

No. _____

AN ORDINANCE

An Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements from one (1) parcel required to replace Robinson Run Bridge No. 3 over the South Branch of Robinson Run located in North Fayette Township and South Fayette Township and to take such further action as may be necessary under applicable law, including but not limited to the Eminent Domain Code.

Whereas, the County Council of Allegheny County (**the “Council”**) deems it advisable to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements (**the “Property”**) from one (1) parcel described hereinbelow for the purpose of replacing Robinson Run Bridge No. 3 over the South Branch of Robinson Run located in North Fayette Township and South Fayette Township, Allegheny County (**the “Project”**); and

Whereas, the Project, has been depicted in the Right-of-Way Drawings identified as 26170-R/W for the Replacement of Robinson Run Bridge No. 3 over the South Branch of Robinson Run (Mill Street), located in North Fayette Township and South Fayette Township, County Project No. RS03-0609, dated March, 2020, recorded on January 8, 2021 in the Allegheny County Department of Real Estate, Plans-Miscellaneous, Book 186, Page 39, and marked as “Exhibit A”, attached hereto and made a part hereof; and

Whereas, the Department of Public Works has been unable to locate the owner(s) of Parcel No. 2, identified as the Heirs of Robert Marshall who died on or around February 1, 1910 and although an Estate was filed at Will Book 105-44-22 in the Allegheny County Register of Wills describing several parcels of land, a specific devise of the subject Property could not be identified; and

Whereas, due to the construction schedule of the Project, it is now necessary to authorize the acquisition of the Property through condemnation proceedings following exhaustion of reasonable, good faith efforts to identify and locate the living heirs of Robert Marshall and amicably acquire said property.

Whereas, the Project constitutes a valid public purpose serving the interests of the residents of the County.

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 Property by Condemnation.

That Council deems it advisable and necessary to acquire by condemnation, under the power of eminent domain, certain property necessary for the Project described more particularly as follows:

Parcel 2 – the Heirs of Robert Marshall

Lot/Block #None identified

Property: Right-of-Way in fee simple 2226 square feet; and
Temporary Construction Easement 2643 square feet

FMV: \$500.00

SECTION 3. 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 4. 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 5. 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 6. Repealer.

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

Enacted in Council, this _____ day of _____, 2021

Council Agenda No. _____

Patrick Catena
President of Council

Attest: _____

Jared Barker
Chief Clerk of Council

Chief Executive Office _____, 2021

Approved: _____

Rich Fitzgerald
Chief Executive

Attest: _____

Jennifer M. Liptak
Chief of Staff

Summary

Authorization to commence one (1) condemnation action (Parcel 2) in connection with the Replacement of Robinson Run Bridge No. 3 over the South Branch of Robinson Run (Mill Street) located in North Fayette Township and South Fayette Township, Allegheny County, County Project No. RS03-0609. The County has been unable to locate the owners of the property despite diligent efforts to do so.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: March 18, 2021

RE: Proposed Ordinance


Attached is an Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements from one (1) parcel required to replace Robinson Run Bridge No. 3 over the South Branch of Robinson Run located in North Fayette Township and South Fayette Township and to take such further action as may be necessary under applicable law, including but not limited to 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.

COUNTY	TOWNSHIP	MUNICIPALITY	ROUTE	TOTAL SHEETS
ALLEGHENY	NORTH FAYETTE			8
	SOUTH FAYETTE			

COUNTY OF ALLEGHENY



DEPARTMENT OF PUBLIC WORKS

DRAWINGS AUTHORIZING ACQUISITION

OF RIGHT-OF-WAY FOR MILL STREET IN ALLEGHENY COUNTY

FROM STA. 10+62.00 TO STA. 13+68.00 LENGTH 306.00 FT. 0.058 MI.

THIS PLAN PREPARED PURSUANT TO SECTION 554(a) OF THE ADMINISTRATION CODE AS AMENDED, 17 P.S. SECTION 5104, AND SECTION 502(d)(1) OF THE EIGHTH DOMINION ACT OF JULY 28, 1953, P.S. SECTION 502(d)(1) AND PURSUANT TO SECOND CLASS COUNTY CODE HOME RULE CHAPTER 128 AND ALLEGHENY COUNTY ADMINISTRATIVE CODE, ALLEGHENY COUNTY.

