

No. 03-17-OR

AN ORDINANCE

An Ordinance delegating to the Commonwealth of Pennsylvania, Secretary of Transportation the right to acquire in the name of Allegheny County right-of-way necessary for a Locally-Owned Multi-Bridge (Bridge Bundling) Project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, Pennsylvania Act 89 of 2013 provides a steady funding stream for state and local transportation projects, including Chapter 93, whereby selected local bridges may be rehabilitated or replaced with 100% of the project costs to be borne by the Commonwealth of Pennsylvania using federal funds; and

Whereas, the County Council of Allegheny County deems it advisable to acquire certain right-of-way and easement areas, being required to reconstruct the following four structurally deficient bridges:

Aber's Creek Bridge No. 2 (AB02), carrying Aber's Creek Road over Aber's Creek in the Municipality of Monroeville;

Girty's Run Bridge No. 10 (GI10) carrying Evergreen Road over Girty's Run in Shaler Township;

Pine Creek Bridge No. 7 (PI07), carrying Fall Run Road over Pine Creek in Shaler Township; and

Squaw Run Bridge No. 3 (SQ03), carrying Fox Chapel Road over the Glade Run branch of Squaw Run in Fox Chapel Borough;

Said bridges being collectively designated as Project No. AA15-BNDL, (the "**Project**"); and

Whereas, by Executive Action No. 6557-15 approved September 18, 2015, Allegheny County entered into the Agreement for Commonwealth's Performance of Locally-Owned Multi-Bridge (Bridge Bundling) Projects, Reimbursement Agreement No. R15110011, ECMS Agreement No. E03439, MPMS No. 92912, effective January 13, 2016 (the "Agreement") by which the Secretary of Transportation ("**Secretary**") agreed, on behalf of the County and in the County's name, to complete the Project, including acquiring all right-of-way necessary to construct the Project, with eligible Project costs to be paid 100% by the Commonwealth of Pennsylvania; and

Whereas, in order for the Project to be completed in 2017 construction season, the Secretary wishes to proceed in a prompt manner with the acquisition of all necessary rights-of-way and easements for the Project; and

Whereas, said Project constitutes a valid public purpose serving the interests of the residents of the County of Allegheny; and

Whereas, the County Council of Allegheny County deems it advisable for the Commonwealth of Pennsylvania through the Secretary to acquire by condemnation, certain land hereinafter described, as necessary, for the Project.

Whereas, Paragraph 5 of the Agreement requires that that the County adopt an ordinance delegating authority to the Secretary to acquire right-of-way in the name of the County, County Council of Allegheny County does hereby enact this date the following Ordinance:

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 Delegate the Secretary of Transportation to Acquire Right-of-Way and Easements.

That Council deems it advisable and necessary to authorize and delegate the Commonwealth of Pennsylvania, Secretary of Transportation in conjunction with and subject to approval of the Department of Public Works, to acquire right-of-way and easements on behalf of the County and in the County's name, to obtain appraisals and title reports, to negotiate and acquire the parcels, 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 for the Project, with the cost of such right-of-way acquisition being eligible Project cost, subject to review and approval of the Allegheny County Manager and the Department of Public Works as to the extent of the rights-of-way and easements necessary for the Project. The Secretary of Transportation shall acquire property pursuant to all applicable policies and procedures as necessary for the multi-bridge project as authorized by Section 2003(e) of the Administrative Code, 71 P.S. §513(e).

SECTION 3. Duration.

That Council delegation shall continue until all Project terms and conditions of the Agreement shall be fully satisfied or, at the election of the parties set forth therein, the same shall be otherwise terminated.

SECTION 3. Authorization to Acquire Property by Condemnation.

That Council deems it advisable and necessary to acquire, in fee, required right-of-way and, in easement, slope easement and temporary construction easement and take under the power of eminent domain part of the property, in fee and in easement, as necessary for the Project.

GIRTY'S RUN BRIDGE NO. 10 (GI10)

Bridge #	Parcel #	Owner Name	Tax Parcel #	Deed Book/Page
GI 10	2	Walter Harris and Barbara Stern, as individuals and as joint tenants with right of survivorship	165-F-290	DB13448 PG173
GI 10	3	Chris Geyer and Antoinette Geyer, husband and wife	165-F-277	DB10947 PG529
GI 10	6	The Girty's Run Joint Sewer Authority	165-E-011 165-E-003 165-F-060	DB10190 PG182 DB10212 PG222 DB10190 PG162

SQUAW RUN BRIDGE NO. 3 (SQ03)

Bridge #	Parcel #	Owner Name	Tax Parcel ID #	Deed Book/Page
SQ03	1	Fox Chapel Golf Club	360-P-40	4446/345
		“ “	360-E-25	2176/1
		“ “	360-G-70	3413/512
		“ “	289-C-100	3981/467

Said properties and the titles to be acquired are identified on property drawings 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 taken under the power of eminent domain.

SECTION 5. Administrative Code.

The Secretary of Transportation shall acquire right-of-way pursuant to all applicable policies and procedures as necessary for the Project as authorized by Section 703.06 and Chapter 1501 of the Allegheny County Administrative Code.

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 7th day of February, 2017.

Council Agenda No. 5862-17



John DeFazio
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office February 21, 2017.

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Sonya Dietz
Executive's Secretary

SUMMARY PAGE
ORDINANCE TO AUTHORIZE AND DELEGATE THE PENNSYLVANIA SECRETARY
OF TRANSPORTATION TO ACQUIRE RIGHT-OF-WAY ON BEHALF OF THE COUNTY
FOR THE BRIDGE BUNDLING PROJECT (AA15-BNDL)

The Public Works Department seeks Council approval to delegate to the Commonwealth of Pennsylvania, Secretary of Transportation, authority to acquire in the name of the County right-of-way and easements by condemnation to rehabilitate or reconstruct four County bridges. Eligible Project costs shall be paid 100% by the Secretary of Transportation, Commonwealth of Pennsylvania, using federal funds.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: December 29, 2016

RE: Proposed Ordinance

Attached is an Ordinance delegating to the Commonwealth of Pennsylvania, Secretary of Transportation the right to acquire in the name of Allegheny County right-of-way necessary for a Locally-Owned Multi-Bridge (Bridge Bundling) Project, and to take such further action as may be necessary under applicable law, including 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.

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