

No. 04-17-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania extending the grant of a temporary license agreement to Riverlife, in conjunction with Pittsburgh Downtown Partnership, for the purpose of maintaining a light display on the Rachel Carson Bridge (9th Street) Bridge in conjunction with the City of Pittsburgh’s Bicentennial Celebration known as “Pittsburgh 200” through December 31, 2018.

Whereas, Article IV, Section 2 (k) of the Allegheny County Home Rule Charter vests the County Council with the power and duty by ordinance to permit the use of County land, buildings or other real or personal property owned by the County; and

Whereas, The County owns and maintains the Rachel Carson (9th Street) Bridge (the “Bridge”); and

Whereas, Riverlife, a Pennsylvania non-profit corporation, [Licensee”] in conjunction with the Pittsburgh Downtown Partnership organized and erected a temporary light display on the Bridge (the “Light Display”) as part of the City of Pittsburgh Bicentennial Celebration known as “Pittsburgh 200”; and,

Whereas, Riverlife was previously granted a license to occupy the Bridge for the purposes of erecting and supervising the Light Display that began on October 1, 2016 ending 120 days thereafter (the “Display Time”); and

Whereas, the Light Display has proven to be a widely-recognized public project generating positive feedback for the entire Tri-State area; and

Whereas, given the success of the Light Display County Council desires to extend the Display Time to a period ending December 31, 2018 (the “Extended Display Time”); and

Whereas, Riverlife will require an additional temporary license for occupancy of the Bridge as part of it continued supervision and operation of the Light Display including removal of equipment, fixtures and structures at the conclusion of the Extended Display Time; and

Whereas, County Council finds that granting a license to Riverlife to occupy and use the Bridge for the Light Display will inure to the enjoyment and benefit of the citizens of the County

and serve to nationally and internationally promote the City of Pittsburgh, County of Allegheny and surrounding region.

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

SECTION 1. Incorporation of 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 for use of County-Owned Property.

County Council does hereby authorize and approve the grant of a license to use and occupy the Bridge during the Extended Display Time to facilitate Licensee's, supervision and operation of the Light Display including cleanup and removal of the the equipment, fixtures and structures at the conclusion of the Extended Display Time. The Extended Display Time may include other dates and times as mutually agreed in the event there is a need to reschedule due to weather, scheduling conflicts or other unforeseen circumstances. County Council does hereby authorize the County's Chief Marketing Officer, in conjunction with the Director of the Department of Public Works or their authorized representatives, to take any and all actions including, but not limited to, the execution of a license agreement or other documents, necessary to carry out the authorization of the use of County property for the purpose herein granted, subject to the approval of the County Manager and the County Solicitor.

SECTION 3. 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 4. 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 7th day of February, 2017

Council Agenda No. 9990-17

John P. DeFazio
John DeFazio
President of Council

Attest: Jared Barker
Jared Barker
Chief Clerk of Council

Chief Executive Office February 21, 2017

Approved: Rich Fitzgerald
Rich Fitzgerald
Chief Executive

Attest: Sonya Dietz
Sonya Dietz
Executive's Secretary

SUMMARY

The County owns and maintains the Rachel Carson (9th Street) Bridge (the "Bridge"). In October 2016, Riverlife ("Licensee") erected a Light Display on the Bridge celebrating the City of Pittsburgh's Bicentennial Celebration known as "Pittsburgh 200". The Light Display, which was set to expire after 120 days, has generated positive feed-back for the entire region. Given its success and Licensee's agreement to continue supervision of the Light Display, it is respectfully requested that Licensee's temporary license to occupy the Bridge be extended through December 31, 2018.

The Law Department, in conjunction with the Department of Public Works, will negotiate and draft a License Agreement to be approved by the County Manager, which shall contain appropriate insurance and indemnification language.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: January 12, 2017

RE: Proposed Ordinance

Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania extending the grant of a temporary license agreement to Riverlife, in conjunction with Pittsburgh Downtown Partnership, for the purpose of maintaining a light display on the Rachel Carson Bridge (9th Street) Bridge in conjunction with the City of Pittsburgh's Bicentennial Celebration known as "Pittsburgh 200" through December 31, 2018.

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.

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