

Bill No. 4660-09

No. 12-09-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire the Municipal Courts Building located at 1st Avenue, City of Pittsburgh, County of Allegheny, PA 15219 Block & Lot No. 0002-P-00299 from the Commonwealth of Pennsylvania for One (\$1.00) Dollar.

Whereas, the Municipal Courts Building, (hereinafter the "MCB") is currently owned by the City of Pittsburgh, [hereinafter the "City"] operated by Allegheny County, [hereinafter the "County"] and the Allegheny County Court of Common Pleas and jointly occupied by the County and the City; and

Whereas, the Commonwealth of Pennsylvania [hereinafter the "Commonwealth"] desires to enter into a Agreement of Sale with the City whereby the Commonwealth will acquire from the City all right, title and interest in the MCB, which is located on 1st Avenue, in the City of Pittsburgh, County of Allegheny, PA 15219 and which is identified in the County's Office of Deed Registry as Block & Lot No. 0002-P-00299, for the sum of \$ 9,000,000.00; and

Whereas, the sale of the MCB to the Commonwealth is contingent upon the following: (i) Commonwealth leasing back the MCB and the parcel upon which it is situated, to the County for a term not to exceed twenty (20) years for \$1.00/year; (ii) the City paying the County the sum of \$1,000,000.00 to be used for the maintenance and operation of the MCB; (iii) the County subleasing the space that the City currently occupies in the MCB back to the City at a fair market rental rate for a term concurrent with the County's lease with the Commonwealth; (iv) the County eventually acquiring title to the MCB at the end of its lease term with the Commonwealth for the sum of one (\$1.00) dollar; and

Whereas, Article IV Section 2 of the Home Rule Charter of Allegheny County and Article 701 § 5-701.02 the Allegheny County Administrative Code requires County Council to approve the acquisition of real property by the County.

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 the MCB from the Commonwealth.

A. Allegheny County Council hereby authorizes and approves the acquisition of fee simple title to the MCB for the sum of \$1.00 with delivery of title to occur upon the termination of the lease term between the County and Commonwealth, in accordance with terms and conditions to be approved by the County Manager subject to the review and approval of the County Solicitor.

B. The proper officers and/or officials of the County are hereby authorized to execute any and all documents, agreements, and deeds necessary to carry out the authorizations granted herein.

SECTION 3. 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 4. 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.*

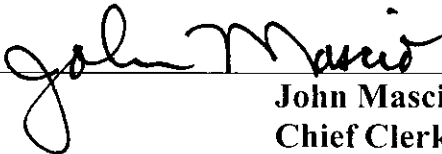
Enacted in Council, this 7th day of April, 2009

Council Agenda No. 4660-09



Rich Fitzgerald
President of Council

Attest:

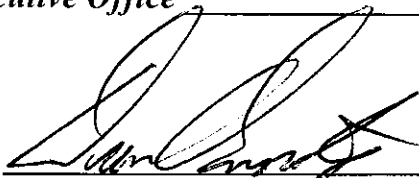


John Mascio
Chief Clerk of Council

Chief Executive Office

April 17, 2009

Approved:



Dan Onorato
Chief Executive

Attest:



Donna Beltz
Executive's Secretary

SUMMARY

Following a two year study to review court operations in Allegheny County in which officials of the Court, County and City of Pittsburgh participated, the Pennsylvania Supreme Court Ordered that the Pittsburgh Magistrates Court, which was located in the Municipal Courts Building [hereinafter the "MCB"] would be merged into the Magisterial District Judge system, effective January 1, 2005. The court's decision eliminated the need for the City to appoint "Magistrates" and placed the responsibility for administration of justice on the locally elected Magisterial District Judges.

Subsequent to the decision of the Supreme Court, the President Judge of the Allegheny Court of Common Pleas directed that all individuals employed by the City of Pittsburgh and assigned to Pittsburgh Magistrates Court be transferred to the Court of Common Pleas effective on the date established by the Supreme Court. Further, the PJ assigned local MDJ's to preside over matters at the new "Pittsburgh Municipal Court", directed the District Court Administrator to provide for day to day operations and eliminated the jurisdiction over parking tickets issued by the Parking Authority.

Since this decision, the Court of Common Pleas has maintained space at the MCB for reasons of efficiency [handling approx 80,000 cases per year], judicial economy and ease of access to prisoners. The City, via its police department, continues to have a presence in the building to address warrant service, prisoner processing, and records management.


The Municipal Courts Building is currently owned by the City of Pittsburgh, jointly operated by the County and the Court of Common Pleas and jointly occupied by the Court of Common Pleas and the City of Pittsburgh. The Commonwealth of Pennsylvania has agreed to purchase the MCB from the City for \$9,000,000.00 on the condition that: (i) The County would lease the building back from the Commonwealth for \$1/year and assume all operational and capital costs for the lease term –to be a 5 year base term with the Commonwealth having three 5 year options; (ii) the City of Pittsburgh transfer the sum of \$1,000,000.00 to the County to be used for capital costs and repairs; (iii) the County sublease back to the City the space the City currently occupies ; and (iii) the County agrees to acquire title to the building for \$1 at the end of the lease term.

Article IV Section 2 of the Home Rule Charter of Allegheny County and Article 701 § 5-701.02 the Allegheny County Administrative Code requires County Council to approve the acquisition of real property by the County.

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: 
James M. Flynn, Jr.
County Manager

ALLEGHENY COUNTY COUNCIL

'09 FEB 26 AM 10:25

DATE: February 26, 2009

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to acquire the Municipal Courts Building located at 1st Avenue, City of Pittsburgh, County of Allegheny, PA 15219 Block & Lot No. 0002-P-00299 from the Commonwealth of Pennsylvania for One (\$1.00) Dollar.

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.