

No. 03-21-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements from three (3) parcels required to replace the superstructure of Pucketa Creek Bridge No. 5 (Inter-County) at Booker Street, Plum Borough, Allegheny County, Upper Burrell Township, Westmoreland County and to take such further action as may be necessary under applicable law, including but not limited to the Eminent Domain Code.

Whereas, the County Council of Allegheny County (**the “Council”**) deems it advisable to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements (**the “Property”**) from three (3) parcels described hereinbelow for the purpose of replacing the superstructure of Pucketa Creek Bridge No. 5 (Inter-County) at Booker Street, Plum Borough, Allegheny County, Upper Burrell Township, Westmoreland County (**the “Project”**); and

Whereas, the Project, has been depicted in the Right-of-Way Drawings identified as 26179-R/W for the replacement of the superstructure of Pucketa Creek Bridge No. 5 (Inter-County) at Booker Street, Plum Borough, Allegheny County, Upper Burrell, Westmoreland County, County Project No. P005-3711, dated March 5, 2020, recorded January 25, 2021 in the Allegheny County Department of Real Estate, Plans-Miscellaneous, Book 186, Page 63, and marked as Exhibit A” attached hereto and made a part hereof; and

Whereas, the Department of Public Works, through its consultant, Century Engineering, Inc. has been unable to locate the owner(s) of Parcels 1, 2 and 3 and all efforts to locate them through last known addresses and internet searches have been unsuccessful and all mailings have been returned as undeliverable; and

Whereas, due to the construction schedule of the Project, it is now necessary to authorize the acquisition of the Property through condemnation proceedings following exhaustion of reasonable, good faith efforts to identify and locate the owners of the three parcels and amicably acquire said property.

Whereas, the Project constitutes a valid public purpose serving the interests of the residents of 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 as set forth in their entirety herein.

SECTION 2. Authorization to Acquire Property by Condemnation.

That Council deems it advisable and necessary to acquire by condemnation, under the power of eminent domain, certain property necessary for the Project described more particularly as follows:

Parcel 1 – Samuel Fancher and Georgie Lee Fancher, his wife

Lot/Block #62-07-04-0-001

Property: Right of Way in fee simple 2,012 square feet; and
 Temporary Construction Easement 9,267 square feet

FMV: \$2,200.00

Parcel 2 – Charles Johnson

Lot/Block#62-07-03-0-009

Property: Right of Way in fee simple 1,400 square feet; and
 Temporary Construction Easement 836 square feet

FMV: \$500.00

Parcel 3 – Jesus Apostolic Church

Lot/Block #62-07-03-0-004

Property: Temporary Construction Easement 688 square feet

FMV: \$500.00

SECTION 3. 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 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 having the value of said property legally ascertained.

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 be in full force and effect.

SECTION 6. Repealer.


Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the some affects this Ordinance.

Enacted in Council, this 13th day of April, 2021

Council Agenda No. 11808-21



Patrick Catena
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office April, 15th, 2021

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Jennifer M. Liptak
Chief of Staff

Summary

Authorization to commence three (3) condemnation actions (Parcels 1, 2 and 3) in connection with the replacement of the superstructure of Pucketa Creek Bridge No. 5 (Inter-County) at Booker Street, Plum Borough, Allegheny County, Upper Burrell Township, Westmoreland County, County Project No. P005-3711. The County has been unable to locate the owners of the property despite diligent efforts to do so.

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: March 18, 2021

RE: Proposed Ordinance


Attached is an Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements from three (3) parcels required to replace the superstructure of Pucketa Creek Bridge No. 5 (Inter-County) at Booker Street, Plum Borough, Allegheny County, Upper Burrell Township, Westmoreland County and to take such further action as may be necessary under applicable law, including but not limited to 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.

DISTRICT	COUNTY	TOWNSHIP	BOROUGH	ROUTE	SECTION	TOTAL SHEETS
11-0	ALLEGHENY	UPPER BURRELL	PLUM	BOOKER ST		7

COUNTY OF ALLEGHENY



DEPARTMENT OF PUBLIC WORKS

DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR BOOKER STREET

IN ALLEGHENY/WESTMORELAND COUNTY

FROM STA. 20+30.00 TO STA. 21+61.00 LENGTH 131.00 FT. 0.025 MI.



