

Bill No. **2832-06**

No. **38-06-OR**

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the County to acquire certain properties in fee simple absolute and certain easements situate in the County of Allegheny, Pennsylvania, located adjacent to the Ohio, Monongahela, Allegheny, and Youghiogheny Rivers for the purpose of creating a countywide riverfront park.

WHEREAS, one of the greatest regional assets of Allegheny County consist of the riverfronts along our four great rivers – the Ohio River, the Monongahela River, the Allegheny River and the Youghiogheny River; and

WHEREAS, a countywide riverfront park extending along one side or the other of each river from one end of the County to the other – the longest linear park of its kind in the world – would constitute a substantial economic development tool by increasing property values, encouraging investment in the region, spurring new development, and attracting employers and employees to our region;

WHEREAS, the County has a unique opportunity presently to establish a linear park along its rivers because our riverfronts are no longer concentrated with heavy industry, manufacturing plants and related facilities;

WHEREAS, the completion of a countywide riverfront park with substantial amenities and a comprehensive network of interconnected riverfront trails will result in a dramatic surge in use of our riverfronts;

WHEREAS, a countywide riverfront park which includes convenient access to natural settings, recreation facilities, cultural opportunities and open space would be critically important in attracting new employers and retaining existing employers;

WHEREAS, other urban areas throughout the world have invested heavily in their waterfronts in order to successfully compete for residents and jobs;

WHEREAS, linear parks lead to healthier and happier communities and promote health and fitness;

WHEREAS, the utilization of our rivers and riverfront areas for recreational and cultural activities would create the longest linear park in the world, and would greatly enhance the quality of life for all the residents of our region;

WHEREAS, all along our riverfronts are towns and communities with a developed infrastructure of streets and roads, housing stock, churches, libraries and other amenities, but many of these towns and communities have suffered physical and economic deterioration because of the loss of heavy manufacturing jobs in the region;

WHEREAS, preservation of green hillsides unique to the Pittsburgh region is an important need;

WHEREAS, through the expenditure of an enormous amount of time, money and resources by citizens, volunteers, non-profit entities, developers, local and state government, our region's riverfronts have become more attractive and are contributing to a regional revitalization;

WHEREAS, the concept of a comprehensive countywide riverfront park has been studied and a blueprint has been developed by the Allegheny County Council through its own efforts and through the efforts of the Riverlife Task Force;

WHEREAS, the amenities to be included within such a countywide riverfront park should include parks; parklets; playgrounds; tennis, basketball, and shuffleboard courts; picnic groves; swimming pools; river access for fishing, boating, and water sports of all types; uninterrupted trails for walking, jogging, rollerblading, cross-country skiing and biking; hillsides for mountain biking, rock climbing, hiking and viewing; and undisturbed open space;

WHEREAS, the Council deems it advisable to begin the process of acquiring certain properties located along the Ohio, Monongahela, Allegheny and Youghiogheny Rivers in fee simple absolute for the purpose of creating a countywide riverfront park system;

WHEREAS, the condemnation of properties for this purpose, if necessary, is authorized by Article VII, Sections 701.2 and 703.07 of the Allegheny County Administrative Code and the Act of 1953 July 28, L.P. 723, Article XXX, §3025, codified at 16 P.S. §6025; and

WHEREAS, a comprehensive countywide riverfront park, with amenities, would substantially revitalize our region and lead to both a higher quality of life and economic development.

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 Create Boundaries of Park.

The County deems it advisable and necessary to authorize the County, through its Department of Public Works and its Department of Parks, Recreation and Conservation, to map the boundaries and dimensions of the countywide riverfront park and to undertake the design and engineering efforts necessary to complete such a park.

SECTION 3. Authorization to Acquire Title to Property Interests.

The County deems it advisable and necessary to authorize the Law Department, in conjunction with the Allegheny County Parks Department, to obtain appraisals and title reports,

to negotiate and acquire the required property rights in fee simple absolute, and to prepare the necessary petitions, resolutions and all other documents, as required, for the County to obtain legal title to riverfront property in a band no less than 50' and, where appropriate, including hillsides, on at least one bank of the Monongahela, Youghiogheny, Allegheny, and Ohio Rivers for their entire length within Allegheny County, for the purpose of creating a countywide riverfront park.

SECTION 4. Separate Authorization to Acquire Property by Condemnation Required.

Should the Law Department and Parks Department determine that it is necessary and advisable to proceed with condemnation of property through eminent domain under the terms of 16 P.S. §6025 in order to acquire the required property rights in fee simple absolute for the purpose of creating a countywide riverfront park, the Law Department shall prepare and present to Allegheny County Council one or more ordinances which specifically authorize the condemnation of each parcel, together with the preparation of 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, insofar as they may be required.

SECTION 5. Notice to Interested Parties.

The County directs the Law Department to provide immediate notice of this Ordinance to the record owners of the parcels which may be affected by its terms.

SECTION 6. Application to Court.

The County 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 including the filing of declarations of taking and such proceedings related thereto under the law of eminent domain, once the properties to be condemned are identified and once specific authorizations required under Section 3 of this Ordinance are obtained.

SECTION 7. 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 continue in full force and effect.

SECTION 8. Repealer.

Any Ordinance or any part of an Ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such of conflict.

PRIMARY SPONSORS: COUNCIL MEMBERS FAWCETT AND BURN

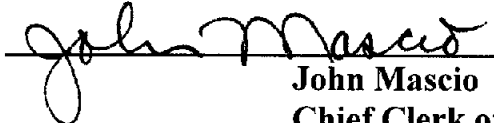
CO-SPONSORS: REMAINING MEMBERS OF COUNCIL

Enacted in Council, this 21st day of November, 2006

Council Agenda No. 2832-06

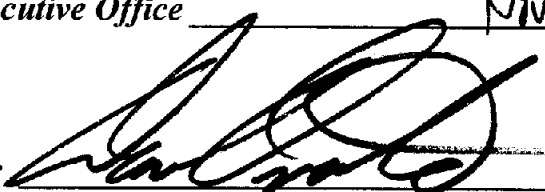


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office

November 29, 2006

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary