

Bill No. **3043-07**

No. **26-07-OR**

## AN ORDINANCE

Authorizing the County of Allegheny to convey in fee a 0.15 acre area of required right-of-way, 0.01 acre area of drainage easement and 0.47 acre area of temporary construction easement on county-owned Montour Trail property at its intersection with Brownsville Road Extension (SR 3013) in the Township of South Park to the Commonwealth of Pennsylvania, through its Department of Transportation.

**Whereas**, the County Council of Allegheny County deems it advisable to convey a certain 0.15 acre area of right-of-way, 0.01 acre area of drainage easement and 0.47 acre area of temporary construction easement on county-owned Montour Trail property at its intersection with Brownsville Road Extension (SR 3013) in the Township of South Park to the Commonwealth of Pennsylvania, through its Department of Transportation, being part of the same right-of-way acquired from the Montour Railroad Company by an Indenture dated December 23, 1991 and recorded in Allegheny County Recorder of Deeds Office in Deed Book Volume 8684, Page 571 in the Township of South Park, County of Allegheny and Commonwealth of Pennsylvania, which is depicted on the drawing, sheet 15 of 15 for State Route 3013, Section A02 R/W that is attached hereto as Exhibit "A" and incorporated herein by reference (the "Property"); and

**Whereas**, Commonwealth of Pennsylvania, Department of Transportation (called "PennDOT"), by its Notice of Acquisition dated January 25, 2007, has indicated its requirement to acquire the Property in order to replace its adjacent bridge over Piney Fork Run; and

**Whereas**, in lieu of cash consideration, PennDOT has indicated its willingness to provide a stabilized parking area and connecting trail with an 18" concrete pipe culvert; and

**Whereas**, in accordance with Section 701.03 F of the County Administrative Code, the County Executive will authorize conveyance of the Property via a pending Executive Action.

***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 Convey, by Deed Fee Simple, Right-of-way and***

**Easement on Montour Trail Property**

Council deems it advisable and necessary to convey, by Deed Fee Simple, a certain 0.15 acre area of right-of-way, 0.01 acre area of drainage easement and 0.47 acre area of temporary construction easement on county-owned Montour Trail property at its intersection with Brownsville Road Extension (SR 3013) in the Township of South Park to the Commonwealth of Pennsylvania, through its Department of Transportation. Such authorization is conditioned on and subject to PennDOT allowing the County to perpetually continue operating and maintaining the Montour Trail over the Property, and for PennDOT to provide, in lieu of cash compensation, stabilized parking area surface and connecting trail with an 18" reinforced concrete pipe culvert, as shown on Exhibit "A". The Director of Public Works or his designee is authorized to execute in the name of the County such instruments of conveyance and other documents that may be necessary to accomplish the conveyance and transfer of the Property to PennDOT.


**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 3<sup>rd</sup> day of July, 2007,

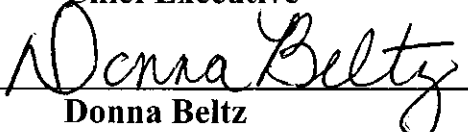
Council Agenda No. 3043-07.

  
Rich Fitzgerald  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Chief Executive Officer  July 11, 2007

Approved:   
Dan Onorato  
Chief Executive

Attest:   
Donna Beltz  
Executive's Secretary



SUMMARY  
ORDINANCE AUTHORIZING CONVEYANCE OF  
REQUIRED RIGHT-OF-WAY AND EASEMENT BY DEED FEE SIMPLE  
MONTOUR TRAIL PROPERTY AT  
BROWNSVILLE ROAD EXTENSION (SR 3013-SECTION A02 R/W)  
SOUTH PARK TOWNSHIP

In 1991, the County acquired property from Montour Railroad Company to for the Montour Trail. The trail is being developed, maintained, operated and administered by Montour Trail Council under a Management Contract. Conversely, Allegheny County provides its resources to support the Montour Trail Council, when available, through a Public-Private Partnership Agreement.

On January 25, 2007, PennDOT sent its Notice of Acquisition to acquire required right-of-way and easement needed to replace its adjacent bridge carrying Brownsville Road Extension (SR 3013) over Piney Fork Run. Montour Trail Council had arranged to receive trail parking improvements in lieu of cash compensation. Montour Trail Council is also conveying right-of-way and easement in the adjacent parking area that it owns.

An authorizing ordinance is required because PennDOT is requiring the use of a Deed Fee Simple. Otherwise, this conveyance would have been authorized by Ordinance No. 04-06.

**M E M O R A N D U M**  
**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

FROM: James M. Flynn, Jr.  
County Manager

DATE: February 15, 2007

RE: Proposed Ordinance

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Attached is a proposed Ordinance authorizing the County of Allegheny to convey in fee a 0.15 acre area of required right-of-way, 0.01 acre area of drainage easement and 0.47 acre area of temporary construction easement on county-owned Montour Trail property at its intersection with Brownsville Road Extension (SR 3013) in the Township of South Park to the Commonwealth of Pennsylvania, through its Department of Transportation.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.

ALLEGHENY COUNTY COUNCIL

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