

No. 36-22-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny, through the Department of Public Works and the Law Department, to acquire by condemnation a permanent right-of-way, a slope easement and a temporary construction easement from one (1) parcel of land located at 3222 Mount Troy Road, Reserve Township, Allegheny County, required for the stabilization of Mount Troy Road (County Road No. 2312-02) 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 one (1) parcel of land located at 3222 Mount Troy Road, Reserve Township, Allegheny County, identified as Block & Lot No. 117-P-6, required for the stabilization of Mount Troy Road (County Road No. 2312-02) (the “Project”); and

Whereas, the Project has been depicted in the Right-of-Way Drawings identified as 2809-RW for the stabilization of Mount Troy Road (County Road No. 2312-02) located in Reserve Township, Allegheny County, County Project No. 2312-0204, approved September 26, 2022, recorded September 27, 2022 in the Allegheny County Department of Real Estate, Plans-Miscellaneous Book 314, Page 116, and marked as Exhibit A” attached hereto and made a part hereof; and

Whereas, the Department of Public Works has determined that the record owners of Block & Lot 117-P-6 are Leonard R. Jesteadt and Gracie K. Jesteadt, husband and wife (collectively the “Property Owner”); and

Whereas, despite reasonable efforts, concessions and accommodations made by the Department of Public Works over a period of several years, the County has been unable to reach an agreement with the Property Owner to amicably acquire the property identified on the Right-of Way Drawings marked as Exhibit “A” leaving no choice but to take such property through the exercise of eminent domain; and

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.

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

Parcel 1 – Leonard R. Jesteadt and Gracie K. Jesteadt, husband & wife

Lot/Block: #0117-P-00006-0000-00

Property: Required Right of Way measuring 846 square feet,
Slope Easement measuring 1,243 square feet,
Drainage Easement measuring 4,967 square feet, and
Temporary Construction Easement (TCE) measuring
10,176 square feet

Estimated Just Compensation: \$6,600.00, including TCE

SECTION 3. Notice to Interested Parties.

Council directs that the Department of Public Works in conjunction with the Law Department 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.

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

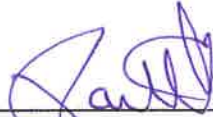
SECTION 5. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

SECTION 6. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*


SECTION 7. Effective Date. *This Ordinance shall enter effect immediately upon its approval.*

Enacted in Council, this 22nd of November, 2022.

Council Agenda No. 12505-22.



Patrick Catena
President of Council

Attest: 
Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office November 28th, 2022.

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Jennifer Liptak
Chief of Staff

Summary of Legislation

This proposed Ordinance authorizes the County to acquire by condemnation a permanent right-of-way, a slope easement and a temporary construction easement from one (1) parcel of land located at 3222 Mount Troy Road, Reserve Township, Allegheny County, Block & Lot No. 117-P-6, required for the stabilization of Mount Troy Road (County Road No. 2312-02). Despite diligent efforts, the County has been unable to amicably acquire the property.

