

Bill No. 1957-05

No. 34-05-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the County to acquire by condemnation, certain coal, oil, gas, limestone, and mineral properties with appurtenant mining rights and certain private roads, pipelines, reversionary interests, gaps and gores situate in the township of Moon, Allegheny County, Pennsylvania, located in the area of the Pittsburgh International Airport and designated as the Mineral Estates Plan of Acquisition - Phase VIII ("MEC VIII").

Whereas, the County Council of Allegheny County, Pennsylvania ("Council") deems it advisable to acquire by condemnation certain rights including mineral estates, easements and other interests of record for the purpose of establishing and maintaining air navigation, access and terminal facilities in furtherance of the Airport Operating Management and Transfer Agreement and Lease dated September 16, 1999 between the County of Allegheny and the Allegheny County Airport Authority and

Whereas, the condemnation herein is authorized by Article IV, Sec. 6 of the Allegheny County Home Rule Charter, Article VII, Sections 701.02 and 703.07 of the Allegheny County Administrative Code, and the Act of 1953 July 28, P.L. 723, Article XXVI, §5601, et seq.

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 Acquire Title to Mineral Estates and Other Property Interests.

The County deems it advisable and necessary to authorize the Law Department, in conjunction with the Allegheny County Airport Authority, to obtain appraisals and title reports, to negotiate and acquire the required rights-of-way and easements, to prepare the necessary petitions, resolutions and all other documents, including, but not limited to Declarations of Taking, Petitions to Deposit Estimated Just Compensation into Court and Petitions for Appointment of Viewers, all or some of which may be required in clearing the right-of-way, for the Project.

SECTION 3. Authorization to Acquire Property by Condemnation.

The County deems it advisable and necessary to take under the right of eminent domain the property interests described in "Attachment I" appended hereto and made a part hereof. The title to be acquired by the County shall be in fee simple absolute.

The interests condemned and the identity of the persons or corporations whose property is condemned is set forth in "Attachment II" appended hereto and made a part hereof. Said properties are further identified on drawings marked "Attachment III" appended hereto and made part hereof.

SECTION 4. Notice to Interested Parties.

The County directs the Law Department to provide immediate notice of this Ordinance to the record owners of the parcels to be taken.

SECTION 5. Application to Court.

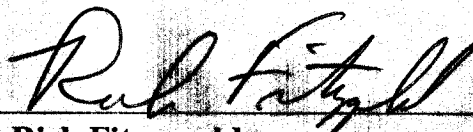
The County directs the Law Department to make immediate application to the Court of Common Pleas of Allegheny County for the purpose of having the value of said property legally ascertained including the filing of declarations of taking and such proceedings related thereto under the law of eminent domain.

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 continue in full force and effect.*

SECTION 7. Repealer. *Any ordinance or any part of an Ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.*

Enacted in Council, this 21st day of June, 2005.

Council Agenda No. 1957-05.



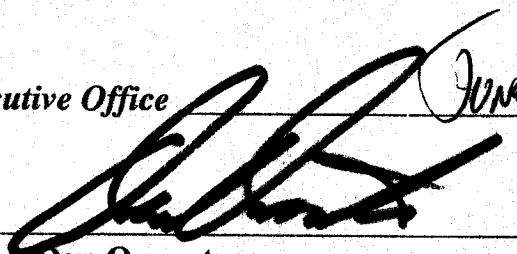
**Rich Fitzgerald
President of Council**

Attest: John Mascio
**John Mascio
Chief Clerk of Council**

Chief Executive Office

June 23, 2005.

Approved:


**Dan Onorato
Chief Executive**

Attest:

Donna Beltz
**Donna Beltz
Executive's Secretary**

SUMMARY PAGE
ORDINANCE TO ACQUIRE BY CONDEMNATION MINERAL ESTATES & OTHER
PROPERTY INTERESTS IN THE VICINITY OF THE PITTSBURGH INTERNATIONAL
AIRPORT (MEC VII)

April 19, 2005

The Ordinance authorizes the acquisition of certain mineral estates and other property interests in the vicinity of the Pittsburgh International Airport for the purpose of establishing and maintaining air navigation, access and terminal facilities in furtherance of the Airport Operating Management and Transfer Agreement and Lease dated September 16, 1999 between the County of Allegheny and the Allegheny County Airport Authority.