THIS PLAN PREPARED PURSUANT TO SECTION 2002.01 OF THE ADMINISTRATIVE CODE, AS AMENDED, 71 P.S., AND PURSUANT TO THE SECOND CLAY COUNTY CASE NUMBER 2019-001131, AND PURSUANT TO THE SECOND CLAY COUNTY CASE NUMBER 2019-001131, PURSUANT TO THE ALLEGHENY COUNTY HOME RULE CHARTER LAW AND ALLEGHENY COUNTY ADMINISTRATIVE CODE.

DESIGN DESIGNATION

HIGHWAY CLASSIFICATION : RURAL LOCAL ROAD
 DESIGN / POSTED SPEED : 25 MPH
 PAVEMENT WIDTH : VARIES 2'-0" TO 5'-2" LT (PAVED)
 SHOULDER WIDTH : 6'-0" RT (EFFECTIVE)

CURRENT A.D.T.
 DESIGN YEAR A.D.T.
 D.H.V.
 D
 T

374 (2000)
 400 (2000)
 41
 55X
 1X



RECORDED IN THE OFFICE FOR THE DEPARTMENT OF REAL ESTATE IN ALLEGHENY COUNTY, PA. IN BOOK 1810 PAGE 603

WITNESS MY HAND AND SEAL OF OFFICE IN ALLEGHENY COUNTY, PA. DATE 6/19/20

MANAGER

COMMONWEALTH OF PENNSYLVANIA COUNTY OF ALLEGHENY

ON THIS 17th DAY OF JUNE 2020, I, WILLIAM D. WEAHIN, COUNTY MANAGER, APPEARED BEFORE ME, JERRY TYLER, NOTARY PUBLIC, and acknowledged to me that he is the person whose name is subscribed to the attached plan, and that he is duly authorized to act as the person whose name is subscribed to the attached plan for the purposes there in contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of my office as Notary Public for the County of Allegheny, Pennsylvania, this 17th day of June, 2020.

PREPARED BY: HJR FOR ENGINEERING, INC. 301 GRANT STREET, PITTSBURGH, PA 15219

DATE: June 17, 2020

PREPARED BY: TPA ENGINEERING & DEVELOPMENT 8 EAST MAIN STREET, CARLETON, PA 15008

DATE: 3-5-2020

PREPARED BY: TPA ENGINEERING & DEVELOPMENT 8 EAST MAIN STREET, CARLETON, PA 15008

DATE: 6/5/20

ADOPTED BY THE COUNTY EXECUTIVE, THROUGH THE MANAGER OF ALLEGHENY COUNTY, THIS PROJECT WAS AUTHORIZED BY THE COUNTY MANAGER.

ON 06/17/2019 EXECUTIVE ACTION NO. 1712-19

WILLIAM D. WEAHIN, COUNTY MANAGER

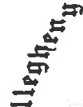
RECOMMENDED BY ALLEGHENY COUNTY DEPARTMENT OF PUBLIC WORKS

PROJECT MANAGER: William D. Weahin, 6/15/20

CHIEF BRIDGE ENGINEER: William D. Weahin, 6/15/20

DEPUTY DIRECTOR ENGINEERING: William D. Weahin, 6/15/20

DIRECTOR: William D. Weahin, 6/19/20



County of Allegheny

Pittsburgh, Pennsylvania

Department of Public Works

RIGHT-OF-WAY DRAWINGS

SUPERSTRUCTURE REPLACEMENT

PUCKETA CREEK BRIDGE #5

BOOKER STREET

PLUM BOROUGH

UPPER BURRELL TOWNSHIP

COUNTY PROJECT NO P005-3711

DATE: 06/19/20 SCALE: AS NOTED SHEET: 1 OF 7 26179-RW

LIST OF PUBLIC UTILITIES

SYMBOL	PUBLIC UTILITIES	CONTACT INFORMATION
—	AT&T	(724) 837-1057
—	COCAST	(412) 245-2823
—	VERIZON	(412) 793-3803
—	DUQUESNE LIGHT COMPANY	(412) 393-7813
—	WEST PENN POWER	(724) 334-5237
—	NEW KENSINGTON CITY MUNICIPAL AUTHORITY	(724) 337-3577