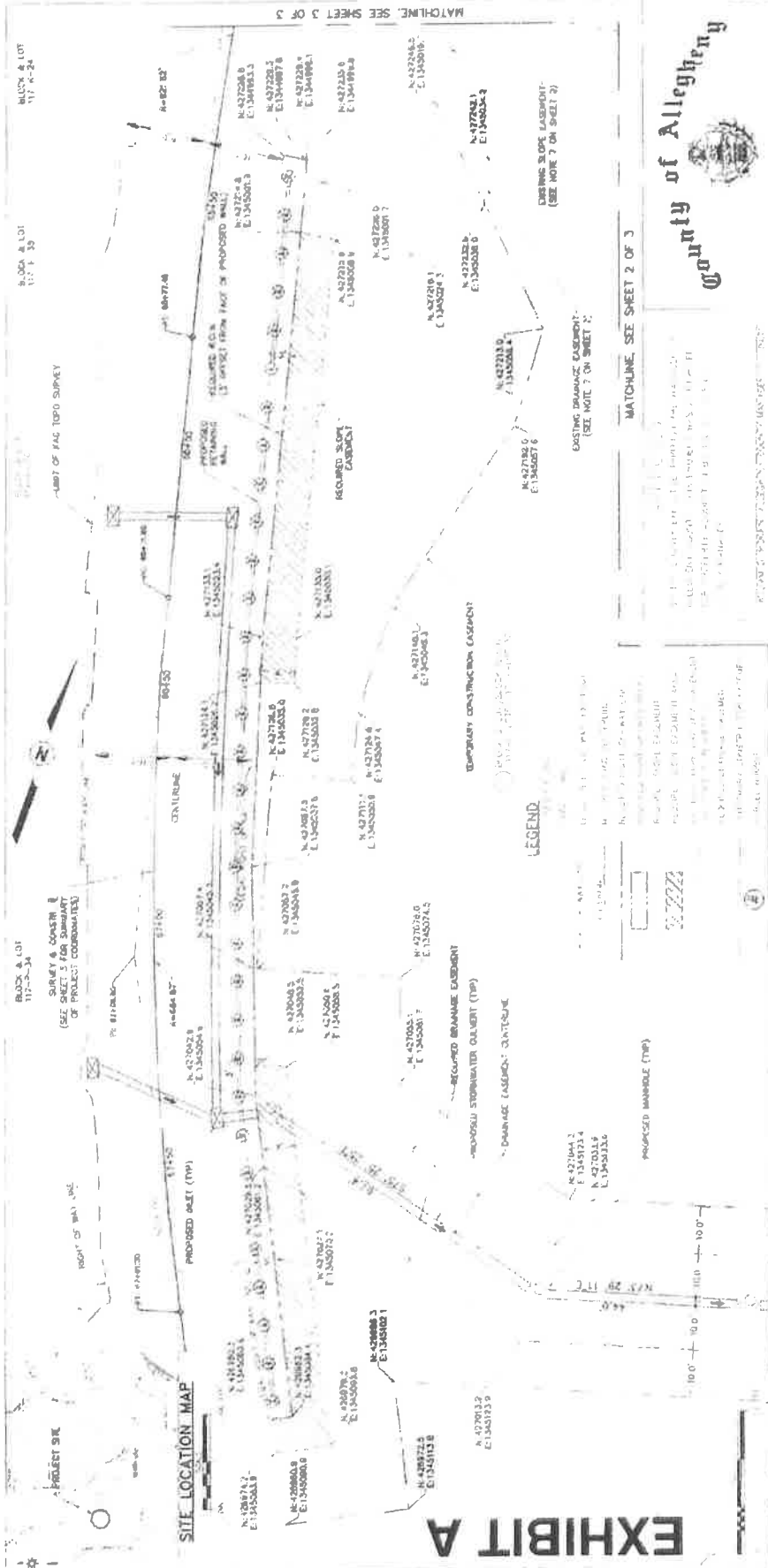


EXHIBIT A

SITE LOCATION MAP

PROJECT SITE

RIGHT OF WAY LINE

PROPOSED SLOPE EASEMENT (SEE NOTE 7 ON SHEET 3)

EXISTING DRAINAGE EASEMENT (SEE NOTE 7 ON SHEET 2)

TEMPORARY CONSTRUCTION EASEMENT

REQUIRED DRAINAGE EASEMENT

REQUIRED STORMWATER CULVERT (TIP)

DRAINAGE EASEMENT CENTERLINE

PROPOSED EASEMENT (TIP)

