

No. _____

AN ORDINANCE

An Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, temporary construction easements from two (2) parcels of land required for the reconstruction of the Kenmawr Avenue Ramp Bridge (MA07-KN04), located in Rankin Borough and Braddock Borough, Allegheny County 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 temporary construction easements (the “Property”) from two (2) parcels of land described hereinbelow, both of which being required for the reconstruction of the Kenmawr Avenue Ramp Bridge (MA07-KN04), located in Rankin Borough and Braddock Borough, Allegheny County (the “Project”); and

Whereas, the Project, has been depicted in that certain right-of-way plan identified as RW 26177-RW entitled Right-of-Way Plan for the Kenmawr Avenue Ramp Bridge (MA07-KN04) approved on October 29, 2021, recorded on October 29, 2021 in the Allegheny County Department of Real Estate, Plans-Miscellaneous, Book 188, Page 60 and marked as “Exhibit A” attached hereto and made a part hereof; and

Whereas, due to the passage of time it is now necessary to authorize the acquisition of the Property through condemnation proceedings following exhaustion of reasonable, good faith efforts to identify and to amicably acquire said property; 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.

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

Parcel 13 – Edward Roy, unmarried

Lot/Block #0236-K-00156-0000-00

Property: Temporary Construction Easement 471 square feet

Estimated Just Compensation: \$500.00

Parcel 15 – Sullivan Homes, Inc.

Lot/Block #0236-K-00158-0000-00

Property: Temporary Construction Easement 211 square feet

Estimated Just Compensation: \$500.00

SECTION 3. Notice to Interested Parties.

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

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 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 some affects this Ordinance.

Enacted in Council, this _____ day of _____, 2022

Council Agenda No. _____

Patrick J. Catena
President of Council

Attest: _____

Jared Barker
Chief Clerk of Council

County Executive Office _____, 2022

Approved: _____

Rich Fitzgerald
County Executive

Attest: _____

Jennifer M. Liptak
Chief of Staff

Summary

Authorization to commence two (2) condemnation actions (Parcels 13 and 15) in connection with the reconstruction of the Kenmawr Avenue Ramp Bridge (MA07-KN04), Rankin Borough and Braddock Borough, Allegheny County.