DESIGN DATA	
CURRENT YEAR ADT - 324 (2020)	
DESIGN YEAR ADT - 300 (2040)	
DIV	- 41
D	- 582
T	- 22

DESIGN DESIGNATION

- HIGHWAY CLASSIFICATION - URBAN LOCAL ROAD/STREET
- ROADWAY TYPOLOGY - LOCAL ROAD/STREET
- DESIGN SPEED - 25 MPH
- PAYMENT WIDTH - 2 - 10'-0" LAMES
- SHOULDER WIDTH - 0' ON EITHER SIDE



RECORDED IN THE OFFICE FOR THE DEPARTMENT OF REAL ESTATE IN ALLEGHENY COUNTY, PA. IN PLANS-MISC BOOK 186 PAGE 57

WITNESS MY HAND AND SEAL OF OFFICE

[Signature]
MANAGER

ACKNOWLEDGEMENT
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY
ON THIS 57th DAY OF MARCH 2020, BEFORE ME A NOTARY PUBLIC THE UNDERSIGNED OFFICER, PERSONALLY APPEARED WILLIAM D. MCKEITH KNOWN TO ME FOR SATISFACTORY REASONS TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ATTACHED PLAN. I HAVE EXAMINED THE PLAN AND DATED 11/18 AND ACKNOWLEDGED THAT HE IS FULLY AUTHORIZED TO ACT AS COUNTY MANAGER AND EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

SEALS: *[Signature]*
HEREBY SET BY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES

APPROVED
TO ACCEPT RIGHT-OF-WAY AND ROAD IMPROVEMENTS, SOUTH FAYETTE TOWNSHIP
RESOLUTION NO. OF 2020
[Signature]
CHAIRMAN, BOARD OF COMMISSIONERS

PREPARED BY
SAI CONSULTING
REGISTERED PROFESSIONAL ENGINEER
DATE: *March 11, 2020*

APPROVED
BY THE COUNTY EXECUTIVE, THROUGH THE MANAGER OF ALLEGHENY COUNTY, THIS PROJECT WAS AUTHORIZED FOR PROPERTY ACQUISITION BY THE ALLEGHENY COUNTY MANAGER.
DATE: *12-22-2021*
EXECUTIVE OFFICER NO. 33-11-22

RECOMMENDED
COUNTY OF ALLEGHENY
DEPARTMENT OF PUBLIC WORKS
PROJECT MANAGER
DATE: *3/13/2020*

DATE: *March 11, 2020*

County of Allegheny

Department of Public Works
DRAWINGS AUTHORIZING ACQUISITION
FOR REPLACEMENT OF
ROBINSON RUN
BRIDGE NO. 3
OVER THE SOUTH BRANCH
OF ROBINSON RUN
R003-0029

NORTH FAYETTE TOWNSHIP AND SOUTH FAYETTE TOWNSHIP
MAIN BR. PLAN No. 811/01
DATE: 03/20/20 SHEETS SHOWN: SHEET 1 OF 8 26170-R/W

SHEET INDEX BLOCK	
DESCRIPTION	SHEET
TITLE SHEET	1
INDEX MAP	2
LOCATION MAP AND GENERAL NOTES	3
PROJECT COORDINATES/RIGHT-OF-WAY BREAKPOINTS	4
TYPICAL SECTIONS	5
DETAIL PLAN SHEET	6
PROFILE SHEET	7
RIGHT-OF-WAY ELEM. BLOCKS	8

ALL REQUIRED RIGHT-OF-WAY FOR THIS PROJECT SHALL BE ACQUIRED BY THE STATE OF MARYLAND. THE RIGHT-OF-WAY SHALL BE ACQUIRED IN THE LESSER ESTATE OR INTEREST NOTED ON THE PLAN SHEET.