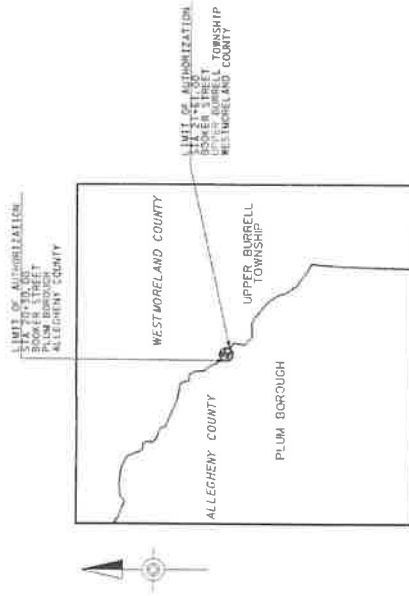
PA ONE CALL SYSTEM, INC. PHONE NO. 1-800-242-1776
 DESIGNER'S SERIAL NO. S: 2017135191 - PLUM BOROUGH/ALLEGHENY COUNTY
 20171351231 - UPPER BURRELL TOWNSHIP/WESTMORELAND COUNTY

LIST OF EQUALITIES

NONE

TABULATION OF OVERALL AND AUTHORIZATION LENGTH

(BOOKER STREET) STA 20+30.00 TO STA 21+61.00 * 131.00 FT * 0.025 MI



LOCATION MAP

0 0.5 1 MILES
 MAP SCALE

LEGEND

- PROJECT LOCATION
- COUNTY LINE
- TOWNSHIP LINE
- STATE ROUTE
- TOWNSHIP OR LOCAL ROADS
- AC DETOUR

TABULATION OF PROJECT COORDINATES

BASED ON PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD 83)

ROUTE	STATION	POINT	COORDINATES	BEARING	
		BEGIN P.O.T.	NORTH EAST		
BOOKER STREET	20+00.00	BEGIN P.O.T.	414151.2204	1421536.5209	N56°01'37"E
	21+81.18	END P.O.T.	444292.4431	1421686.7118	
TEMPORARY ROAD	20+00.00	BEGIN P.O.T.	444145.9516	1421556.3261	N56°01'37"E
	20+48.11	END P.O.T.	444248.2103	1421716.5170	
SR 0366 GREENSBURG ROAD	10+00.00	BEGIN P.O.T.	444096.4195	1421540.0167	N37°59'23"W
	13+63.97	END P.O.T.	444354.7610	1421766.5093	
SR 0366 LINCOLN SLINGER ROAD	50+00.00	BEGIN P.O.T.	444184.2864	1421755.6504	N37°59'23"W
	52+31.78	END P.O.T.	444376.0367	1421659.9058	

NOTE: FOUR (4) PLACE COORDINATES ARE USED FOR COMPUTATIONAL PURPOSES ONLY AND DO NOT IMPLY A PRECISION BEYOND TWO (2) PLACES.

TABULATION OF SURVEY CONTROL COORDINATES

BASED ON PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD 83)

CONTROL POINT	NAME & TYPE	NORTH	EAST	ELEVATION
CP-1	441341.7250	1421700.8514	810.24	
CP-2	441407.5169	1421540.5787	811.88	
CP-3	441884.8198	1421779.5755	816.90	
CP-4	441884.8198	1421779.5755	816.90	
CP-5	444184.2864	1421540.0167	814.35	
CP-6	444314.5070	1421585.7804	815.97	

NOTE: FOUR (4) PLACE COORDINATES ARE USED FOR COMPUTATIONAL PURPOSES ONLY AND DO NOT IMPLY A PRECISION BEYOND TWO (2) PLACES.

TABULATION OF REQUIRED RIGHT-OF-WAY BREAK POINTS

BASED ON PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD 83)

ROUTE	STATION	OFFSET/ SIDE	COORDINATES	
			NORTH EAST	
BOOKER STREET	20+00	40' RT	444176.1979	1421582.7401
	21+00	40' RT	444317.5087	1421641.2031
	21+00	30' RT	444222.2017	1421636.2151
	21+00	30' RT	444256.3860	1421686.2439
	20+20	40' LT	444241.1419	1421535.0559
	21+00	40' LT	444360.5247	1421597.0929
	21+00	40' LT	444355.8661	1421682.1250

NOTE: FOUR (4) PLACE COORDINATES ARE USED FOR COMPUTATIONAL PURPOSES ONLY AND DO NOT IMPLY A PRECISION BEYOND TWO (2) PLACES.

