Bill No. 2796-06

# No. 29-06-0R

# AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, granting authority to the County of Allegheny to convey its interest in a parcel of property situated in Hampton in North Park.

Whereas, the County of Allegheny entered into a revocable license agreement with Stephen J. Adams and Sherry L. Adams, their successors and assigns, whereby Mr. and Mrs. Adams were permitted to construct, use and maintain a single residence sewage treatment plant system as required by law and as approved by the Department of Environmental Resources Water Quality Management Permit No. 028249 on a parcel of property owned by the County of Allegheny in North Park and adjoining their residence located at 2290 Wildwood Road, Hampton Twp., Gibsonia PA 15044 for the purpose of servicing their residence.

Whereas, the aforesaid Adams residence was sold to John F. LaBella on July 7, 2003 at which time he also acquired the license for the adjoining County owned property containing the sewage treatment plant system for the residence.

Whereas, John F. LaBella desires to acquire the Parcel containing the sewage treatment plant system from the County; and

Whereas, the parcel as set forth on the LaBella Plan of Lots dated 5-3-06 attached hereto as Attachment "A" has an appraised value of \$3,000.00; and

Whereas, Article IV Section 2(1) of the Allegheny County Home Rule Charter vests County's Council with the power and duty by ordinance to convey real property owned by the County; and

Whereas, the County Manager has determined that it is no longer in the County interest to maintain the property and has authorized the sale contemplated herein;

Whereas, pursuant to Section §5-701.03 of the Administrative Code John F. La Bella has paid for the survey and appraisal and will pay for the closing costs at settlement.

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

**Section 1.** The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

### Section 2.

- A. The County Council of Allegheny County does hereby approve the transfer of the parcel of property identified on the LaBella Plan of Lots dated 5-3-06 containing approximately 6,250sf as more specifically set forth in Attachment "A" to John F. LaBella for and in consideration of \$3,000 plus costs.
- B. The proper officers and/or officials of the County are hereby authorized to execute any and all documents, including deeds, necessary to effectuate the conveyance of the County's interest in the parcel to John F. LaBella subject to the approval of the County Solicitor and the County Manager.
- Section 3. <u>Severability.</u> 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. <u>Repealer</u>. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.

Enacted in Council, this <u>24th</u> day of <u>Ctober</u>, 2006.

Council Agenda No. <u>2796-06</u>.

President of Council

Attest: John Mascio

John Mascio

**Chief Clerk of Council** 

Chief Executive Office

JAKABA 2, 2006

Approved:

Dan Onorato

Chief Executive

Donna Beltz

Executive's Secretary

# SUMMARY

The County of Allegheny entered into a revocable license agreement with Stephen J. Adams and Sherry L. Adams, their successors and assigns, for the purpose of constructing and maintaining a single residence sewage treatment plant system as required by law and as approved by the Department of Environmental Resources Water Quality Management Permit No. 028249 on County owned property in North Park to service the Adams residence located at 2290 Wildwood Road, Hampton Twp., Gibsonia PA 15044. The County parcel where the sewage plant was situated was next to the Adams parcel.

The aforesaid Adams residence was sold to John F. LaBella on July 7, 2003. At the time of sale, he also acquired the license for the adjoining County owned property containing the sewage treatment plant system servicing the residence.

John F. LaBella desires to acquire the parcel of property containing the sewage treatment plant system from the County to insure that he will have a sewage system serving his property.

Mr. LaBella has at his cost: (i) obtained an appraisal on the property showing an appraised value of \$3,000.00; and ii) obtained a survey and complied with the local zoning regulations to effectuate the sale. Mr. Labella has, in addition to paying for the appraisal, survey and closing costs is willing to pay the County the appraised price for the property.

The Department of Public Works has recommend the sale and the county Manager has determined that the County has no use for this parcel and has authorized the sale contemplated herein.