DESCRIPTION OF PROPERTY AND INTERESTS BEING CONDEMNED

ALL MINERAL ESTATES IN COAL, OIL, GAS, LIMESTONE AND ALL LEASEHOLD OR OTHER ESTATES AND INTERESTS IN LAND, GORES, GAPS, EASEMENTS, RIGHTS- OF WAY, REVERSIONS, LICENSES, PIPELINES, POWER LINES, TELEPHONE LINES, CABLE LINES (EXCEPT AS HEREINAFTER PROVIDED); AND PRIVATE ROADS WITHIN THE TOWNSHIP OF MOON, ALLEGHENY COUNTY, PENNSYLVANIA, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (A) AS TO COAL, LIMESTONE, AND OTHER

MINERALS: All coal of the several seams and mining rights with all rights of drainage, ventilation and haulage, surface operating and strip mining rights and waivers and releases of damages and of surface and lateral support; and all limestone and other minerals of whatsoever kind or nature and wheresoever any of the same are located within the Township aforesaid; (B) AS TO OIL AND

GAS: All oil and gas with drilling, exploratory, operating and storage rights, waivers, releases and rights of transportation by pipeline or vehicle; and (C) AS TO MISCELLANEOUS INTERESTS:

All Easements, rights of way, air space rights, private roads, reversionary interests, and any

unrecorded interests; -- all within the area shown outlined by dotted line on map designated Mineral Estates Plan of Acquisition--Phase VIII hereto attached as Exhibit "B" ("Ex B"); PROVIDED, HOWEVER, that the easements and rights-of-way covering the operating and operable pipelines, power and cable lines, telephone lines, water lines, sewer lines, and all appurtenant facilities and appurtenances owned by the following named utilities, public corporations and authorities within said condemnation area are SPECIFICALLY EXCLUDED AND HEREBY EXCEPTED AND

RESERVED from this condemnation, viz:

BELL TELEPHONE OF PENNSYLVANIA
COLUMBIA GAS OF PENNSYLVANIA
COLUMBIA GAS TRANSMISSION
DOMINION PEOPLES
DUQUESNE LIGHT
FINDLAY TOWNSHIP WATER AUTHORITY
MOBIL OIL
MOON TOWNSHIP MUNICIPAL AUTHORITY
NATIONAL TRANSIT

MEC VIII Interests Condemned and Parties in Interest

NOTE: All recordings herein listed will be found in the Recorder of Deeds Office of Allegheny County, Pennsylvania.

I. COAL, LIMESTONE AND OTHER MINERAL INTERESTS

This condemnation does not include any coal, limestone or other mineral interest except for the oil and gas interests listed below.

II. OIL AND GAS INTERESTS

1. Oil and gas leasehold interest, if any, of J.M. Guffey, Elsie M. Guffey, Elizabeth Guffey Keene, Leticia Haxall and Nancy Scott Pendleton, their heirs and assigns, under an original lease from William A. Rouzer to J. M. Guffey dated October 25, 1890 and recorded in Mortgage Book Vol. 590, page 71.
2. Oil and gas leasehold interest, if any, of Montour Gas Co., its successors and assigns, under an original lease from William A. Rouzer to S.D. Karns dated June 22, 1895 and recorded November 29, 1895 in Oil and Gas Book Vol. 12, page 578; assigned to Montour Gas Co. from Chas. F. Dean on February 3, 1896 and recorded in Oil and Gas Book Vol. 13, page 378.
3. Oil and gas leasehold interest, if any, of Montour Gas Company, Inc., its successors and assigns, under an original lease from William A. Rouzer to W. M. McGee dated June 1, 1898 and recorded in Oil & Gas Book 15, page 604; assigned to Montour Gas Company on October 5, 1898, recorded in Oil and Gas Book 15, page 605.
4. Oil and gas leasehold interest, if any, of Bobby L. Newhouse and E. Earl Autenreith, their heirs and assigns, under an original lease from Charles D. Rouzer, et al., to South Penn Oil Company dated November 23, 1933 and recorded in Deed Book Vol. 2491, page 513; assigned to Bobby L. Newhouse, et al. dated June 1, 1989 and recorded in Deed Book Vol. 8770, page 83.
5. Oil and gas leasehold interest, if any, of Robert J. Marshall, Howard Levern Marshall, Virginia Marshall Langer, Roberta Jean Reed, Mabel G. Marshall, Robert Marshall, Harold P. Langer, Raymond D. Langer, James A. Langer and Norma Shaffer, in an original lease from Konrad Heinlein and Lena Heinlein to W. A. Watson dated November 14, 1914 and recorded in Deed Book Vol. 1808, page 444; assigned to R. J. Marshall April 23, 1927 and recorded in Deed Book Vol. 2315, page 500.
6. Oil and gas leasehold interest, if any, of W. A. Watson, Hannah M. Watson, William A. Watson, Jr., Robert J. Watson and Judith Watson Zukowski, in an original lease from I. A. Deemer and H. A. Deemer to W. A. Watson dated December 4, 1914 and recorded in Deed Book Vol. 1808, page 443.

