

No. 34-19-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acceptance of ownership of the Kenmawr Bridge following its reconstruction and authorizing the transfer of certain right-of-way and easement areas and facilities, to be constructed by Pennsylvania Department of Transportation, along South Braddock Avenue to Swissvale Borough and to accept and maintain a portion of Kenmawr Avenue from Rankin Borough and to transfer certain right-of-way and easement areas on Jackson Street and on the relocated Sixth Avenue and such facilities to be constructed by PennDOT to Rankin Borough.

Whereas, Pennsylvania Department of Transportation (“PennDOT”) has obtained permission from the Pennsylvania Utility Commission (“PUC”) to replace the Kenmawr Bridge, which carries Kenmawr Avenue, within Rankin Borough and South Braddock Avenue, within Swissvale Borough, over the tracks of the Norfolk Southern Railway (the “Project”); and

Whereas, the County of Allegheny by its Agreement No. 198003, authorized by Executive Action No. 5831-16, with PennDOT agreed to own and maintain the new Kenmawr Bridge; and

Whereas, the County of Allegheny is willing to acquire and maintain the portion of South Braddock Avenue that will become located within the limits of maintenance for the new Kenmawr Bridge; and

Whereas, Rankin Borough has indicated its willingness to maintain the remaining portion of Kenmawr Avenue and to accept ownership and maintain any additional right-of-way and easement areas acquired by the County of Allegheny on behalf of the Borough and any facilities to be constructed by PennDOT on Jackson Street and Relocated Sixth Avenue required for the Project, as depicted in the Road Transfer Plan marked as “Exhibit A”, attached hereto and made a part hereof.

Whereas, Swissvale Borough has indicated its willingness to maintain the remaining portion of South Braddock Avenue outside the new Kenmawr Bridge maintenance limits, and to accept ownership and maintain any additional right-of-way and easement areas acquired by the County of Allegheny on behalf of the Borough and any facilities to be constructed by PennDOT along South Braddock Avenue that may be required for the Project, as depicted in the Road Transfer Plan marked as “Exhibit B”, attached hereto and made a part hereof; and

Whereas, the County of Allegheny is willing to acquire and maintain the portion of Kenmawr Avenue between the northern end of the approach road to the Rankin Bridge, County Road No. 3352-00 and the Kenmawr Bridge after its reconstruction; and

Whereas, the County of Allegheny, Swissvale Borough and Rankin Borough deem the Project to be in the public interest; and

Whereas, Sections 2(j) and 2 (k) of the Allegheny County Home Rule Charter authorizes County Council to accept grants or donations of real property and to convey or permit the use of County real estate by adoption of an appropriate ordinance; and

Whereas, in accordance with Section 703.06 of the County Administrative Code authorizing the Chief Executive to enter into intergovernmental cooperation agreements, the County Manager has authorized the Kenmawr Avenue Transfer Agreement with Rankin Borough by Executive Action No. 5935-19 approved 06/07/2019 and a South Braddock Avenue Transfer Agreement with Swissvale Township by Executive Action No. 5934-19 approved 06/07/2019.

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 Transfer Ownership to a portion of Jackson Street and Relocated Sixth Avenue

Authorization to transfer ownership to Rankin Borough, certain right-of-way and easement areas acquired by the County of Allegheny on behalf of the Borough and any facilities to be constructed by PennDOT on Jackson Street and Relocated Sixth Avenue required for the Project as depicted on Exhibit "A", for One Dollar (\$1.00) and other valuable consideration.

SECTION 3. Authorization to Transfer Ownership to a portion of South Braddock Avenue approaching the Kenmawr Bridge

Authorization to transfer ownership to Swissvale Borough, certain any right-of-way and easement areas acquired by the County of Allegheny on behalf of the borough and any facilities to be constructed by PennDOT along South Braddock Avenue that may be required for the Project as depicted on Exhibit "B", for One Dollar (\$1.00) and other valuable consideration.