# LAND APPRAISAL REPORT

File No 05094910

30	Property Address Wild	wood Ro	oad, Ham	npton T	wp. Se	e Add.			Censu	us Tract 4141.0	2	LEN	DER DISCRETIO	NARY	' USE	
	City Allison Park				legheny		5	State P	Д	Zip Code 151	01	Sale P	rice S			
10	Legal Description N/A	See A	Addendun	n .								Date				
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Ħ	Sale Price \$ N/A				te of Sale	IN/A				Property Right			age Type			
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1	Lender/Client John L	abella								Condomii	num (HUD	/VA)				
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W.	Dimensions 50 X 15	0									Тор	ography	SlopingDov	٧n		
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	Comments (apparent adve	rse easemen	nis, encroachn	nents, spec	cial assessn	nenis, slide a	reas, etc.	): Acc	ordin	ig to Zoning o	officer a	it Hampton	Township this	propo	sed lot is	
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<ul> <li>encroaching on it's boundaries. There exists a 10 foot utility right of way by Duquesne Light on the property.</li> <li>The undersigned has recited three recent sales of properties most similar and proximate to the subject and has considered these in the market analysis. The description includes a dollar adjusted.</li> </ul>																
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# **Statement of Limiting Conditions**

File #: 05094910

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undo stimulus. Implicit in this definition is the consumation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in the market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

# STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

- 1. The appraiser will not be responsible for matters of legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- 2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantee, express or implied, regarding the determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- 5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
- 6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presense of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- 7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- 8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- 9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
- 10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgage or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

Page	1 of 2	Farmie Mae Form 1004B 6-9.
Freddie Mac Form 439 6-93	1012	

#### APPRAISER CERTIFICATION

File#: 05094910

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

- 1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than, the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
- 2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly witheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
- 3. I stated in the appraisal report only my personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
- 4. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
- 5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
- 6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
- 7. Uperformed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate! developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
- 8. Thave personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
- 9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If 1 relied on significant professional assistance from any individual or individual(s) in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she

certifies and agrees that: I directly supervise the appraiser whe agree with the statements and conclusions of the appraiser, ag 7 above, and am taking full responsibility for the appraisal and	o prep ree to i	ared the appraisal report, have reviewe be bound by the appraiser's certificatio	d the appraisal report, ns numbered 4 through
ADDRESS OF PROPERTY APPRAISED: Wildwood Road, Hampton Twp. See Add. Allison Park	PA	-	(and a Warranger de)
APPRAISER:		SUPERVISORY APPRAISER	(only if required):
Signature: Name: R. Bart White, PA Cert. Res. R.E. Appr. Date Signed: State Certification #: RL003221L PA or State License #: Expiration Date of Certification or License: 06/30/2007		Signature: Name: Date Signed: State Certification #: or State License #: Expiration Date of Certification or L Did Did Not Inspect	

Freddie Mac Form 439 6-93

Page 2 of 2

Fannie Mae Form 1004B 6-93

Borrower John Labella
Property Address Wildwood Road, Hampton Twp. See Add.