Attachment II MEC VIII ORDR1 (2)

7. Oil and gas leasehold interest, if any, of W. C. McFarland, Robert McFarland, Helen B. McFarland, Robert B. McFarland, Gertrude McFarland, Helen G. McFarland, Margaret B. McFarland, C. D. Robbins, Harre Robbins, Mary McFarland Lobmiller, Nancy Lobmiller Moore and Gretchen Lobmiller Young, in an original lease from Isaac N. Deemer to W. C. McFarland and Robert McFarland and assigned to Philadelphia Company dated February 16, 1884 and recorded in Deed Book Vol. 532, page 349; assigned to W. C. McFarland, Robert McFarland and C. H. Robbins dated May 29, 1890 and recorded in Oil and Gas Book Vol. 6, page 572.
8. Oil and gas leasehold interest, if any, of J. E. Leonard in an original lease from Catherine Petrie, et al., to J. E. Leonard dated June 12, 1916 and recorded in Deed Book Vol. 1854, page 415.
9. Oil and gas leasehold interest, if any, of Jareen Adams, Albert A. Bock, Mary Shay Cain, George Cammon, Harold Cammon, Arthur Davis, Bessie Peckman Davis, Edwin G. Davis, Jr., Karl Davis, Kermit Davis, Jr., Laurel Ann Davis, Louise Davis, Nancy Davis, Elizabeth Lansberry Hargett, Elizabeth Davis Hurley, Dorothy Ruth Hurley McKibben, Bert Noble, Rita Noble, Margaret Ann O'Donnell, Janet Blaine Peacoe, Noreen Rachuba, Margaret Rasbridge, Ruth M. Schaefer, Edwina Davis Shimer, Edna D. Wilkinson and Ruth A. Wilkinson in an original lease from John Steinmetz to George J. Herrly dated January 16, 1928 and recorded in Deed Book Vol. 2321, page 671; Assigned to Steinmetz Oil & Gas Co. on April 5, 1928 and recorded in Deed Book Vol. 2321, page 671; assigned to S. H. Morgan, James B. Montgomery, Bert Noble, William J. Davis, Arthur Davis and Albert A. Bock, d/b/a Morgan Oil Co., dated September 24, 1920 and recorded in Deed Book Vol. 2418, page 552.

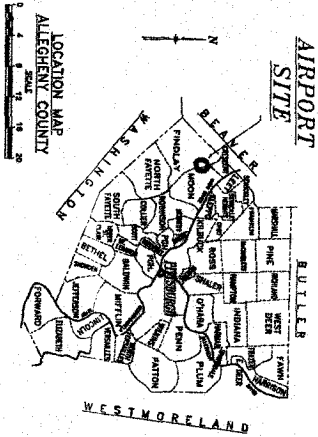
III. MISCELLANEOUS INTERESTS

1. Miscellaneous interest, if any, of Priscilla Colter in a right of way for a gas pipeline granted from Konrad Heinlein and Susie Heinlein to Walter J. Colter dated February 2, 1935 and recorded February 11, 1935 in Deed Book Vol. 2509, page 115.