SECTION 4. Authorization to Accept Ownership to a portion of Kenmawr Avenue and a portion of South Braddock Avenue required to reconstruct the New Kenmawr Bridge

Authorization to accept transfer of a portion of South Braddock Avenue from Swissvale Borough and to accept transfer of a portion of Kenmawr Avenue from Rankin Borough required to own and maintain the new Kenmawr Bridge after PennDOT completes its construction.

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.*

Enacted in Council, this 10th day of December, 2019

Council Agenda No. 11326-18



John DeFazio
President of Council


Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office December 16, 2019

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Sonya Dietz
Executive's Secretary

Summary

Authorization to transfer certain right-of-way and easement areas and facilities to be constructed by PennDOT along South Braddock Avenue to Swissvale Borough and to accept and maintain a portion of Kenmawr Avenue from Rankin Borough and transfer certain right-of-way and easement areas on Jackson Street and Relocated Sixth Avenue and facilities to be constructed by PennDOT to Rankin Borough.

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 27, 2019

RE: Proposed Ordinance

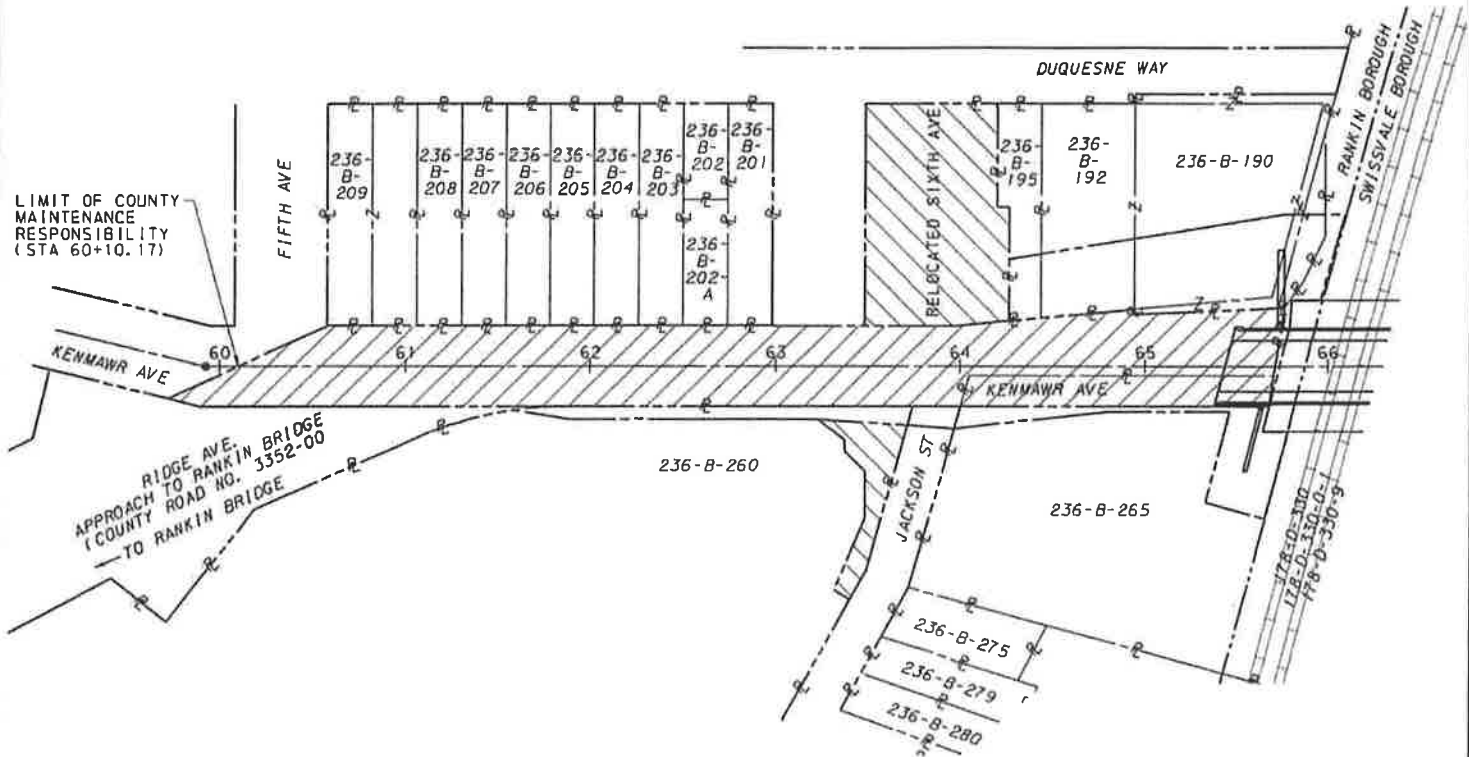
Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acceptance of ownership of the Kenmawr Bridge following its reconstruction and authorizing the transfer of certain right-of-way and easement areas and facilities, to be constructed by Pennsylvania Department of Transportation, along South Braddock Avenue to Swissvale Borough and to accept and maintain a portion of Kenmawr Avenue from Rankin Borough and to transfer certain right-of-way and easement areas on Jackson Street and on the relocated Sixth Avenue and such facilities to be constructed by PennDOT to Rankin Borough.

