

No. 09-16-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the Pennsylvania Turnpike Commission to construct Wetland Mitigation Site on approximately 0.519 acres of land in Hartwood Acres Park, authorizing the Pennsylvania Turnpike Commission to make improvements to the Wetland Mitigation Site at no cost to the County.

Whereas, the Pennsylvania Turnpike Commission (“the Commission”) is the process of planning the total reconstruction of a section of the Pennsylvania Turnpike (“the Turnpike”) between Mileposts 40 and 48 in Indiana Township (“the Project”); and

Whereas, the Project includes the reconstruction and widening of existing lanes of the Turnpike and its median as well as the replacement and rehabilitation of bridges and culverts within the Project boundary, which includes the Deer Creek Watershed; and

Whereas, the Project will result in the loss of approximately one-half acre of wetlands within the Deer Creek Watershed; and

Whereas, the Commission needs to find a replacement wetland habitat within the Deer Creek Watershed for the wetlands lost as a result of the Project; and

Whereas, the Commission is desirous of constructing a replacement wetland habitat on approximately 0.519 acres of land adjacent to Blue Run Road within the County’s Hartwood Acres Park (“the Site”); and

Whereas, as part of its construction of the replacement wetland habitat, the Commission is willing to replace the existing culvert at the Site and to make other valuable improvements to the Site at no cost to the County; and

Whereas, the Commission also has agreed that: (1) all plans and specifications to replace the existing culvert and to make other improvements at the Site will be subject to review and approval by the County’s Parks Department; and (2) that the Commission will monitor and maintain the Site for a period of five (5) years after completion of the work at the Site or until such time that the Site is deemed successful by the Army Corps of Engineers and the Pennsylvania Department of Environmental Protection; and

Whereas, after the expiration of the time period discussed above, the County would be required under applicable laws to maintain the Site as a permanent wetland and include the Site in the County Parks Department’s Natural Resource Management Plan for Hartwood Acres; and

Whereas, Article IV, Section 2(k) of the Allegheny County Home Rule Charter vests County Council with the power and duty by ordinance to lease or permit the use of County real property; and

Whereas, County Council is of the considered opinion that the Project and the construction of the Site will advance the public interest by facilitating needed reconstruction of a portion of the Turnpike within the County and by creating fragile natural habitats desired within the County's Parks.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

SECTION 2. Authorization to permit the Use of County Real Property.

A. County Council does hereby authorize the Commission to construct a Wetland Mitigation Site on approximately 0.519 acres of land adjacent to Blue Run within the County's Hartwood Acres Park, as identified in the Wetland Mitigation Landscape Plan attached hereto as Exhibit A.

B. As part of this authorization, the Commission, its engineers, employees, contractors and agents shall have the right to enter upon the County land area described in Exhibit A and the right, liberty and privileges of ingress, egress and regress with necessary vehicles, machinery, tools and mechanical devices over, in and upon the Site in order to replace the existing culvert at the Site and to make other valuable improvements, including but not limited to, widening of an access road with fill material; provided however, that the replacement of the existing culvert at the Site and other improvements shall be at the sole expense of the Commission.

C. As part of this authorization, the Commission, its engineers, employees, contractors and agents shall have the right to enter upon the County land area described in Exhibit A and the right, liberty and privileges of ingress, egress and regress with necessary vehicles, machinery, tools and mechanical devices over, in and upon the Site for a period of five years after the completion of the Site or until such time that the Site is deemed successful by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection in order to maintain and monitor the Site as required by applicable DEP regulations.

SECTION 3. Dedication of Site as Permanent Wetland.

Following the completion of the Site and the expiration of the five year period of maintenance and monitoring of the Site by the Commission (or for such longer period as may be required by the U.S. Army Corps of Engineers and the Pennsylvania Department of

Environmental Protection, County Council hereby approves of the Site being maintained as a permanent wetland and included in the County Parks Department's Natural Resource Management Plan for Hartwood Acres as required by applicable laws.

SECTION 4. Authorization of Officers To Act.

The appropriate County officers and officials are authorized to take such action as is necessary to carry out the purposes of this Ordinance, including the execution of agreements with the Commission.

SECTION 5. Effective Date.

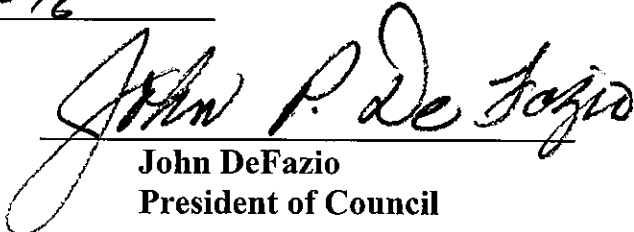
This Ordinance shall enter into effect immediately upon approval by the Chief Executive.


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.*

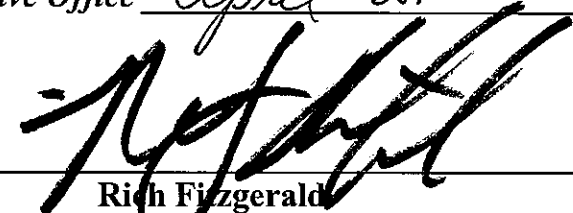
Enacted in Council, this 19th day of April, 2016

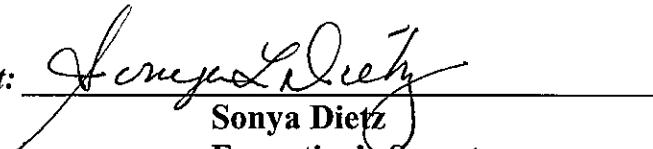
Council Agenda No. 9525-16


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office April 21, 2016

Approved: 
Rich Fitzgerald
County Executive

Attest: 
Sonya Dietz
Executive's Secretary

SUMMARY OF LEGISLATION

The attached legislation would permit the Pennsylvania Turnpike Commission (PTC), to use certain Allegheny County-owned real property in the County's Hartwood Acres Park consisting of approximately .519 acres in order to construct a Wetland Mitigation Site, as well as to replace an existing culvert at the Wetland Mitigation Site. This use of the aforementioned real property by the PTC will be at no cost to the County. The appropriate County officers and officials would be authorized to take such action as would be necessary to carry out the purposes of the authorization granted in the legislation.

RECEIVED
ALLEGHENY COUNTY COUNCIL

MEMORANDUM

2016 MAR 17 AM 11:09

OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: March 17, 2016

RE: Proposed Ordinance

Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the Pennsylvania Turnpike Commission to construct Wetland Mitigation Site on approximately 0.519 acres of land in Hartwood Acres Park, authorizing the Pennsylvania Turnpike Commission to make improvements to the Wetland Mitigation Site at no cost to the County.

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.