

No. 32-17-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to reconstruct Little Deer Creek Bridge No. 5 in Indiana Township and Harmar Township, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, Little Deer Creek Bridge No. 5, which carries Jacoby Road over Little Deer Creek in Indiana Township and Harmar Township has come into a state of disrepair, is now structurally deficient with a posted weight limit of 6 Tons and that replacement of the bridge is necessary to insure continued public use and safety; and

Whereas, the Department of Public Works has made every effort to locate the parties hereinafter identified and said parties are either deceased or unlocatable; and

Whereas, the County Council of Allegheny, after exhausting all reasonable measures to acquire said property, deems it advisable to acquire certain right-of-way and easement areas, being: 532 square feet of right-of-way and 1,411 square feet of temporary construction easement, required from a parcel of land of Joseph Rose, James Rose and Edward Rose, Parcel 4 within Indiana Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of reconstructing Little Deer Creek Bridge No. 5 carrying Jacoby Road over Little Deer Creek, Project No. DL05-0210, (the "Project"); and

Whereas, the Right-of-Way Drawings for said Project were recorded in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 172, Page 59; and

Whereas, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action No. 6470-17 approved 8/21/2017; 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 as set forth 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 required right-of-way and temporary construction easements and take under the power of eminent domain part of the property of the following persons or corporations and to acquire title thereto in fee simple for right-of-way and an easement for the temporary construction easements, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
4	Joseph Rose, single, James Rose, single and Edward Rose, single (temporary construction and permanent easements)	727-N-333

Said property is 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.

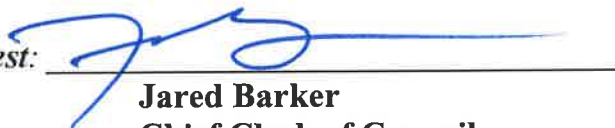
SECTION 7. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 5th day of December, 2017

Council Agenda No. 10339-17



**John DeFazio
President of Council**

Attest: 
**Jared Barker
Chief Clerk of Council**

Chief Executive Office December 6, 2017

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 Rose, single, James Rose, single and Edward Rose, single

TO RECONSTRUCT LITTLE DEER CREEK BRIDGE NO. 5

JACOBY ROAD, INDIANA TOWNSHIP

September 19, 2017

The Public Works Department seeks authorization to acquire property by condemnation required to reconstruct Little Deer Creek Bridge No. 5. Right-of-way and temporary easements are required to construct the project.

Joseph Rose, single, James Rose, single and Edward Rose, single

The parcel was acquired by a deed dated November 5, 1981. The parcel is now vacant and tax delinquent. Death notices were found for Joseph Rose and James Rose, however, no Estates were raised for said individuals. Edward Rose cannot be located. We seek authorization by County Council, as soon as possible, as required by the County Administrative Code, so we may file a Declaration of Taking and deposit estimated just compensation with the Department of Court Records to secure possession of the property for the Project.

Received
10/5/17
10:47 am

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: October 5, 2017

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to reconstruct Little Deer Creek Bridge No. 5 in Indiana Township and Harmar Township, 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.