LEGEND

VERIFIED BY: **MAG ENGINEERS, INC.**
2704 BROADVALE ROAD
PITTSBURGH, PA 15227

DAVID J. DONLA

REGISTERED PROFESSIONAL ENGINEER
DATE: 11/15/2011

NOTARY PUBLIC

WITNESSES THEIR CONTAINED

WITNESS WHEREOF, HERETO SET MY HAND AND OFFICIAL SEAL

RECORDED IN THE OFFICE FOR THE DEPARTMENT OF REAL ESTATE IN ALLEGHENY COUNTY, PA

IN _____ BOOK _____ PAGE _____

WITNESSED BY HAND AND SEAL OF OFFICE

DATE: 11/15/2011

PROJECT NUMBER: _____ DATE: _____

DESIGNED BY: _____ CHECKED BY: _____

DRAWN BY: _____

FOR: **MOUNT TROY ROAD LATERAL SUPPORT AT 3222 MOUNT TROY ROAD**
COUNTY ROAD NO 2312-02
TOWNSHIP OF RESERVE, PENNSYLVANIA
COUNTY PROJECT NO 2317-0204

2809-RW



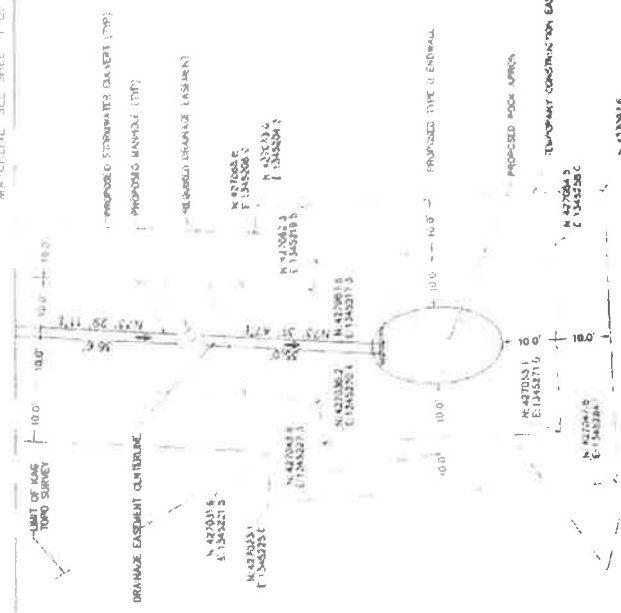
Department of Public Works

DRAWING AUTHORIZING ACQUISITION OF RIGHT-OF-WAY & EASEMENTS FOR MOUNT TROY ROAD LATERAL SUPPORT AT 3222 MOUNT TROY ROAD

DATE: _____



MATCHLINE SEE SHEET 1 OF 2



LIST OF PUBLIC UTILITIES

UTILITY	ADDRESS	CON. IN CH.
DUQUESNE LIGHT COMPANY (CONCREAD)	41 SEVEN ARCADE PITTSBURGH, PA 15218	ATLE REISNER (412)383-7813
RESERVE FIRE/ENGINE WATER & SANITARY SYSTEM (UNDERGROUND)	33 LINDSAY STREET PITTSBURGH, PA 15212	PERFORMANCE ENGINEERING, LLC (412)322-1541
AT&T (UNDERHEAD)	15 F MONTGOMERY PL, R. 2 PITTSBURGH, PA 15217	DAVE REISNER (412)322-1541
COASTAL CABLE COMMUNICATIONS (UNDERHEAD)	1905 BRIDGEMAN ROAD LAKEDALE, PA 15008	DAVE REISNER (412)348-2233
CHRYSLER CASTLE FIBER OPTIC (CONCREAD)	2000 CORCORATE DRIVE CHANDLER, PA 15017	DAVE REISNER (412)348-2233
PEOPLES GAS COMPANY (UNDERGROUND)	1301 RITT STREET PITTSBURGH, PA 15201	DAVE REISNER (412)348-2233
ALLEGHENY COUNTY DEPT. OF PUBLIC WORKS (UNDERGROUND)	542 FORBES AVENUE PITTSBURGH, PA 15219	DAVE REISNER (412)348-2233