PITTSBURGH INTERNATIONAL AIRPORT

Mineral Estates Phase VIII

PLAN OF ACQUISITION



BOOK OF RECORDING
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

Filed in the Recorder's Office for the recording of deeds,
plans, etc., in said County, _____ day of _____
A.D. 19____, given under my hand and seal this _____ day of _____
19____.

Recorder

PREPARED BY

JOHN T. BOYD COMPANY
MINING AND GEOLOGICAL CONSULTANTS
CAMDENBURG, PA.

DATE

The undersigned hereby certify that by Ordinance dated _____, Bill No. _____, and No. _____, the County of Allegheny (the "County") adopted this as the Mineral Estates Phase VIII Plan of Acquisition of the County in connection with the Declaration of Taking filed in the Court of Common Pleas of Allegheny County, Pennsylvania, of CD _____ for the purpose of acquiring title to all the coal, gas, oil, limestone, other minerals and all mining and operating rights appurtenant thereto and certain surface easements and rights in certain lands in Moon Township for the purpose of establishing, maintaining and operating air navigation and terminal facilities.

COUNTY OF ALLEGHENY

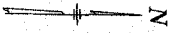
COUNTY MANAGER _____ DATE _____
CHIEF EXECUTIVE OFFICER _____ DATE _____
ALLEGHENY COUNTY AIRPORT AUTHORITY
SOLICITOR, COUNTY OF ALLEGHENY _____ DATE _____

County of Allegheny

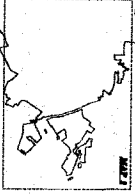
Pittsburgh, Pa.