⊙ INDICATES SCALED STATION OR OFFSET

GENERAL NOTES

THE LEGAL RIGHT-OF-WAY ON BOOKER ROAD FROM STA 20+30.00 TO STA 21+61.00 IS RECORDED IN THE WESTMORELAND COUNTY RECORDER OF DEEDS OFFICE ON SEPTEMBER 4, 1982 IN PLAN BOOK 4, PAGE 354.

THE LEGAL RIGHT-OF-WAY ON 7-800 (LINCOLN BLVD) IS 40 FEET BASED ON LINCOLN RECORDER OF DEEDS OFFICE ON SEPTEMBER 4, 1982 IN PLAN BOOK 4, PAGES 354.

THE LEGAL RIGHT-OF-WAY ON SR 0366 GREENSBURG ROAD FROM STA 20+00.00 TO STA 20+48.11 IS 40 FEET BASED ON FINAL DRAWINGS FOR CONSTRUCTION UNDER ORDER NO. R 737-5 40 FEET OF ROUTE NO. 737, SECTION NO. 3, APPROVED IN MAY, 1937.

ALL REQUIRED RIGHT-OF-WAY FOR THIS PROJECT SHALL BE ACQUIRED IN FEE SIMPLE UNLESS OTHERWISE NOTED HEREON. IF AN ACQUISITION IN FEE SIMPLE SHALL BE ACQUIRED IN THE CLEASER ESTATE OF INTEREST NOTED ON THE PLAN SHEET.

PROPERTY LINES ARE PLOTTED FROM THE DEED RECORD, RECORDED SURVEY DATA, PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

THE FOLLOWING SYMBOLS ARE USED TO DEPICT SLOPE LINES:



THE HALF CIRCLED NUMBER INDICATES A SCALED DIMENSION.

THE HORIZONTAL CONTROL IS TIED TO THE PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD 83).

VERTICAL DATUM FOR THESE PLANS IS BASED ON NATIONAL AMERICAN VERTICAL DATUM OF 1988 (NAD 88).

ALL CURVE DATA IS BASED ON THE ARC DEFINITION UNLESS OTHERWISE INDICATED. THERE ARE NO NAVIGABLE STREAMS WITHIN THIS PROJECT.

THE PLAN IS NOT A CONVEYANCE OF THE PROPERTIES DESIGNATED THEREIN. AUTHORIZATION TO CONVEY UNDER THIS PLAN EXTENDS FOR ONE YEAR OR SUBSEQUENTLY REVISING THE PLAN ON RESUBMITTING ACQUISITION THEREAFTER.

TEMPORARY CONSTRUCTION EASEMENTS ARE SHOWN AS BEING USED AS NECESSARY DURING CONSTRUCTION OF THE PROJECT IN THE BURELL TOWNSHIP. THE CONSTRUCTION OF WORK INDICATED BY THE PLAN IS COMPLETED, UNLESS OTHERWISE INDICATED IN WRITING BY THE COUNTY.

SECTE EASEMENT, AN EASEMENT FOR THE SUPPORT AND PROTECTION OF THE HIGHWAY, AND OTHER EASEMENTS ARE SHOWN AS BEING USED AS NECESSARY FOR THE PROJECT. THESE ARE NOT DEPRECIABLE RIGHTS FROM MAKING ANY LEGAL USE OF THE AREA WHICH IS NOT DEPRECIABLE TO THE SAFETY OF THE TRAVELING PUBLIC.

CHANNEL EASEMENT, AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF THE COURSE OF THE CHANNEL, THE AREA WHICH IS NOT DEPRECIABLE TO THE NECESSARY USE OF WATER.