THE PLAN IS BASED ON SURVEY COMPLETED BY MAC ENGINEERING, INC. ON 11/12/16 AND 6/23/20 TOPOGRAPHY SHOWN OUTSIDE OF MAC'S SURVEY LIMITS WAS OBTAINED FROM THE PITTSBURGH SPATIAL DATA ACCESS PORTAL (SPADAP) OR FROM THE STATE OF PENNSYLVANIA'S SPATIAL DATA ACCESS PORTAL (SDAP). THE PLAN IS BASED ON THE SURVEY AND THE SURVEYOR'S FIELD NOTES AND THE SURVEYOR'S FIELD BOOKS. THE SURVEYOR HAS REVIEWED THE RECORD DRAWINGS AND THE RECORD DEEDS AND HAS FOUND THEM TO BE CORRECT AND ACCURATE. THE SURVEYOR HAS REVIEWED THE RECORD DRAWINGS AND THE RECORD DEEDS AND HAS FOUND THEM TO BE CORRECT AND ACCURATE. THE SURVEYOR HAS REVIEWED THE RECORD DRAWINGS AND THE RECORD DEEDS AND HAS FOUND THEM TO BE CORRECT AND ACCURATE.

1. THIS PLAN IS BASED ON THE SURVEY COMPLETED BY MAC ENGINEERING, INC. ON 11/12/16 AND 6/23/20 TOPOGRAPHY SHOWN OUTSIDE OF MAC'S SURVEY LIMITS WAS OBTAINED FROM THE PITTSBURGH SPATIAL DATA ACCESS PORTAL (SPADAP) OR FROM THE STATE OF PENNSYLVANIA'S SPATIAL DATA ACCESS PORTAL (SDAP).
2. PRIVATE PROPERTY LINES ARE PLOTTED FROM DEED OF RECORD, RECORDED SUBDIVISION OR LOT PLANS. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THIS PROJECT.
3. THIS PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.
4. EASEMENT TOTAL WIDTH IS 16.5 FEET TO THE EAST SIDE OF THE CENTERLINE AND IS 2 FEET WIDE TO THE WEST SIDE OF THE CENTERLINE. EASEMENT TOTAL WIDTH IS 16.5 FEET TO THE EAST SIDE OF THE CENTERLINE AND IS 2 FEET WIDE TO THE WEST SIDE OF THE CENTERLINE.
5. EASEMENTS - NONE
6. THE STATE OF PENNSYLVANIA HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE CORRECT AND ACCURATE.
7. THE STATE OF PENNSYLVANIA HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE CORRECT AND ACCURATE.
8. THE STATE OF PENNSYLVANIA HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE CORRECT AND ACCURATE.
9. THE STATE OF PENNSYLVANIA HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE CORRECT AND ACCURATE.

County of Allegheny
Department of Public Works
Department of Public Works

DRAWING AUTHORIZING ACQUISITION OF RIGHT-OF-WAY & EASEMENTS FOR
MOUNT TROY ROAD LATERAL SUPPORT
AT 3222 MOUNT TROY ROAD
TOWNSHIP OF PENNSYLVANIA
COUNTY PROJECT NO. 2312 3204

VERIFIED BY
MAC ENGINEERING, INC.
1000 BRIDGEMAN ROAD
LAKEDALE, PA 15008
PH: 412-348-2233

D. W. WILSON
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 10000
PA. REG. NO. 10000

DATE	BY	CHK. BY	NO.
11/12/16	DRP	DRP	2809-RW

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: November 3, 2022

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny, through the Department of Public Works and the Law Department, to acquire by condemnation a permanent right-of-way, a slope easement and a temporary construction easement from one (1) parcel of land located at 3222 Mount Troy Road, Reserve Township, Allegheny County, required for the stabilization of Mount Troy Road (County Road No. 2312-02) 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.