

Bill No. 4549-09

No. 01-09-02

## AN ORDINANCE

An Ordinance authorizing the County of Allegheny to accept certain real estate/rights of way from Tech 21 Partners, LLC in connection with a Local-Public Agency Right of Way Acquisition Agreement for the widening of Warrendale-Bayne Road-Route 19 and Brush Creek Road-Thorn Hill Road in Marshall Township, Allegheny County, Pennsylvania and said Agreement

**Whereas**, Article IV, Section 2 (j) of the Allegheny County Home Rule Charter vests County Council with the power and duty by ordinance to accept by ordinance grants, gifts or donations of real or personal property on behalf of the County; and,

**Whereas**, the County of Allegheny ("County"), the Commonwealth of Pennsylvania ("Commonwealth") acting through the Pennsylvania Department of Transportation and Tech 21 Partners, LLC, ("Tech 21") a Pennsylvania limited partnership have, or will enter into a Public Agency Right of Way Acquisition Agreement ("Acquisition Agreement") for the widening of Warrendale-Bayne Road and Route 19 and Brush Creek Road and Thorn Hill Road in Marshall Township, Allegheny County, Pennsylvania (herein the "Construction Project"); and,

**Whereas**, Tech 21 has amicably acquired all rights of way that are necessary for the current phase of the Construction Project (herein "Phase II"); and,

**Whereas**, under the Acquisition Agreement Tech 21 will convey to the County the rights of way necessary for Phase II of Construction Project and provide the local share of acquisition costs not recognized by the Federal Highway Administration giving credit for the fair market value of the properties so conveyed to the County; and,

**Whereas**, Tech 21 has agreed to reimburse the County for those acquisition costs incurred but not reimbursed by the Commonwealth; and,

**Whereas**, the County Council finds that the acceptance of the rights of way will not interfere with any existing County function or future governmental function and will promote public safety and economic development in Allegheny 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 in their entirety herein.

***SECTION 2.        Authorization to ratify Acquisition Agreement and Accept Rights of Way.***

County Council does hereby accept for public use the rights of way to be conveyed by Tech 21 under the Acquisition Agreement, with direction to the Department of Public Works to enroll said rights of way on its records as and for a public facility. In addition, County Council does hereby authorize the County's Director of the Department of Public Works, or his designee, to take any and all further actions, as may be necessary or proper to carry out the purposes of the authorization granted herein with respect to said rights of way.

***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 20<sup>th</sup> day of January, 2009

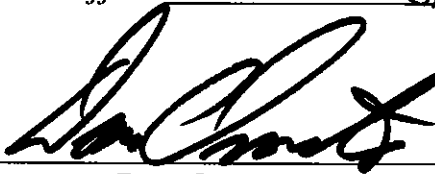
Council Agenda No. 4549-09



Rich Fitzgerald  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Chief Executive Office January 30, 2009

Approved:   
Dan Onorato  
Chief Executive

Attest:   
Donna Beltz  
Executive's Secretary

### SUMMARY OF LEGISLATION

This ordinance would authorize the County to ratify a Local-Public Agency Right of Way Acquisition Agreement for the widening of Warrendale-Bayne Road-Route 19 and Brush Creek Road-Thorn Hill Road in Marshall Township, Allegheny County, Pennsylvania and to accept certain real estate/rights of way from Tech 21 Partners, LLC .

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

TO: John Mascio  
Chief Clerk

FROM: James M. Flynn, Jr.  
County Manager

DATE: January 2, 2009

RE: Proposed Ordinance

ALLEGHENY COUNTY COUNCIL

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Attached is an Ordinance authorizing the County of Allegheny to accept certain real estate/rights of way from Tech 21 Partners, LLC in connection with a Local-Public Agency Right of Way Acquisition Agreement for the widening of Warrendale-Bayne Road-Route 19 and Brush Creek Road-Thorn Hill Road in Marshall Township, Allegheny County, Pennsylvania and said Agreement.

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.