LEGEND

- PLAN
- PROFILE
- PARCEL IDENTIFICATION NUMBER
- △ PARCEL IDENTIFICATION NUMBER-HO TIME

DESIGNED BY	LPM
DRAWN BY	KMJ
CHECKED BY	ETB

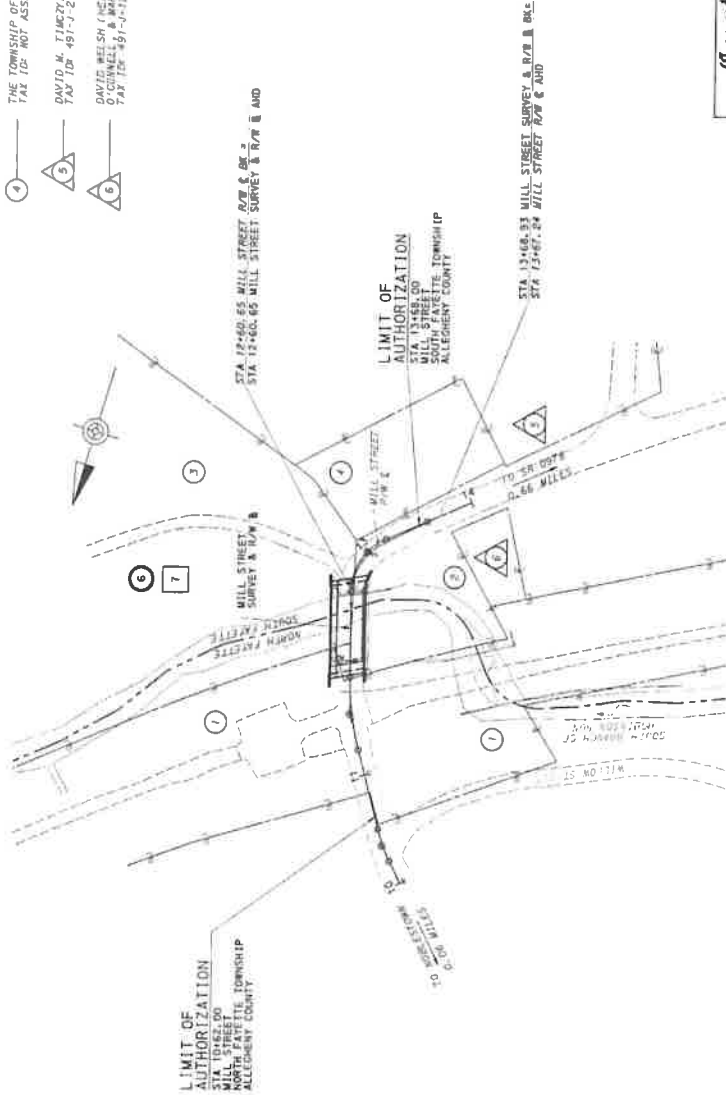


TABULATION OF SEGMENT EQUALITIES

N/A

LIST OF PROPERTY OWNERS

- ① COUNTY OF ALLEGHENY
TAX ID: 0683-6-00100-0000-00
- ② HEIRS OF ROBERT MARSHALL
TAX ID: NOT ASSESSED
- ③ THE CLARY A. DUFFY TRUSTABLE LIVING TRUST
DATED FEBRUARY 17, 2004, BY CLARY A. DUFFY, TRUSTEE,
TAX ID: 491-E-60 15248-E-5411
- ④ THE TOWNSHIP OF SOUTH FAYETTE
TAX ID: NOT ASSESSED
- ⑤ DAVID M. TIMCZYK AND JONI A. TIMCZYK, HIS WIFE
TAX ID: 491-J-2
- ⑥ DAVID WELSH, INCORPORATED; THOMAS O'CONNELL, ELLEN O'CONNELL & MARTIN WELSH
TAX ID: 491-J-1-E



County of Allegheny
 Pittsburgh, Pennsylvania
 DEPARTMENT OF PUBLIC WORKS

INDEX MAP
 FOR REPLACEMENT OF
 ROBINSON RUN BRIDGE NO. 3
 OVER THE SOUTH BRANCH
 OF ROBINSON RUN
 RS03-0609

NORTH FAYETTE TOWNSHIP AND SOUTH FAYETTE TOWNSHIP
 DRAWN BY: KMJ
 DATE: 03/2008
 SCALE: AS SHOWN
 SHEET 2 OF 8
 2610-R/W

REVISIONS



SUMMARY OF PROJECT COORDINATES
 BASED ON STATE PLANE COORDINATE SYSTEM
 NO COMBINED SCALE FACTOR NEEDED DUE TO SMALL AREA

