

Bill No. 3964-08  
No. 19-08-OR

## AN ORDINANCE

An Ordinance authorizing the County of Allegheny to clear the right-of-way for, and to acquire by condemnation certain parcels of land for this project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, as amended.

**Whereas**, the County Council of Allegheny deems it advisable to clear the right-of-way for the reconstruction of Brownsville Road and Broughton Road (SR 2040, Section A10G R/W) Intersection, Project No. 5050-0202, in the Boroughs of Pleasant Hills and Baldwin and the Township of South Park within the County of Allegheny and Commonwealth of Pennsylvania (the "Project"), and

**Whereas**, the County Council of Allegheny County deems it advisable to acquire by condemnation, certain land hereinafter described, as necessary, for additional right-of-way and easements for the Project.

***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 Clear Right-of-Way.***

That Council deems it advisable and necessary to authorize the Law Department, in conjunction with the Department of Public Works, to obtain appraisals and title reports, to negotiate and acquire the required rights-of-way and easements, 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 in clearing the right-of-way, for the Project.

***Section 3. Authorization to Acquire Property by Condemnation.***

That Council deems it advisable and necessary to take under the right of eminent domain the property of the following persons or corporations and to acquire title thereto in fee simple, as necessary to reconstruct the Project:

PROJECT PARCEL NO.	RECORD OWNER	MUNICIPALITY	TAX PARCEL BLOCK & LOT NO.
36	Mongo, Inc.	South Park Township	473-L-337

Said property is identified on a Right-of-Way drawing 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 Law Department to provide immediate notice of this Ordinance to the record owners of the parcel to be taken.

***Section 5. Application to Court.***

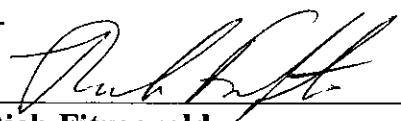
That Council directs the Law Department to make immediate application to the Court of Common Pleas of Allegheny County for the purpose of having the value of said property legally ascertained.

***Section 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 1st day of July, 2008.

Council Agenda No. 3964-08

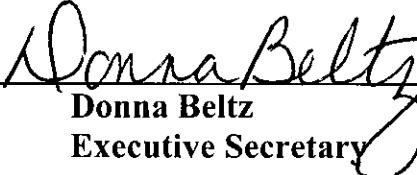


Rich Fitzgerald  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Chief Executive Office  July 7, 2008.

Approved:   
Dan Onorato  
Chief Executive

Attest:   
Donna Beltz  
Executive Secretary

**SUMMARY PAGE**  
**ORDINANCE TO CLEAR THE RIGHT-OF-WAY**  
**AND ACQUIRE BY CONDEMNATION**  
**BROWNSVILLE ROAD AT BROUGHTON ROAD**  
**(SR 2040, SECTION A10G R/W) INTERSECTION**

Brownsville Road (County No. 5050-02) intersecting with Broughton Road (SR 2040, Section A10G) needs to be widened to increase traffic capacity to improve safety and reduce travel delays. This project is eligible for 80 percent funding from the Federal Highway Administration. We may, regrettably, need to resort to the County's power of Eminent Domain to acquire one of the parcels required for the project. The parcel had been used to operate the Curry Hotel, a bar with exotic dancing and apartments upstairs.

Our consultant, Right-of-Way Services, Inc., presented an offer letter to Linda Livingston of Mongo, Inc., property owner. Since then, after numerous contacts, they have been unable to reach an amicable settlement. They predict that based on past experience, going to court, instead of accepting the owner's counter-demand, will result in a substantial saving.

We seek approval by County Council as soon as possible to file a Declaration of Taking, as required by the County Administrative Code.

