

No. 07-05-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania authorizing the County to accept ownership, from abutment to abutment, of two (2) bridges to be constructed as part of two (2) overpasses to be designed and built in the Cities of Duquesne and McKeesport.

Whereas, the County and the Cities of Duquesne and McKeesport (collectively, the "Cities") have entered into agreements concerning the design and construction of two (2) overpasses to be located in the Cities; and

Whereas, one of the overpasses shall be erected in the City of Duquesne over rail lines owned by the Norfolk Southern Railroad at Center Avenue and Duquesne Boulevard (hereinafter the "Duquesne Project"); and

Whereas, the second overpass shall be erected in the City of McKeesport over rail lines owned by the CSX and Union Railroads at Coursin Street and Lysle Boulevard (hereinafter the "McKeesport Project"); and

Whereas, the agreements between the County and the Cities provide, among other things, that the respective City shall be the owner of the Project, with the exception of the bridge structure from abutment to abutment, which shall be owned by the County; and

Whereas, the agreements between the County and the Cities further provide that the County will perform required NBIS bridge inspections and that the respective City shall perform snow and ice removal and daily maintenance for the life of the bridge structure; and

Whereas, Article IV, §2(j) of the County's Home Rule Charter provides that the County can accept grants, gifts and donations of real and personal property by enacting an ordinance; and

Whereas, Section 5-703.05 of the County's Administrative Code provides that County Council may accept a bridge donated by a municipality by enacting an ordinance; and

Whereas, County Council is of the considered opinion that the County's acceptance of the ownership of the bridge structures to be erected as part of the Duquesne Project and the McKeesport Project will inure to the benefit of the citizens of the County by improving ingress and egress from large developable tracts of land in the Mon Valley region of the County.

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

SECTION 1. Incorporated of the Preamble

The provisions set forth in the Preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Acceptance of Bridge Structures

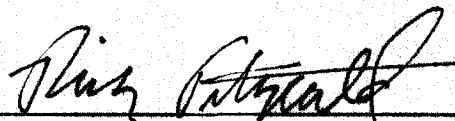
- A. Pursuant to Article IV, §2(j) of the Home Rule Charter and Section 5-703.05 of the Administrative Code, the County is hereby authorized to accept ownership of two (2) bridge structures from abutment to abutment that are presently being designed and will be erected as part of two (2) overpasses to be constructed in the Cities of Duquesne and McKeesport as part of the Duquesne and McKeesport Projects.
- B. The appropriate County officers and officials are hereby authorized to take such action as is deemed necessary to carry out the purposes of this Ordinance.

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.*

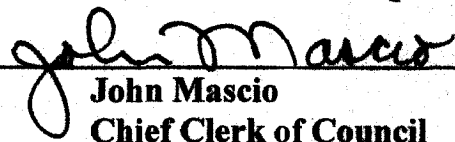
SECTION 4. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 1st day of February, 2005.

Council Agenda No. 1806-04.

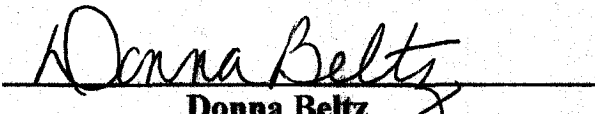


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office February 11, 2005

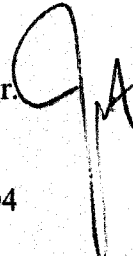
Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive's Secretary

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: December 16, 2004

RE: Proposed Ordinance

Attached is a Proposed Ordinance authorizing the County to accept ownership of two (2) bridges to be built in the Cities of Duquesne and McKeesport.

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.

Thank you.

SUMMARY OF LEGISLATION

This legislation would authorize the County to accept ownership of two (2) bridges, from abutment to abutment, to be constructed in the Cities of Duquesne and McKeesport. Under the agreements, the County will not be responsible for ordinary maintenance and snow removal of the bridges, but will be responsible for the required NBIS inspections.