RTE	STATION	POINT	COORDINATES		BEARING
			NORTH	EAST	
MILL STREET SURVEY R/W	10+00.00	POT	394457.4070	1286484.6655	S42°31'50"E
	10+21.45	PC	394441.5864	1286499.1687	S42°31'50"E
	10+36.31	PI	394330.6406	1286509.2112	S31°13'05"E
	10+51.07	PT	394417.9455	1286516.9111	S31°13'05"E
	11+22.31	PC	394357.0030	1286553.8321	S31°13'05"E
	11+54.51	PI	394329.4835	1286570.5230	S16°32'16"E
	11+86.36	PT	394298.6111	1286579.6897	S16°32'16"E
	12+50.65	PC	394227.3921	1286600.8369	S16°32'16"E
	12+93.29	PI	394196.1074	1286610.1263	S49°43'37"W
	13+18.48	PT	394175.0112	1286585.2269	S49°43'37"W
	14+00.00	POT	394122.3138	1286523.0291	S42°31'50"E
	10+00.00	POT	394457.4070	1286484.6655	S42°31'50"E
10+21.45	PC	394441.5864	1286499.1687	S42°31'50"E	
10+36.31	PI	394330.6406	1286509.2112	S31°13'05"E	
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11+86.36	PT	394298.6111	1286579.6897	S16°32'16"E	
12+50.65	PC	394227.3921	1286600.8369	S16°32'16"E	
12+93.29	PI	394196.1074	1286610.1263	S49°43'37"W	
13+18.48	PT	394175.0112	1286585.2269	S49°43'37"W	
14+00.00	POT	394122.3138	1286523.0291	S42°31'50"E	
10+00.00	POT	394457.4070	1286484.6655	S42°31'50"E	
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10+51.07	PT	394417.9455	1286516.9111	S31°13'05"E	
11+22.31	PC	394357.0030	1286553.8321	S31°13'05"E	
11+54.51	PI	394329.4835	1286570.5230	S16°32'16"E	
11+86.36	PT	394298.6111	1286579.6897	S16°32'16"E	
12+50.65	PC	394227.3921	1286600.8369	S16°32'16"E	
12+93.29	PI	394196.1074	1286610.1263	S49°43'37"W	
13+18.48	PT	394175.0112	1286585.2269	S49°43'37"W	
14+00.00	POT	394122.3138	1286523.0291	S42°31'50"E	

NOTE: (1) PLACE COORDINATES ARE USED FOR COMPUTATIONAL PURPOSES ONLY AND DO NOT IMPLY A PRECISION BEYOND TWO (2) PLACES.

TABULATION OF REQUIRED RIGHT-OF-WAY BREAK POINTS
 BASED ON STATE PLANE COORDINATE SYSTEM
 NO COMBINED SCALE FACTOR NEEDED DUE TO SMALL AREA

RTE	STATION	SIDE	OFFSET	COORDINATES	
				NORTH	EAST
MILL STREET SURVEY R/W	11+60.00	LT	16.5'	394329.1745	1286486.1044
	11+56.00	LT	35.00'	394541.0710	1286601.4019
	11+87.00	LT	32.00'	394307.1068	1286610.5480
	12+60.00	LT	32.00'	394237.1267	1286631.3273
	12+71.00	LT	38.00'	394222.0935	1286640.4506
	12+77.00	LT	38.00'	394208.7898	1286640.8407
	12+89.00	LT	16'	394210.6323	1286616.8968
	12+89.00	LT	15'	394193.3026	1286615.4042
	13+00.00	LT	20.00'	394193.3289	1286620.2118
	13+00.00	LT	28.00'	394175.8807	1286621.4200
	13+18.00	LT	28.00'	394154.1344	1286603.8865
	13+42.00	LT	28.00'	394136.4437	1286585.3816
13+42.00	LT	18.00'	394146.0734	1286578.9173	
13+50.00	LT	18.00'	394140.8019	1286572.8135	
13+50.00	LT	16'	394142.4279	1286571.5206	
11+70.00	RT	16.5'	394308.4103	1286559.0465	
11+70.00	RT	30.00'	394303.7295	1286546.3841	
11+87.00	RT	30.00'	394289.4566	1286551.1128	
12+55.00	RT	30.00'	394224.2717	1286570.4688	
13+25.00	RT	47.00'	394206.6559	1286549.8697	
13+60.00	RT	16.5'	394160.7601	1286542.8819	



NOTE: (1) PLACE COORDINATES ARE USED FOR COMPUTATIONAL PURPOSES ONLY AND DO NOT IMPLY A PRECISION BEYOND TWO (2) PLACES.