BROWNSVILLE ROAD  
RIGHT-OF-WAY BASELINE CURVE DATA  
PI STA 80+89.95  
A = 55°01'00" LT  
D = 19°05'55"  
T = 156.23'  
R = 300.00'  
L = 288.07'  
E = 38.24'  
PC STA 79+33.72  
PT STA 82+21.79

BEGIN AUTHORIZATION  
STA 78+94.00  
SEG 0064 OFFSET 0137  
SEG 0065 OFFSET 0122  
SR 2040 SEC A10G R/W

LEGAL RIGHT OF WAY LINE

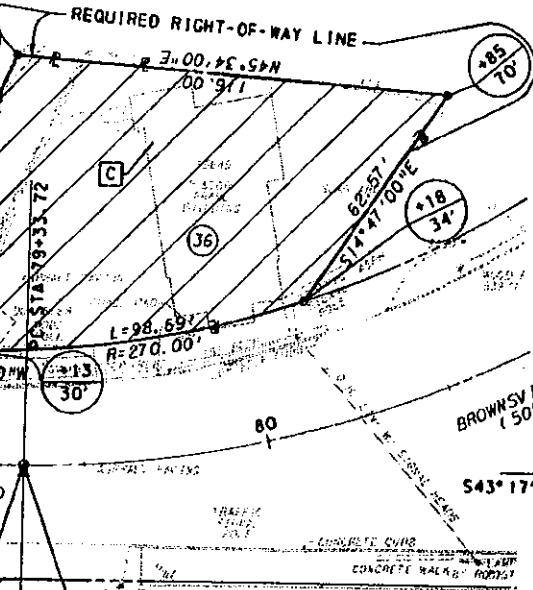
RIGHT-OF-WAY R

S43°17'06" W

BROWNSVILLE ROAD  
(S.R. 2040)

LEGAL RIGHT OF WAY LINE

LIMIT OF AUTHORIZATION  
STA 79+33.72  
SEG 0064 OFFSET 0098  
SEG 0065 OFFSET 0083  
SR 2040 SEC A10G R/W  
SOUTH PARK TOWNSHIP  
ALLEGIENY COUNTY



BEGIN AUTHORIZATION  
STA 79+33.72  
BROWNSVILLE ROAD  
(5050-02)  
STA. 79+33.72 BROWNSVILLE ROAD (S.R. 2040) BK. 1  
STA. 79+33.72 BROWNSVILLE ROAD (5050-02) AHD.

BUILDINGS AND STRUCTURES MARKED **C** HAVE BEEN  
OR ARE TO BE REMOVED OR ALTERED BY THE DEPARTMENT  
OR OTHER AUTHORITY RESPONSIBLE FOR THE PAYMENT OF  
PROPERTY DAMAGES.

|||| REQUIRED RIGHT OF WAY

PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED  
SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD  
DATA. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND  
SURVEYOR RESPONSIBLE FOR THE PROJECT.

THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

### TOTAL TAKE

RIGHT-OF-WAY CLAIM INFORMATION					
COUNTY OF ALLEGHENY					
STATE RTE.	2040	SEC. NO.	PLEASANT HILLS BOROUGH ALLEGHENY COUNTY		
PARCEL NO.	36	SHEET NO.	CLAIM NO.		
PROPERTY OWNER(S) MONGO, INC., A PENNSYLVANIA CORPORATION					
GRANTOR(S) JOSEPH J. BRUCE AND ADELE D. BRUCE, HIS WIFE					
DEED BOOK	8002	AREAS	SF	REQUIRED AREA	SF
PAGE	568	DEED		RIGHT OF WAY	7,813.926
DATE OF DEED	9-13-88	CALCULATED	7,813.926	CHANNEL	
DATE OF RECORD	4-26-89	ADVERSES		SLOPE	
CONSIDERATION		EFFECTIVE	7,813.926		
TAX STAMPS		TOTAL REQ'D R/W	7,813.926		
TAX PARCEL NUMBER	473-L-337	TOTAL RESIDUE	0.000	VERIFICATION DATE	
		RESIDUE LT	0.000	DRAWN BY	SAT
		RESIDUE RT		SCALE	25 0 25

RIGHT-OF-WAY  
DRAWING  
EXHIBIT A

**M E M O R A N D U M**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio ALLEGHENY COUNTY COUNCIL  
Chief Clerk

FROM: James M. Flynn, Jr. '08 MAY 1 PM12:09  
County Manager

DATE: May 1, 2008

RE: Proposed Ordinance

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Attached is an Ordinance authorizing the County of Allegheny to clear the right-of-way for, and to acquire by condemnation certain parcels of land for this project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, as amended.

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.