PITTSBURGH INTERNATIONAL AIRPORT
SITUADE IN
MOON AND FINDLAY TOWNSHIPS

Sheet 1 of 3





MAP SHEET LAYOUT

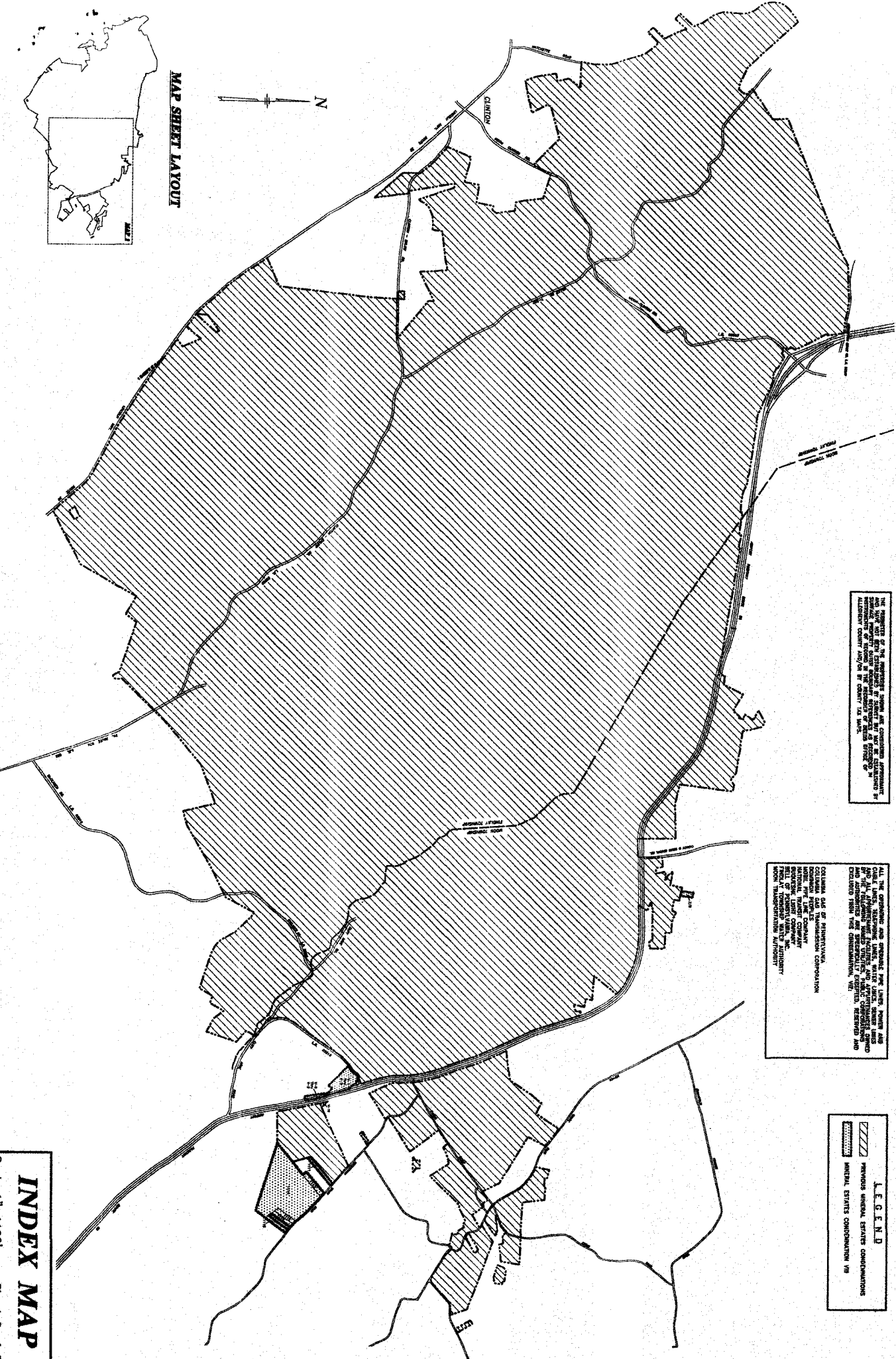


THE PROPERTY OF THE COMMONWEALTH OF PENNSYLVANIA, AS REPRESENTED BY THE DEPARTMENT OF REVENUE, IS HEREBY OFFERED FOR SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION ON WEDNESDAY, APRIL 1, 1998, AT 10:00 A.M., AT THE COURTHOUSE, PENNSYLVANIA COUNTY, PENNSYLVANIA.

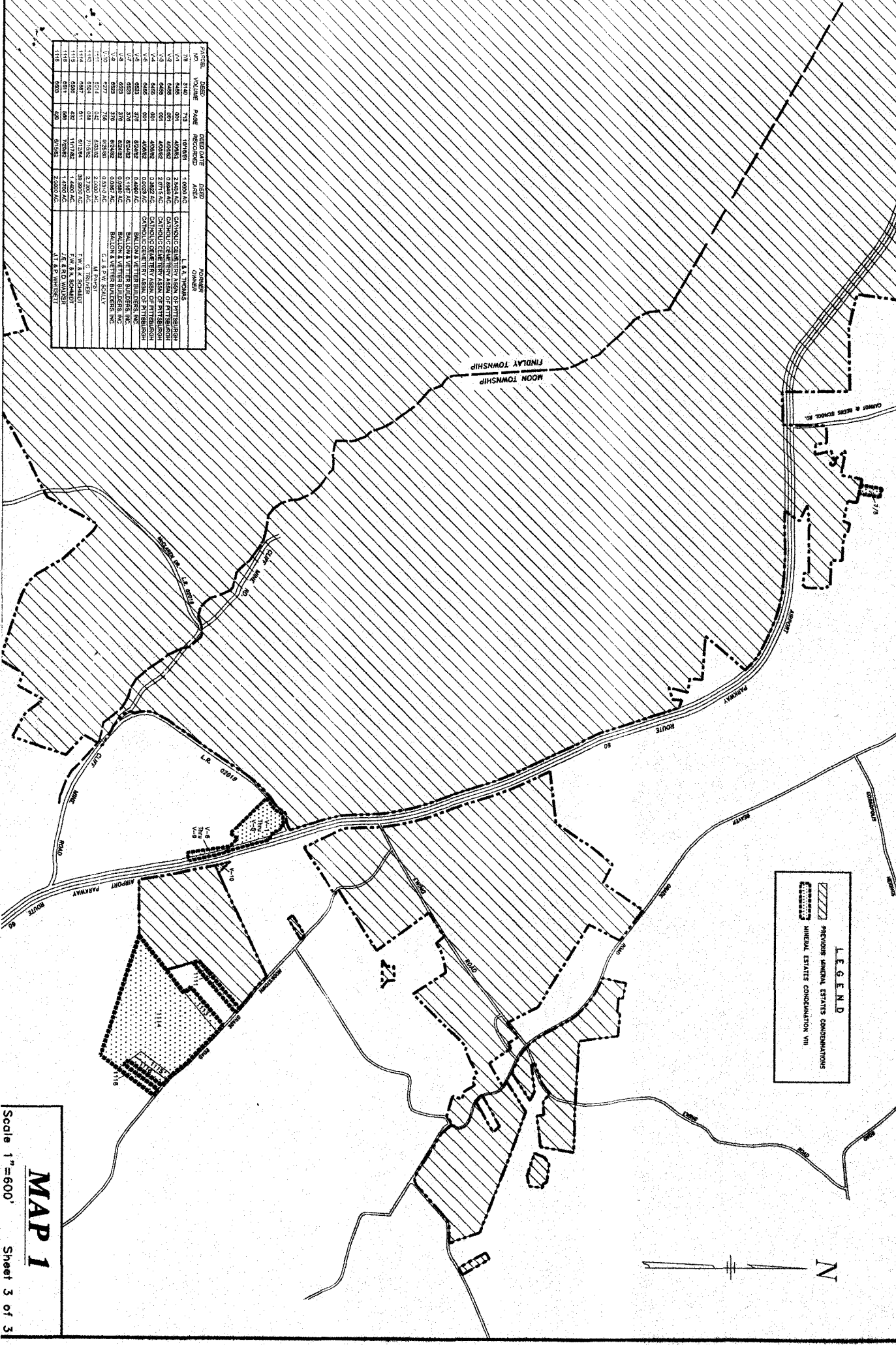
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LEGEND
 PREVIOUS MINERAL RIGHTS COMPASSIONS
 MINERAL RIGHTS COMPASSION '98