County of Allegheny
 Pittsburgh, Pennsylvania
 DEPARTMENT OF PUBLIC WORKS

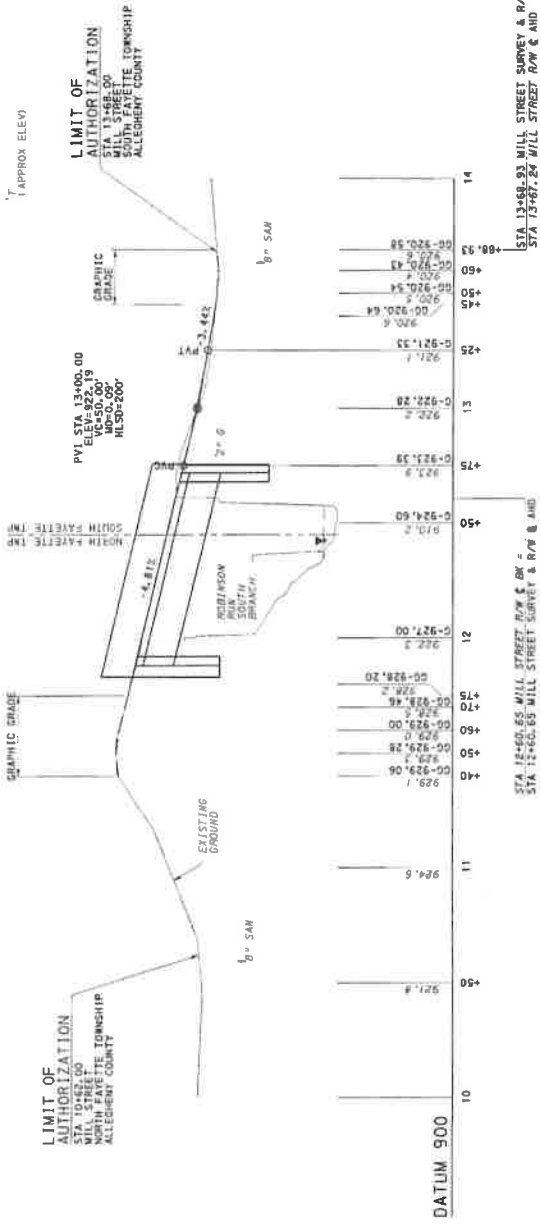
PROJECT COORDINATES/
 RIGHT-OF-WAY BREAKPOINTS
 FOR REPLACEMENT OF
 ROBINSON RUN BRIDGE NO. 3
 OVER THE SOUTH BRANCH
 OF ROBINSON RUN

1503-0608
 NORTH FAYETTE TOWNSHIP AND SOUTH FAYETTE TOWNSHIP
 DRAWN BY: KAJ
 DATE: 03/2020
 SHEET 4 OF 8
 26170-R/W

REVISIONS

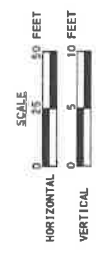



DESIGNED BY	LPM
DRAWN BY	KAJ
CHECKED BY	ETB



County of Allegheny
 Pittsburgh, Pennsylvania
 DEPARTMENT OF PUBLIC WORKS

PROFILE SHEET
 FOR REPLACEMENT OF
ROBINSON RUN BRIDGE NO. 3
 OVER THE SOUTH BRANCH
 OF ROBINSON RUN
 R503-0609
 NORTH FAYETTE TOWNSHIP AND SOUTH FAYETTE TOWNSHIP



DESIGNED BY	LPM
DRAWN BY	KMJ
CHECKED BY	ETB

FOR PLAN SEE SHEET 6

DATE: 03/2020 SCALE: AS SHOWN SHEET 7 OF 8
 26170-R/W

