

RESOLUTION

Providing certification that comparable replacement housing is not physically available and not available within the normal supplemental limits: \$22,500.00 for owners and \$5,250.00 for tenants, for the S.R. 0065, Section A11 project by the Pennsylvania Department of Transportation in the Borough of Avalon.

WHEREAS, the Commonwealth of Pennsylvania, Department of Transportation intends to acquire property (ies) for the improvement of S.R. 0065, Section A11, in the Borough of Avalon; and

WHEREAS, under the Pennsylvania Replacement Housing Act of 1972, and Appendix B, Act 304, Section 3 of the Eminent Domain Code, if comparable replacement housing exceeds the statutory replacement limit of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) for residential owners and Five Thousand Two Hundred Fifty Dollars (\$5,250.00) for tenants, the Board of Commissioners, of the appropriate County, must approve housing of last resort; and

WHEREAS, at the election held on May 19, 1998, the voters of Allegheny County approved the Home Rule Charter of Allegheny County, in which Article III, Section 1 states, "The government of Allegheny County shall include an elected County Council, an elected Chief Executive and an appointed professional Manager" and Section 2 states, "The office of County Commissioner is abolished upon the swearing in of the County Council Members and the Chief Executive"; and

WHEREAS, the Pennsylvania Department of Transportation has determined that comparable housing exceeds the statutory limits; and

WHEREAS, it is necessary that the Council and Chief Executive of Allegheny County approve last resort housing so that the Department of Transportation will be permitted to exceed the statutory limits; and

WHEREAS, The Pennsylvania Department of Transportation will assume total responsibility for the funding of the last resort housing supplements.

Be it resolved by the Council of Allegheny County as follows:

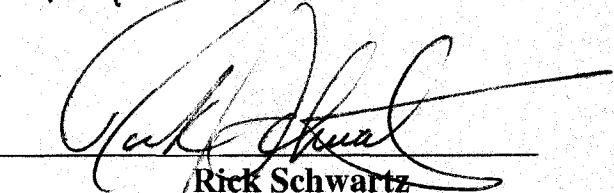
Section 1. *The County Council of the County of Allegheny, after researching to determine whether comparable replacement housing exceeds the statutory supplemental limits allowed by law, hereby approves housing of last resort according to applicable laws for the improvement of S.R. 0065, Section A11 in the Borough of Avalon.*

Section 2. *If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.*

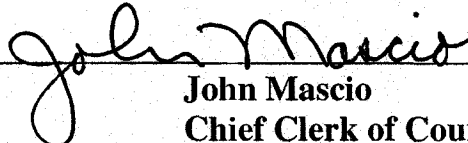
Section 3 *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.*

Enacted in Council, this 15th day of April, 2003

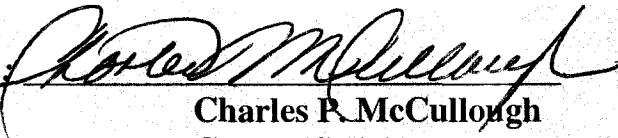
Council Agenda No. 1125-02


Rick Schwartz
President of Council

Attest:


John Mascio
Chief Clerk of Council

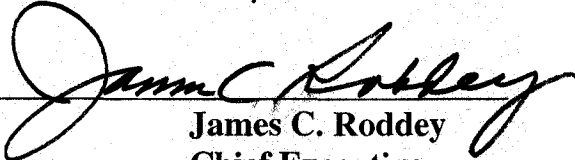
Approved as to form:


Charles P. McCullough
County Solicitor


Chief Executive Office

April 21, 2003

Approved:


James C. Roddey
Chief Executive

Attest:


Victoria Spence
Executive's Secretary

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: Robert B. Webb *RBW*
County Manager

DATE: March 31, 2003

RE: Requesting County Council Approval

Attached is a Resolution providing certification that comparable replacement housing is not physically available and not available within the normal supplemental limits: \$22,500.00 for owners and \$5,250.00 for tenants, for the S.R. 0065, Section A11 project by the Pennsylvania Department of Transportation in the Borough of Avalon. This request is submitted by the Department of Public Works.

Please put on the next agenda for County Council approval.

Thank you.