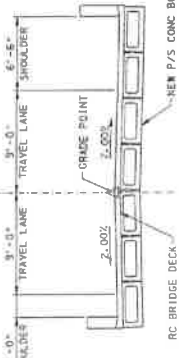
County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

RIGHT-OF-WAY DRAWINGS
SUPERSTRUCTURE REPLACEMENT OF
PUCKETA CREEK BRIDGE #6
 (INTER-COUNTY)
 LOCATION MAP/GENERAL NOTES
 BOOKER STREET
 P005-3711

DES. BY:	DR. BY:	CH. BY:
TCD	RWS/DES	EGC
DATE:	SCALE:	SHEET:
03/05/20	AS NOTED	3 OF 7

26179-RW

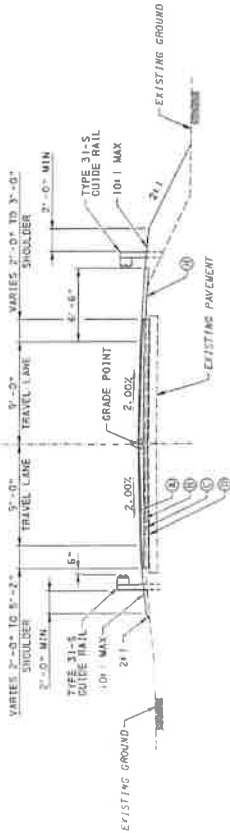
BOOKER ST SURVEY & R/W Q



TYPICAL BRIDGE SECTION

STA 20038.53 TO STA 20043.53

BOOKER ST SURVEY & R/W B



BOOKER STREET NORMAL SECTION

STA 20010.87 TO STA 20038.53
STA 20043.53 TO STA 21061.58

TEMPORARY ROAD Q



TEMPORARY ROAD NORMAL SECTION

STA 20001.05 TO STA 20003.02
STA 20004.02 TO STA 20147.13

PAVEMENT DESIGN:

- (A) SUPERPAVE ASPHALT MIXTURE DESIGN, WMA WEARING COURSE, PG 64-22, 0.3 TO < 3 MILLION ESALS, 9.5 MM MIX, 1 1/2" DEPTH, SRL-H
- (B) SUPERPAVE ASPHALT MIXTURE DESIGN WMA BINDER COURSE, PG 64-22, 0.3 TO < 3 MILLION ESALS, 12.0 MM MIX, 2 1/2" DEPTH
- (C) BITUMINOUS BUILD-UP, 10N
- (D) MILLING OF BITUMINOUS PAVEMENT SURFACE, VARIABLE DEPTH (1" MINIMUM), MILLED MATERIAL REFINED BY CONTRACTOR
- (E) SUPERPAVE ASPHALT MIXTURE DESIGN, WMA BASE COURSE, PG 64-22, 0.3 TO < 3 MILLION ESALS, 25.0 MM MIX, 4" DEPTH
- (F) SUBBASE 6" DEPTH (NO. 2A)
- (G) SUBBASE (NO. 2A)
- (H) NO. 2A COURSE AGGREGATE

NOTES:

- 1. APPLY A SEPARATE LAYER OF BITUMINOUS TACK COAT FOR EACH COURSE, INCLUDING MULTIPLE LIFTS OF THE SAME MATERIAL
- 2. SEEDING & SOIL SUPPLEMENTS - FORMULA L AND MULCHING - STRAW ON 4" OF TOPSOIL (SLOPES STEEPER THAN 3:1)
- 3. SEEDING & SOIL SUPPLEMENTS - FORMULA L AND MULCHING - STRAW ON 4" OF TOPSOIL (SLOPES 3:1 AND FLATTER)

County of Allegheny
Pittsburgh, Pennsylvania
Department of Public Works

RIGHT-OF-WAY DRAWINGS
SUPERSTRUCTURE REPLACEMENT OF
PUCKETA CREEK BRIDGE #5
(INTER-COUNTY)
TYPICAL SECTIONS
BOOKER STREET
PO05-3711



