

No. 20-20-OR

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 real property located within one of the parcels included in the Campbell's Run Road Bridge No. 6 Project located in the Township of Robinson and the Township of Collier 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 ("**Council**") deems it advisable to acquire certain property located within the parcel more fully described in *Section 3* hereinbelow for the purpose of reconstructing Campbell's Run Bridge No. 6 carrying Campbell's Run Road over Campbell's Run east of Keiner's Lane in the Township of Robinson and the Township of Collier (the "**Project**"); and

Whereas, the Project has been depicted in the Right-of-Way Drawings, which were recorded on April 21, 2020 in the Allegheny County Department of Real Estate in Plans – Miscellaneous Volume 183, Page 37; and

Whereas, in accordance with Section 701.02 of the Administrative Code of Allegheny County, the County Manager authorized the Public Works and Law Departments to clear the right-of-way for the Project by his Executive Action No. 7239-19 approved December 24, 2019, and as amended by his Executive Action No. 5909-20 approved June 15, 2020; and

Whereas, the Department of Public Works, through its employees and through its consultant, Interstate Acquisition Service, has made good faith efforts to amicably acquire the property hereafter described, but the owner has refused to engage in purposeful negotiations with the County including refusal to attend scheduled meetings on multiple occurrences as well as unreturned telephone calls and emails; and,

Whereas, due to the urgent need to carry out the Project to protect the public and secure funding, it is necessary to authorize the acquisition of the property hereafter described through the use of eminent domain following exhaustion of good faith efforts to amicably acquire said property; and

Whereas, Council deems it advisable to acquire by condemnation a portion of the property herein described and as depicted on the drawing attached and marked "Exhibit A" for use as a permanent right-of-way, a temporary construction easement and a substitute right-of-way needed for the Project; and

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

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 though set forth in their entirety herein.

SECTION 2. Authorization to Acquire Property.

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 property, to prepare the necessary petitions, resolutions and all other documents, including but not limited to a Declaration of Taking, a Petition to Deposit Estimated Just Compensation into Court and a Petition for Appointment of Viewers, all or some of which may be required for the Project.

SECTION 3. 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 for the Project as is more particularly described as follows:

Property Parcel:	No. 4
Owner:	4317 Campbell's Run Road, LLC, formerly named ROBINSONExpress, LLC
Deed:	Deed Book Volume 17905, Page 206 (Confirmatory Deed recorded on January 15, 2020 for the stated purpose of declaring that the named Grantor, ROBINSONExpress, LLC and the named Grantee, 4317 Campbell's Run Road, LLC are one and the same entity that has changed its name while maintaining the same managing member, the same identity number issued by the Pennsylvania Department of State and the same Federal and State Tax Identification Number.)
Lot/Block:	203-S-23
Property:	Permanent right-of-way of 0.014 acres/616 square feet; Temporary construction easement of 0.020 acres/874 square feet; and Substitute right-of-way of 0.012 acres/540 square feet

Said property is identified as Parcel No. 4 on the property drawing marked "Exhibit A", attached hereto and made part hereof. Entry upon, appropriation and the taking thereof is hereby authorized and directed, for the purpose of the Project.

SECTION 4. 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 authorized to be taken under the power of eminent domain.

SECTION 5. Application to Court.

That Council directs the Department of Public Works in conjunction with the Law Department to commence a condemnation action in the Court of Common Pleas of Allegheny County for the purpose of acquiring the property for the Project.

SECTION 6. 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 7. 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 8th day of September, 2020.

