

Bill No. 02-1120

No. 46-02

ORDINANCE

Authorizing the County of Allegheny to clear the right-of-way for construction of the Settler's Cabin Interchange, including relocation of portions of Ridge Road and Campbell's Run Road, in the Township of Robinson, and to acquire by condemnation certain parcels of land for this project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, *as amended* (Project No. 6912-0001).

WHEREAS, the County Council of Allegheny deems it advisable to clear the right-of-way for the construction of the Settler's Cabin Interchange (SR 0022, Section A18-GR/W and SR 0022, Section A18-R/W, recorded by Allegheny County Recorder of Deeds in State Highway Plan Book 120, Pages 56 to 64 and Book 125, Pages 1 to 120 respectively), including relocation of portions of Ridge (Mobay) Road (County Road No. 6265-00) and Campbell's Run Road (County Road No. 6072-03) in the Township of Robinson, County of Allegheny and Commonwealth of Pennsylvania (Project No. 6912-0001); and

WHEREAS, on August 26, 2001, the County Executive authorized the Law Department to clear the right-of-way for said project, Agenda No. 1604-01, a copy of which is marked "Exhibit A", attached hereto and made a part hereof; and

WHEREAS, the County Council of Allegheny County deems it advisable to acquire by condemnation, certain land hereinafter described for additional right-of-way and easements for said 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 CLEAR RIGHT-OF-WAY

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 required rights-of-way and easements, 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 in clearing the right-of-way, for

the construction of the Settler's Cabin Interchange (SR 0022, Section A18-GR/W and SR 0022, Section A18-R/W), including relocation of Ridge Road (County Road No. 6265-00) and Campbell's Run Road (County Road No. 6072-03) in the Township of Robinson, County of Allegheny and Commonwealth of Pennsylvania (Project No. 6912-0001).

SECTION 3. AUTHORIZATION TO ACQUIRE PROPERTY BY CONDEMNATION

That Council deems it advisable and necessary to take under the right of eminent domain the property of the following persons or corporations and to acquire title thereto in fee simple:

Parcel No.	Record Owner	Block and Lot Number
155	Cedars Development Co.	264-B-290
156	Earl W. Kazis & Roy Johns, Jr.	264-B-220
157	Russell M. & Susan L. Keith	265-P-130
158	PRR Family Partnership-Zambrano. etal.	265-P-154
159	Mosites Construction Co.	265-P-167
160	George J. Salopek & Michael J. Dorfner	265-P-171
160A	George J. Salopek & Michael J. Dorfner	265-P-183
161	Maureen C. Butts	265-P-190
162	Haber Associates	265-P-17
163	Gooding Rubber Co. (total take)	265-P-376
165	Chief Commercial Construction, L.P.	265-K-72
166	Nola Herman Heirs (total take)	265-K-94
167	United Group Realities, Inc. (total take)	265-J-148
170	Mark L. Davis	334-G-15
171	Khalil and Sadie Kahlil	334-G-6
172	Karen S. Baker	334-C-151
173	Walter R. & Catherine M. Stasik	334-C-171
174	Gustine Prendergast Assoc. Ltd.	334-C-181
174A	Gustine Prendergast Assoc. Ltd.	334-C-204
176	Samuel Prizant	334-C-63
177	T&C Realty Enterprises	334-C-80
203	James L. and Carole A. Putt	334-C-70
212	Nola Herman Heirs	264-A-31
300	Municipal Authority of the Township of Robinson	334-L-25

Said properties are identified on drawings marked "Exhibit B", attached hereto and made part hereof. Entry upon, appropriation and the taking thereof is hereby authorized and directed for the purpose of constructing the Settler's Cabin Interchange, (SR 0022, Section A18-GR/W) including relocation of portions of Ridge Road (County Road No. 6265-00) and Campbell's Run Road (County Road No. 6072-03) in the Township of Robinson, County of Allegheny and Commonwealth of Pennsylvania (Project No. 6912-0001).

SECTION 4. NOTICE TO INTERESTED PARTIES

That immediate notice of this Ordinance shall be given to parties interested therein.

SECTION 5. APPLICATION TO COURT

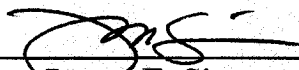
The Law Department is hereby directed to make application immediately to the Court of Common Pleas of said County for the purpose of having the value of said property legally ascertained.

SECTION 6 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. 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.

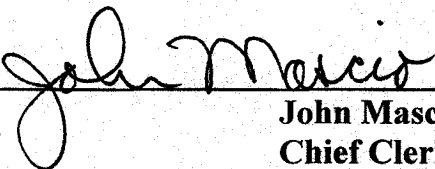
Enacted in Council, this 10th day of September, 2002,

Council Agenda No. 02-1120



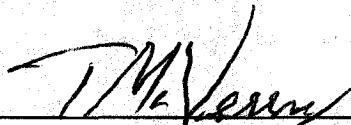
James E. Simms
President of Council

Attest:



John Mascio
Chief Clerk of Council

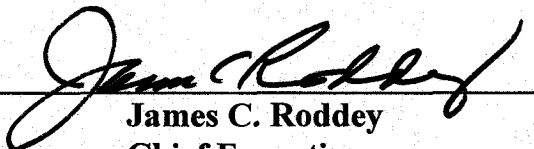
Approved as to form:



Terrence McVerry
County Solicitor

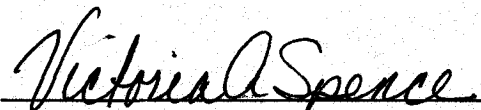
Chief Executive Office September 16, 2002.

Approved:



James C. Roddey
Chief Executive

Attest:



Victoria Spence
Executive's Secretary

CERTIFICATE

I, JOHN MASICO, Chief Clerk of the Council of the County of Allegheny,
Pennsylvania, do hereby certify the foregoing to be a true and correct copy of Ordinance No. _____
duly enacted by County Council at a regular meeting thereof on the _____ day of _____, 2002,
as the same appears in the Minutes of said meeting duly recorded in the Office of County Council.

WITNESS my hand and seal hereto affixed this _____ day of _____,
2001.

John Mascio
Chief Clerk of Council

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: Robert B. Webb
County Manager

DATE: August 19, 2002

RE: Requesting County Council Approval

Attached is an Ordinance authorizing the County of Allegheny to clear the right-of-way for construction of the Settler's Cabin Interchange, including relocation of portions of Ridge Road and Campbell's Run Road, in the Township of Robinson, and to acquire by condemnation certain parcels of land for this project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, *as amended* (Project No. 6912-0001). This request is submitted by the Department of Public Works.

Please put on the next agenda for County Council approval.

Thank you.