REVISIONS

DATE	SCALE	AS NOTED	SHEET	4 OF 7
03/05/20				
DES. BY: 100	DR. BY:	WMS/DES	CH. BY:	ECG

26179-RW

PVI STA 20+63.00
 ELEV 811.45
 GROUND
 MD. 0.15%
 RESD. 25%
 10-YEAR MSE = 810.53

LIMIT OF AUTHORIZATION
 STA 20+30.00
 PLUM BROOK
 ALLEGHENY COUNTY

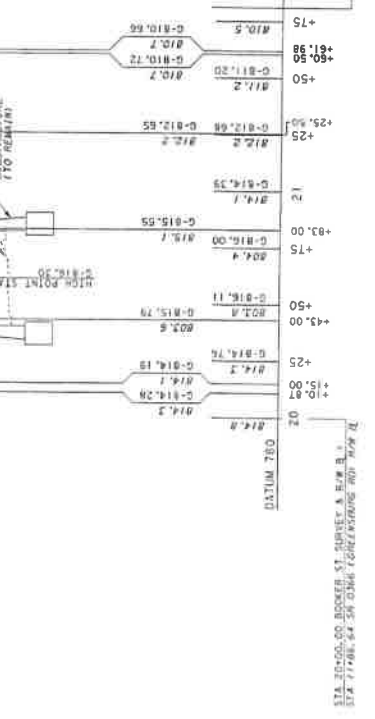
LIMIT OF AUTHORIZATION
 BOOKER STREET
 NEWMARKET TOWNSHIP
 WESTMORELAND COUNTY

PROPOSED BRIDGE
 SUPERSTRUCTURE
 REPLACEMENT

PROPOSED GRADE
 -4.13%

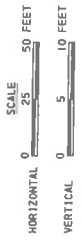
STREAMBED
 EXIST. BRIDGE
 (TO REMAIN)

EXISTING GROUND



STA 21+50.00 BOOKER ST. DRIVE & BR. B.
 STA 21+50.00 2'-480' L.L./R.O.W. BR.VO. 60' W. B.

BOOKER STREET PROFILE



FOR PLAN SEE SHEET 5

County of Allegheny
 Pittsburgh, Pennsylvania
Department of Public Works

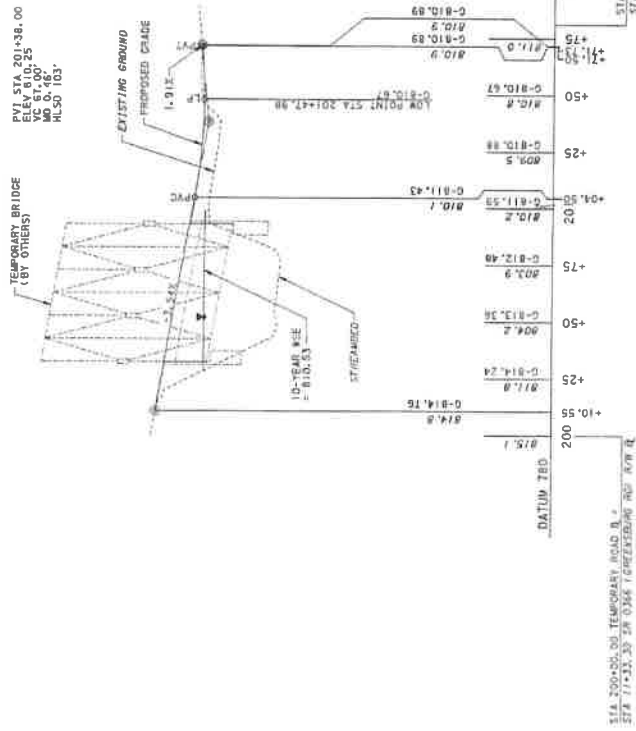
RIGHT-OF-WAY DRAWINGS
 SUPERSTRUCTURE REPLACEMENT OF
 PUCKETA CREEK BRIDGE #5
 (INTER-COUNTY)
 PROFILE
 BOOKER STREET
 POOS-3711

DATE	SCALE	AS NOTED	SHEET
03/25/20			6 OF 7

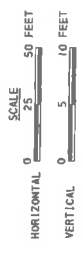
26179-RW



REVISIONS



TEMPORARY ROAD PROFILE



FOR PLAN SEE SHEET 3

County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

RIGHT-OF-WAY DRAWINGS
 SUPERSTRUCTURE REPLACEMENT OF
 PUCKETA CREEK BRIDGE #5
 (INTER-COUNTY)
 PROFILE
 BOOKER STREET
 P005-3711

DES. BY TOD	DR. BY WMS/DES	CH. BY EGG	SHEET 7 OF 7
DATE 03/09/20	SCALE AS NOTED	PROJECT 26179-RW	



REVISIONS