Council Agenda No. 10574-20



Patrick Catena
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

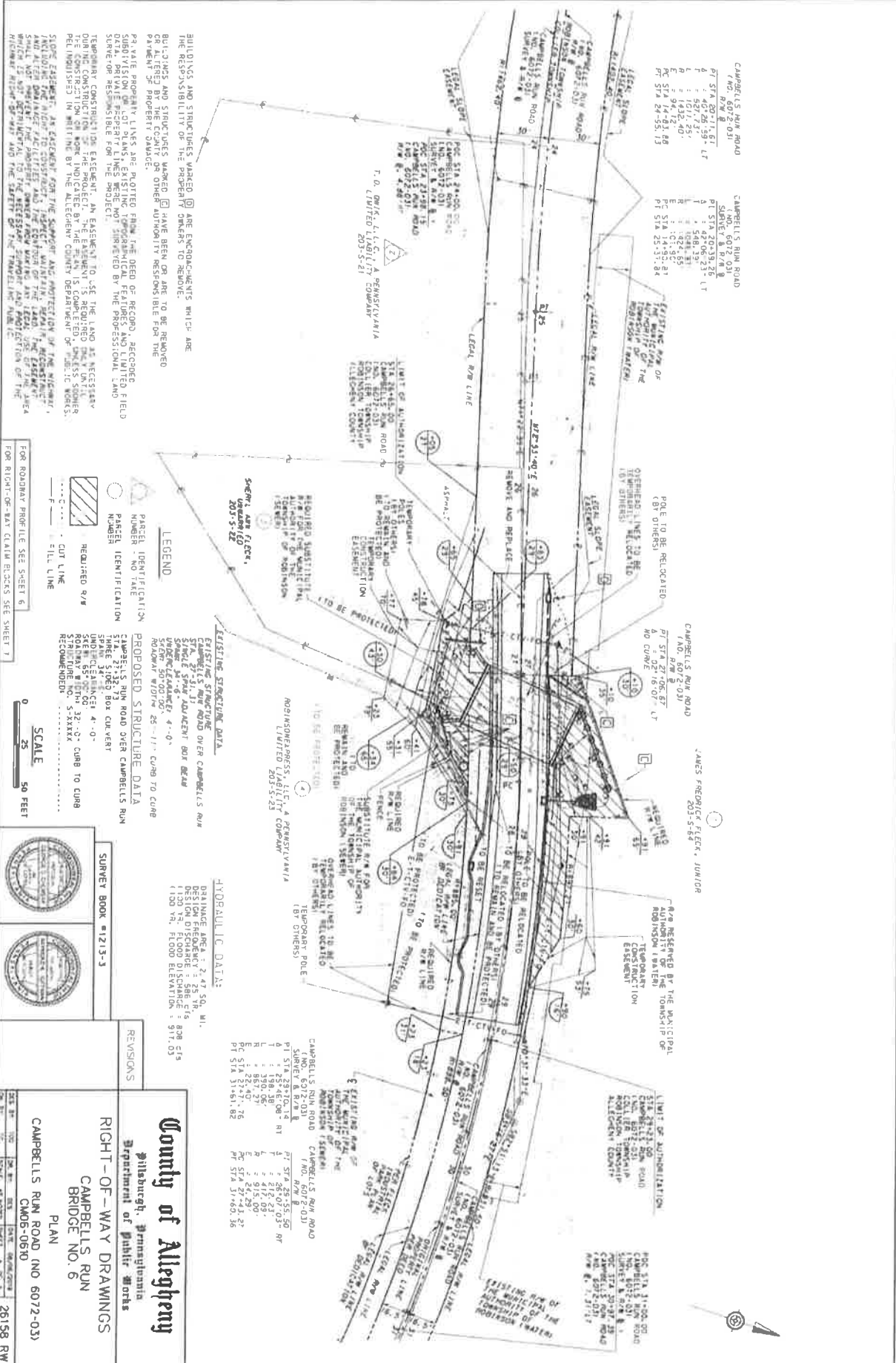
Chief Executive Office September 9th, 2020

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Jennifer M. Liptak
Chief of Staff

Summary

Authorization to commence a condemnation action in connection with property contained within one parcel identified as Parcel No. 4 in the Campbell's Run Bridge No. 6 Project located in the Township of Robinson and the Township of Collier, Allegheny County, Commonwealth of Pennsylvania. The property owner has refused to enter into negotiations with the County for amicable acquisition of the property.



Campbells Run Road
(NO. 6072-031)
SHEET 8 OF 8

Campbells Run Road
(NO. 6072-031)
SHEET 8 OF 8

BUILDINGS AND STRUCTURES MARKED (X) ARE ENCROACHMENTS WHICH ARE THE RESPONSIBILITY OF THE PROPERTY OWNERS TO REMOVE.
BUILDINGS AND STRUCTURES MARKED (O) HAVE BEEN OR ARE TO BE REMOVED BY THE PROPERTY OWNERS AT THEIR OWNERS' EXPENSE.
TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY TO CONSTRUCT AND MAINTAIN THE BRIDGE. THE EASEMENT SHALL BE LIMITED TO THE BRIDGE AND THE NECESSARY APPROACH AND PROTECTION OF THE BRIDGE. THE EASEMENT SHALL NOT BE INTERFERED WITH BY THE PROPERTY OWNERS OR ANY OTHER PARTY.
SLOPE EASEMENT. AN EASEMENT FOR THE SUPPORT AND PROTECTION OF THE BRIDGE. THE EASEMENT SHALL BE LIMITED TO THE BRIDGE AND THE NECESSARY APPROACH AND PROTECTION OF THE BRIDGE. THE EASEMENT SHALL NOT BE INTERFERED WITH BY THE PROPERTY OWNERS OR ANY OTHER PARTY.