Allison Park City

Lender

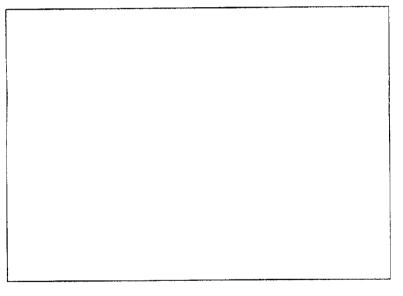
John Labella

County Allegheny

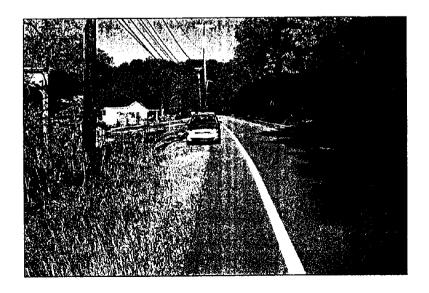
State PA Zip Code 15101



FRONT OF SUBJECT PROPERTY



REAR OF SUBJECT PROPERTY



STREET SCENE

LOCATION MAP ADDENDUM

File No: 05094910

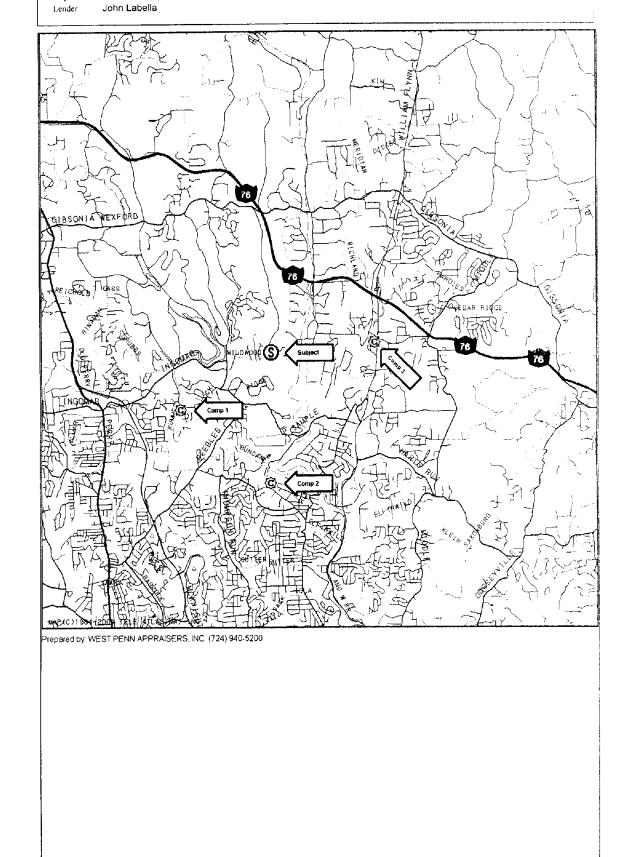
John Labella

Property Address Wildwood Road, Hampton Twp. See Add.

Allison Park City

County Allegheny State PA

Zip Code 15101



#### **TEXT ADDENDUM**

File No. 05094910

Borrower: John Labella

Property Address: Wildwood Road, Hampton Twp. See Add. County: Allegheny City: Allison Park State: PA Zip Code: 15101

Lender: John Labella

Scope of Appraisal

The scope of this appraisal includes, but is not limited to: a physical observation of the land which is the subject of this appraisal assignment; search for and collection, verification and analysis of relevant data; highest and best use analysis; consideration of the sales comparison approach to value of the subject property as a whole; correlate and reconcile the data into an estimate of market value for the subject property; estimate the marketing time to sell the subject property at the indicated market value; and prepare a complete appraisal report in summary format, which complies with the Uniform Standards of Professional Appraisal Practice (USPAP).

Legal Description

The subject property is currently owned by Allegheny County and at present has no Lot & Block identification number. The subject is a proposed 50 x 150 lot to the east of 2290 Wildwood Road (Lot & Block # 1075-E-93) to be subdivided from county land.

Real Estate Tax Assessment

The appraiser is aware that the assessed value may differ from the appraised value. However, relevant market data supports the estimated value as shown in the report.

Sale History

The subject property is not currently listed for sale. It has not sold in the past three years.

Comments and Conditions of Appraisal:

This report is a "Complete Summary Appraisal Report" and conforms to the reporting requirements set forth in USPAP in regards to "Complete Summary Appraisal Reports".

The type of value is market value. The definition of market value is taken from Fannie Mae and can be found in the Limiting Conditions.

This summary appraisal report is intended for use by the client and/or their assigns to establish market value for possible purchase negotiations only. This report is not intended for any other use. The intended user of this report is John Labella.

The appraiser cannot guarantee that property is free of encroachments or easements, and recommends further investigation and survey.

Appraiser's conclusion of value is based upon the assumption that there are no hidden or unapparent conditions of the property that might impact upon development potential. Appraiser recommends due diligence be conducted through the local building department or municipality to investigate development potential and whether property is suitable for intended use. Appraiser makes no representations, guarantees or warranties.

The value estimated in this report is based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions. The appraiser is not an expert in the identification of hazardous substances or detrimental environmental conditions. The appraiser's routine inspection of and inquiries about the subject property did not develop any information that indicated any apparent significant hazardous substances or detrimental environmental conditions which would affect the property negatively. It is possible that tests and inspections made by a qualified hazardous substances and environmental expert would reveal the existence of hazardous material or conditions on or around the property that would negatively affect its value.

Any drawings, or maps included are for visual aid purposes only.