INDEX MAP
Scale 1:25,000
Date 7-1-97



PARCEL NO.	DEED VOLUME	PAGE	DEED DATE	DEED AREA	OWNER
7/1	2180	713	10/25/81	1.0001 AC.	STANISLAW C. STANISLAWSKI
7/2	2180	713	10/25/81	1.0001 AC.	STANISLAW C. STANISLAWSKI
7/3	4488	201	4/20/82	0.8844 AC.	CATHOLIC CHARITY ASSN. OF PITTSBURGH
7/4	4488	201	4/20/82	2.0715 AC.	CATHOLIC CHARITY ASSN. OF PITTSBURGH
7/5	4833	272	8/20/82	3.8222 AC.	CATHOLIC CHARITY ASSN. OF PITTSBURGH
7/6	4833	272	8/20/82	0.2522 AC.	CATHOLIC CHARITY ASSN. OF PITTSBURGH
7/7	4833	272	8/20/82	0.1187 AC.	CATHOLIC CHARITY ASSN. OF PITTSBURGH
7/8	4833	272	8/20/82	0.0860 AC.	BALDWIN & VETTER BUILDERS, INC.
7/9	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
7/10	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
7/11	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
7/12	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
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7/16	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
7/17	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
7/18	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
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7/27	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
7/28	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
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7/30	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.
7/31	4833	272	8/20/82	0.0867 AC.	BALDWIN & VETTER BUILDERS, INC.




LEGEND
 PREVIOUS MINERAL ESTATES CONDIGNATIONS
 MINERAL ESTATES CONDIGNATION VII



MAP 1
 Scale 1"=600'
 Sheet 3 of 3

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: April 28, 2005

RE: Proposed Ordinance

Attached is a Proposed Ordinance authorizing the County to acquire by condemnation, certain coal, oil, gas, limestone, and mineral properties with appurtenant mining rights and certain private roads, pipelines, reversionary interests, gaps and gores situate in the township of Moon, Allegheny County, Pennsylvania, located in the area of the Pittsburgh International Airport and designated as the Mineral Estates Plan of Acquisition – Phase VIII (“MEC VIII”).

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.