LEGEND

(X) ENCROACHMENT
(O) STRUCTURE TO BE REMOVED
--- PROPERTY BOUNDARY
--- RIGHT-OF-WAY
--- CUT LINE
--- FILL LINE

EXISTING STRUCTURE DATA
CAMPBELLS RUN ROAD OVER CAMPBELLS RUN
BRIDGE NO. 6
STATE SPAN LENGTH: 60'-0"
SPAN: 4 x 15'-0"
SPAN SPACING: 15'-0"
ROADWAY WIDTH: 28'-11" CURB TO CURB

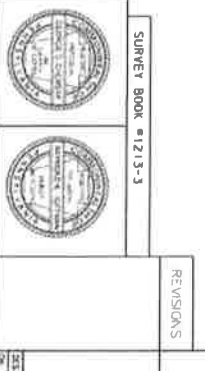
PROPOSED STRUCTURE DATA
CAMPBELLS RUN ROAD OVER CAMPBELLS RUN
BRIDGE NO. 6
STATE SPAN LENGTH: 75'-0"
SPAN: 3 x 25'-0"
SPAN SPACING: 25'-0"
ROADWAY WIDTH: 32'-0" CURB TO CURB

HYDRAULIC DATA
DESIGN FLOW: 7.75 CFS
DESIGN DISCHARGE: 588 CFS
DESIGN VELOCITY: 1.20 FT/SEC
DESIGN FLOOD ELEVATION: 911.50

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	08-21-2015	JK	ISSUED FOR PERMIT
2	09-01-2015	JK	REVISED PER COMMENTS

County of Allegheny
 Philabright, Pennsylvania
 Department of Public Works
RIGHT-OF-WAY DRAWINGS
 CAMPBELLS RUN
 BRIDGE NO. 6
 PLAN
 CAMPBELLS RUN ROAD (NO. 6072-031)
 CM06-0610
 SHEET 8 OF 8
 26158 RW



SCALE
0 25 50 FEET

FOR ROADWAY PROFILE SEE SHEET 6
FOR RIGHT-OF-WAY CLAIM ROCKS SEE SHEET 7

RIGHT-OF-WAY CLAIM INFORMATION			
COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS			
STREET NAME CAMPBELLS RUN ROAD LINO. 6072-031 COLLIER, TOWNSHIP, ALLEGHENY COUNTY			
PARCEL NO. 1 SHEET NO. 5 CLAIM NO.			
PROPERTY OWNER'S NAME, ADDRESS AND PHONE NO. (SEE PLAN FOR ADDRESS)			
SECTION 51, TOWNSHIP 10N, RANGE 10E, ALLEGHENY COUNTY			
DEED BOOK	1418	DEED	2013-54
PAGE	218	CALCULATED	100.00
DATE OF DEED	5/27/2009	ADVERSE	0.00
DATE OF RECORD	6/23/2009	EFFECTIVE	0.00
DATE OF DEED	5/27/2009	TOTAL REQ'D R/W	100.00
TAX STAMPS	---	RESIDUE R/W	100.00
LOT AND BLOCK	2013-54	RESIDUE RT	100.00
		SCALE	AS SHOWN

PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED SUBDIVISION OR LOT AND BLOCK DATA. PRIVATE PROPERTY LINES ARE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT. THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

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SCALE: AS SHOWN

RIGHT-OF-WAY CLAIM INFORMATION

COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS

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SCALE: AS SHOWN

County of Allegheny

Hillsburgh, Pennsylvania

Department of Public Works

RIGHT-OF-WAY DRAWINGS

CAMPBELLS RUN

BRIDGE NO. 6

RIGHT-OF-WAY CLAIM INFORMATION

CAMPBELLS RUN ROAD (NO 6072-03)

CM06-050

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	06/06/2018

26158 RW

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: August 12, 2020

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 real property located within one of the parcels included in the Campbell's Run Road Bridge No. 6 Project located in the Township of Robinson and the Township of Collier 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.