

Bill No. 2023-05

No. 29-05-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to file a Declaration of Relinquishment as provided under the provisions of the Eminent Domain Code of 1964, *as amended*, in connection with the property and/or property interests of General Cleaning, Inc. condemned for reconstruction of the Homestead Grays Bridge, formerly the Pittsburgh-Homestead High-Level Bridge, Monongahela River Bridge No. 12, Project No. MA12-3513 in the City of Pittsburgh and Borough of Homestead.

Whereas, the County of Allegheny on April 5, 2005 filed a Declaration Of Taking in the Court of Common Pleas of Allegheny County, Pennsylvania docketed at GD 05-008180 (the "Condemnation") acquiring certain property and/or property interests of General Cleaning, Inc. ("General Cleaning") in connection with the reconstruction of the Homestead Grays Bridge, formerly the Pittsburgh-Homestead High-Level Bridge, Monongahela River Bridge No. 12, Project No. MA12-3513 in the City of Pittsburgh and Borough of Homestead within the County of Allegheny and Commonwealth of Pennsylvania (the "Project"); and,

Whereas, it appears that the Project can be re-engineered so that the Project can be completed without acquiring the property and/or property interests of General Cleaning and that the Commonwealth of Pennsylvania, Department of Transportation has agreed that, as a result thereof, the property and/or property interests of General Cleaning is no longer required for the Project; and,

Whereas, the County has not yet taken actual possession of the property and/or property interests of General Cleaning acquired in the Condemnation; and

Whereas, Section 408 of the Eminent Domain Code permits a condemnor to file a Declaration of Relinquishment within a period of one (1) year from the date of the filing of the Declaration of Taking; and,

Whereas, the Council of Allegheny County, Pennsylvania ("Council") by adoption of this Ordinance has determined that the property and/or property interests of General Cleaning acquired by the County in the Condemnation is no longer necessary for the Project and deems it advisable to file a Declaration Of Relinquishment to relinquish the property and/or property interests of General Cleaning acquired by the County in the Condemnation.

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 file Declaration of Relinquishment.

That Council deems it advisable and necessary to authorize the Law Department, in conjunction with the Department of Public Works, to file a Declaration of Relinquishment as soon as practicable in the proceedings docketed in the Court of Common Pleas of Allegheny County, Pennsylvania at GD 05-008180. to relinquish the property and/or property interests of General Cleaning, Inc. acquired by the County in the Condemnation.

SECTION 3. Notice to Interested Parties.

That Council directs the Law Department to provide notice of this Ordinance and the Declaration of Relinquishment in accordance with Section 408 of the Eminent Domain Code or as may otherwise be required by law.

SECTION 4. Application to Court.

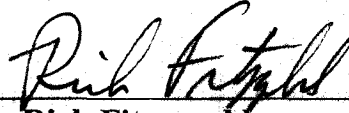
That Council directs the Law Department to make immediate application to the Court of Common Pleas of Allegheny County for the purpose of filing the Declaration of Relinquishment and such additional matters as may be required under the provisions of the Eminent Domain Code in connection with the Condemnation.

SECTION 5. 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 6. 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 7th day of June, 2005.

Council Agenda No. 2023-05.



Rich Fitzgerald
President of Council

Attest: John Mascio
John Mascio
Chief Clerk of Council

Chief Executive Officer June 10, 2005.

Approved: [Signature]
Dan Onorato
Chief Executive

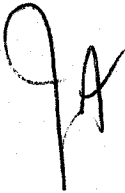
Attest: Donna Beltz
Donna Beltz
Executive's Secretary

SUMMARY PAGE
ORDINANCE TO FILE DECLARATION OF RELINQUISHMENT OF THE PROPERTY OF
GENERAL CLEANING , INC.
HOMESTEAD GRAYS BRIDGE (MA12-3513)
May 20, 2005

By Ordinance 14-05- County Council authorized the use eminent domain to acquire certain properties in connection with The Homestead Grays Bridge Project including the property and/or property interests of General Cleaning, Inc. On April 5, 2005 the County filed a Declaration of Taking after the County and the property owner could not agree on just compensation. With the concurrence of the Pennsylvania Department of Transportation, the Project has been re-engineered so that it is no longer necessary to acquire General Cleaning's property and/or property interest. Consequently, under the Eminent Domain Code the County must relinquish the property by ordinance. Our construction schedule targets PennDOT Right-of-Way Clearance approval in mid 2005 in order to be ready to start construction early in the spring of 2006.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: June 2, 2005

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to file a Declaration of Relinquishment as provided under the provisions of the Eminent Domain Code of 1964, *as amended*, in connection with the property and/or property interests of General Cleaning, Inc. condemned for reconstruction of the Homestead Grays Bridge, formerly the Pittsburgh-Homestead High-Level Bridge, Monongahela River Bridge No. 12, Project No. MA12-3513 in the City of Pittsburgh and Borough of Homestead.

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.

ALLEGHENY COUNTY COUNCIL

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County of Allegheny

OFFICE OF THE COUNTY MANAGER

JAMES M. FLYNN, JR.
COUNTY MANAGER

KATHLEEN K. MCKENZIE
DEPUTY COUNTY MANAGER

June 2, 2005

Honorable President and Members
Allegheny County Council
119 Courthouse
436 Grant Street
Pittsburgh, PA 15219

Dear President and Members of Council:

Attached please find legislation authorizing the County to file a Declaration of Relinquishment in connection with property interests of General Cleaning, Inc. condemned for reconstruction of the Homestead Grays Bridge.

Due to the time sensitive nature of this project, I respectfully request that County Council waive the second reading of this legislation and approve it at the June 7, 2005 Regular Meeting. Director Donatelli and Solicitor Wojcik will be available at that meeting to answer any questions on this matter.

Thank you for your consideration of this request.

Sincerely,

James M. Flynn, Jr.
County Manager

ALLEGHENY COUNTY COUNCIL

'05 JUN 2 am11:14

CC: Tom Donatelli, Director of Public Works
Mike Wojcik, Solicitor

