

Section 2.

- A. The County Council of Allegheny County hereby does approve the transfer of the interest held therein by the County of Allegheny in the Parcel as more specifically set forth in Attachment "A" to Christine L. Boyd, formerly known as Christine L. Fecik and Douglas G. Boyd, husband and wife for no consideration by Quit Claim Deed.
- B. The proper officers and/or officials of the county are hereby authorized to execute any and all documents, including deeds, necessary to effectuate the conveyance of the County's interest in the Parcel to Christine L. Boyd, formerly known as Christine L. Fecik and Douglas G. Boyd, husband and wife subject to the approval of the County Solicitor and the County Manager.

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.*

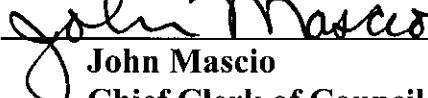
Section 4. Repealer. *Any resolution or ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 19th day of June, 2007.

Council Agenda No. 3148-07.

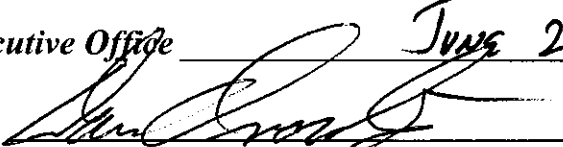


Rich Fitzgerald
President of Council

Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office June 25, 2007

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary

SUMMARY PAGE
ORDINANCE AUTHORIZING THE CONVEYANCE OF
VACANT STRIP OF LAND TO THIRD PARTIES TO CURE
DEFECT IN TITLE RESULTING FROM ERROR IN
SHERIFF'S DEED RECORDED IN 1972

Chicago Title Insurance Company through its title examination discovered a title defect in the description of a small strip of vacant land resulting from an error in a Sheriff's deed recorded in 1972. It is requested that the County cure this defect by conveying its interest, if any, by quit-claim deed to the present owners of the adjoining property which is in the chain of title. (Letters from title companies are attached)

Approval by County Council is sought in accordance with the County Administrative Code.

CHICAGO TITLE INSURANCE COMPANY

711 THIRD AVENUE, 5TH FLOOR, NEW YORK, NY 10017 (212) 880-1200 (800) 525-2511



March 2, 2007

VIA OVERNIGHT DELIVERY

Byron Xides, Esquire
Allegheny County Law Department
300 Fort Pitt Common Building
Pittsburgh, PA 15219

Re: Our Claim No. 218077

Property Address: 549 Perry Highway, Pittsburgh, PA
Strip of Land located in West View Borough

Dear Mr. Xides,

As you will recall, I am Claims Counsel for Chicago Title Insurance Company. We have discussed the conveyance of a small strip of property from the County to the current owners, Christine L. Boyd and Douglas G. Boyd. I am enclosing a copy of a letter sent to your attention last year by the title insurance in reference to this matter. The aforesaid letter summarizes the issue involved here.

I have also enclosed the Quit Claim Deed which I need the County to execute. Please be advised that both the Borough of West View and the School District of North Hills have agreed to convey their interest in the property. Please return the deed to me once it has been executed.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you in advance for your attention and cooperation to this matter.

Very Truly Yours,

Joseph K. Rejent
Claims Counsel

Enclosures

ALLEGHENY COUNTY
LAW DEPARTMENT
2007 MAR -5 AM 10:32

GS

GENESIS SETTLEMENT INC.

200 COMMERCE DRIVE, SUITE 209, MOON TOWNSHIP, PA 15108
TELEPHONE (412) 888-2635 FAX (412) 888-2633

January 19, 2006

Byron Xides, Esq.
Allegheny County Law Dept.
300 Fort Pitt Common Building
Pittsburgh, PA 15219

RE: Strip of land 2.57 feet by 145 feet
In West View Borough

Dear Mr. Xides:

As per our phone conversation on January 18, 2006, attached please find a copy of the Sheriff deed from December 22, 1972 recorded in Deed Book Volume 4519, Page 283 also a copy of the docket sheet from the Prothonotary's office and a copy of the plot plan for the Wellington Heights Land Company plan of lots. Also please find copies of the deeds to lot no. 11 and parts of lot no. 12 and 13 in the Wellington Heights Land Company plan of lots.

It appears, from the information that we have gathered, that the developer, Wellington Heights Land Company, during the process of selling out the lots never conveyed that strip of land, part of lot no. 12 in said plan (2.57 foot x 145 foot strip) (a/k/a block & lot no. 350-M-204) to either the owner of lot no. 11 or the owner of part of lot 12 and 13 (copies of deeds attached). In 1972 while the property was still owned by Wellington Heights Land Company it was taken to Sheriff sale for failure to pay taxes in the amount of \$16.87 with the total cost of the sale being \$363.15, a sheriff deed was recorded conveying the property to the County of Allegheny, the Borough of West View and the North Hills School District.

In 1993, Frances G. Waller, the owner of record of part of lot 12 and 13 in the Wellington Heights Land Company plan of lots, conveyed to Jeffrey J. Morella and Rebecca T. Morella, the owner of lot no. 11 in the Wellington Heights Land Company plan of lots, said strip of land to resolve a deck encroachment, however, it was never owned by Frances G. Waller to convey to Mr. & Mrs. Morella and this was not discovered until January of 2006. We handled the third conveyance of lot no. 11 in the Wellington Heights Land Company plan of lots after the deed conveying said strip was included with the legal description.

At this time, I am inquiring if the County of Allegheny, the Borough of West View and the North Hills School District would please consider signing off on a quit claim deed of the said Part of lot no. 12, (2.57 foot x 145 foot strip) as described in Deed Book Volume 4519, Page 283 to Jacqueline Novak and Rolando J. J. Ramierz, the current owners of lot no. 11 of the Wellington Heights Land Company, a/k/a 549 Perry Highway, Pittsburgh, PA. 15229 (block & lot no. 350-M-203).

Please advise our office as to your recommendation to your appropriate governing body and if they are willing to sign off on a quit claim deed.

Sincerely,

David DiLullo

David DiLullo
Closing Coordinator

cc: Michael Witherall, North Hills School District Solicitor
Fred E. Barker, Jr., Borough of West View Solicitor

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.
County Manager



'07 APR 12 PM12:51

DATE: April 12, 2007

RE: Proposed Ordinance

Attached is an Ordinance granting authority to the County of Allegheny to convey its interest in a strip of land, approximately 2.57 feet x 145 feet situated in the Borough of West View and in the School District of North Hills that is jointly owned by the County of Allegheny, Borough of West View and the School District of North Hills to Christine L. Boyd, formerly known as Christine L. Fecik and Douglas G. Boyd, husband and wife.

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

Please place this on the next agenda for County Council approval.

Thank you.