#### Final Reconciliation:

All approaches to value have been considered. However, the cost and income approaches to value were not applicable as the income potential for vacant land is limited as there is no income stream for vacant land that is zoned residential. There are no improvements on the site for the appraiser to apply the cost approach and the components of the land itself cannot be reproduced to calculate a cost. The sales comparison approach was the only method judged to be valid due to the quality of data available with which to compare the subject. After adjustments for dissimilarities, the comparables are considered good indicators of value for the subject property.

**ELECTRONIC SIGNATURE ADDENDUM:** 

This appraisal contains electronic signatures.

We have followed Uniform Standards of Professional Practice, (USPAP), statement No. 3 (SMT-8) which states that the appraiser must affix his/her own signature to the report and that he/she alone has the password. These measures have been taken to assure the integrity of the electronic signature. Electronically affixing a signature to a report carries the same level of authenticity and responsibility as an ink signature on a paper copy report.

We have followed the USPAP guidelines in the application of electronic signatures in the attached report.

#### **TEXT ADDENDUM**

File No. 05094910

Borrower: John Labella

Property Address: Wildwood Road, Hampton Twp. See Add. County: Allegheny City: Allison Park State: PA Zip Code: 15101

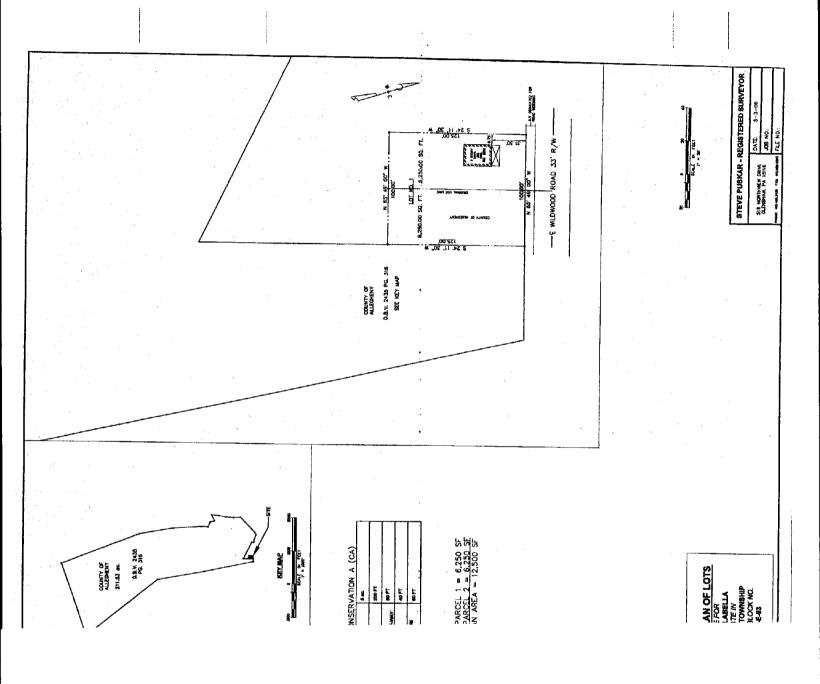
Lender: John Labella

# Addendum to Appraiser's Certification

# I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- -my compensation for completing this assignment is not development or reporting of a predetermined value or direction in value that favors the cause of a client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report; a supervisory appraiser, when applicable, has or has not inspected the property as indicated next to his or her signature in the report.
- no one provided significant professional assistance to the person signing this report, other than the supervisory appraiser when applicable.

Beginning at a point in the center line of Wildwood Rd. a 33' right of way at the North Easter corner of property of John Labella; thence along said center line of Wildwood Rd. S 65°49'00''E a distance of 50 feet to a point; thence S 24°11'30''W a distance of 150 feet to a point; thence N 65°49'00''W a distance of 50' to lands now or formerly of John Labella; thence along lands of John Labella N 24°11'30''E a distance of 150' to a point in the center line of Wildwood Rd. at the point of beginning.



# MEMORANDUM

# OFFICE OF THE COUNTY MANAGER

ALLEGHENY COUNTY COUNCIL

TO:

John Mascio

Chief Clerk

'06 OCT 5 AN 10:17

FROM:

James M. Flynn, Jr.

County Manager

DATE:

October 5, 2006

RE:

Proposed Ordinance

Attached is an ordinance granting authority to the County of Allegheny to convey its interest in a parcel of property situated in Hampton in North Park.

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.