

Bill No. 1735-04

No. 47-04-RE

A RESOLUTION

A Resolution of the Council of the County of Allegheny providing certification that comparable replacement housing is not physically available and not available within the normal supplemental limits: \$22,500.00 for owners and \$5,250.00 for tenants, for the S.R. 0079, Section A23, in the Township of Robinson.

Whereas, the Pennsylvania Department of Transportation intends to acquire property (ies) for the improvement of S.R. 0079, Section A23, in the Township of Robinson; and

Whereas, under the Pennsylvania Housing Replacement Authorization Act, 35 P.S. §1525, *et seq.*, and Article VI-A of the Eminent Domain Code, Act of 1964, *as amended*, 26 P.S. §1-601A, *et seq.*, if comparable replacement housing exceeds the statutory replacement limit of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) for residential owners and Five Thousand Two Hundred Fifty Dollars (\$5,250.00) for tenants, the Board of Commissioners, of the appropriate County, must approve housing of last resort; and

Whereas, at the election held on May 19, 1998, the voters of Allegheny County approved the Home Rule Charter of Allegheny County, in which Article III, Section 1 states, "The government of Allegheny County shall include an elected County Council, an elected Chief Executive and an appointed professional Manager" and Section 2 states, "The office of County Commissioner is abolished upon the swearing in of the County Council Members and the Chief Executive"; and

Whereas, the Pennsylvania Department of Transportation has investigated the availability of comparable replacement housing in the subject municipality and has determined that comparable housing exceeds the statutory limits; and

Whereas, it is necessary that the Council and Chief Executive of Allegheny County approve last resort housing so that the Pennsylvania Department of Transportation will be permitted to make payments to affected property owners that will exceed the statutory limits set forth above; and

Whereas, the Pennsylvania Department of Transportation will assume total responsibility for the funding of the last resort housing supplements.

The Council of the County of Allegheny hereby resolves as follows:

Section 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Resolution are incorporated by reference in their entity herein.

Section 2 . Approval of Housing of Last Resort.

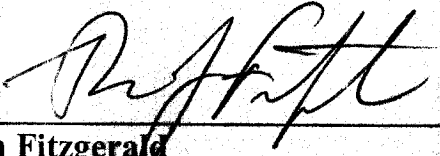
The Council of the County of Allegheny, after receiving advice that the Department of Public Works has reviewed and approved the research by the Pennsylvania Department of Transportation to determine whether comparable replacement housing exceeds the statutory supplemental limits allowed by law, hereby approves housing of last resort, according to applicable laws, for the improvement of S.R. 0079, Section A23, in the Township of Robinson.

Section 3. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

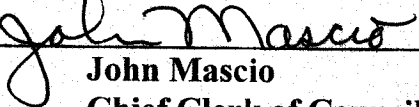
Section 4. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

Enacted in Council, this 6th day of December, 2004.

Council Agenda No. 1735-04.

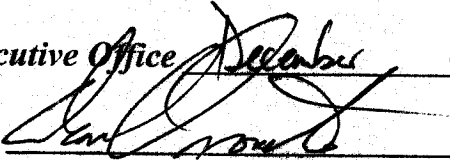


Rich Fitzgerald
President of Council

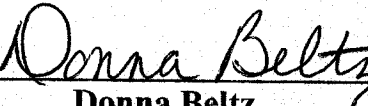
Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office December 15, 2004..

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive Secretary

SUMMARY

The attached resolution of housing of last resort permits property owners and tenants to receive the maximum supplemental payment permitted under the Pennsylvania Eminent Domain Code in connection with the highway project identified herein.


MEMORANDUM

OFFICE OF THE
COUNTY COUNCIL

OFFICE OF THE COUNTY MANAGER

2004 OCT 28 AM 11:58

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: October 28, 2004

RE: Proposed Resolution

Attached is a Proposed Resolution providing certification that comparable replacement housing is not physically available and not available within the normal supplemental limits: \$22,500.00 for owners and \$5,250.00 for tenants, for the S.R. 0079, Section A23, in the Township of Robinson.

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.