

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.

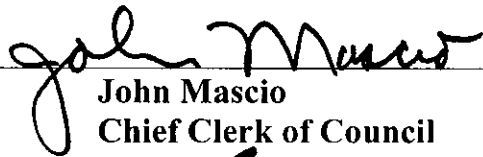
Section 7. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 1st day of July, 2008.


Council Agenda No. 3964-08

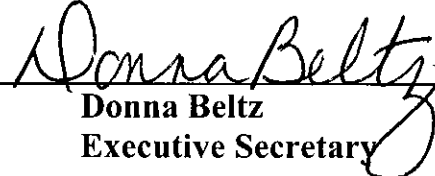


Rich Fitzgerald
President of Council

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

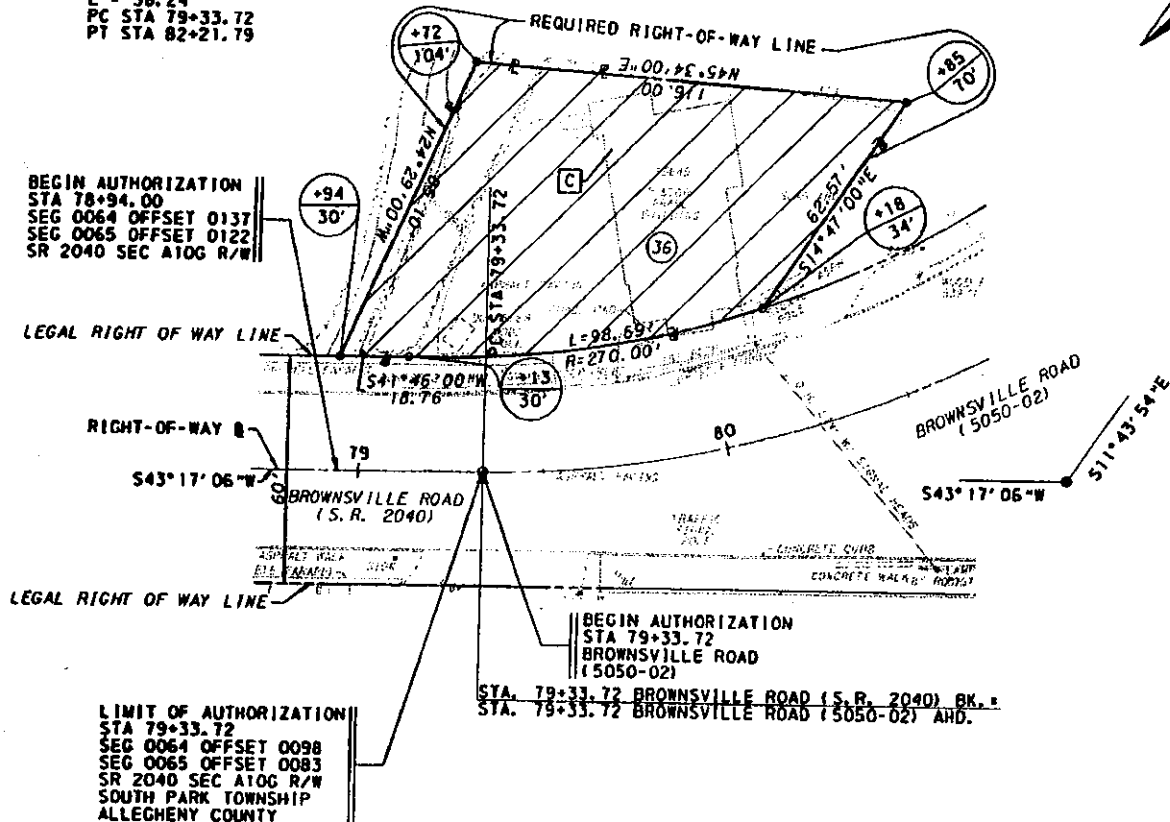
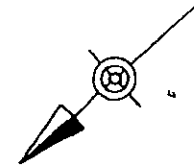
Brownsville Road (County No. 5050-02) intersecting with Broughton Road (SR 2040, Section A10G) needs to be widened to increase traffic capacity to improve safety and reduce travel delays. This project is eligible for 80 percent funding from the Federal Highway Administration. We may, regrettably, need 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
Δ = 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



**RIGHT-OF-WAY
DRAWING
EXHIBIT A**

TOTAL TAKE			
(36) 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) MONCO, INC., A PENNSYLVANIA CORPORATION			
GRANTOR(S) JOSEPH J. BRUCE AND ADELE D. BRUCE, HIS WIFE			
DEED BOOK	8002	AREAS	SF
PAGE	568	DEED	
DATE OF DEED	9-13-88	CALCULATED	7,813.926
DATE OF RECORD	4-26-89	ADVERSES	
CONSIDERATION		LEGAL R/W	
TAX STAMPS		EFFECTIVE	7,813.926
		TOTAL REQ'D R/W	7,813.926
		TOTAL RESIDUE	0.000
TAX PARCEL NUMBER	473-L-337	RESIDUE LT	0.000
		RESIDUE RT	
		REQUIRED AREA	SF
		RIGHT OF WAY	7,813.926
		CHANNEL	
		SLOPE	
		VERIFICATION DATE	
		DRAWN BY	SAI
		SCALE	25 0 25

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.
County Manager

'08 MAY 1 PM12:09

DATE: May 1, 2008

RE: Proposed Ordinance

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.