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.

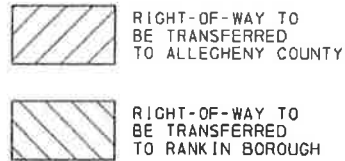
ALCO COUNCIL RECEIVED

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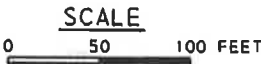
NOTES:

1. THE LEGAL RIGHT-OF-WAY ON KENMAWR AVENUE FROM STA 60+82.00 TO STA 62+87.79 IS VARIABLE BASED ON THE PLAN AND PROFILE OF STREETS IN HAWKINS VILLAGE APPROVED BY THE COUNCIL OF RANKIN BOROUGH BY RESOLUTION ON APRIL 18, 1958, RECORDED ON SEPTEMBER 18, 1958 IN THE OFFICE FOR THE DEPARTMENT OF REAL ESTATE IN ALLEGHENY COUNTY IN PLAN BOOK VOLUME 65, PAGES 142-146.
2. THE LEGAL RIGHT-OF-WAY ON KENMAWR AVENUE FROM STA 62+87.79 TO STA 63+96.24 IS 44 FEET, FROM STA 63+96.24 TO STA 65+67.57 IS 22 FEET ON THE RIGHT AND FROM STA 63+96.24 TO STA 64+44.24 IS VARIABLE ON THE LEFT BASED ON THE RIVERVIEW PLAN OF LOTS-C APPROVED BY THE COUNCIL OF RANKIN BOROUGH ON DECEMBER 21, 1898, RECORDED ON DECEMBER 22, 1898 IN THE OFFICE FOR THE DEPARTMENT OF REAL ESTATE IN ALLEGHENY COUNTY IN PLAN BOOK VOLUME 17, PAGE 26.
3. THE LEGAL RIGHT-OF-WAY ON KENMAWR AVENUE FROM STA 64+44.24 TO STA 65+76.24 IS VARIABLE ON THE LEFT BASED ON BOROUGH OF RANKIN ORDINANCE NO. 145 ADOPTED AND APPROVED FEBRUARY 13, 1964, FILED IN THE RANKIN BOROUGH MUNICIPAL BUILDING IN VOLUME 3, PAGE 324.
4. DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR REPLACEMENT OF KENMAWR BRIDGE WERE RECORDED IN ALLEGHENY COUNTY DEPARTMENT OF REAL ESTATE IN PLANS - MISCELLANEOUS BOOK 173, PAGE 56 ON NOVEMBER 22, 2017. THE DRAWINGS WERE REVISED AND RECORDED IN PLANS - MISCELLANEOUS BOOK 177, PAGE 34 ON NOVEMBER 7, 2018.

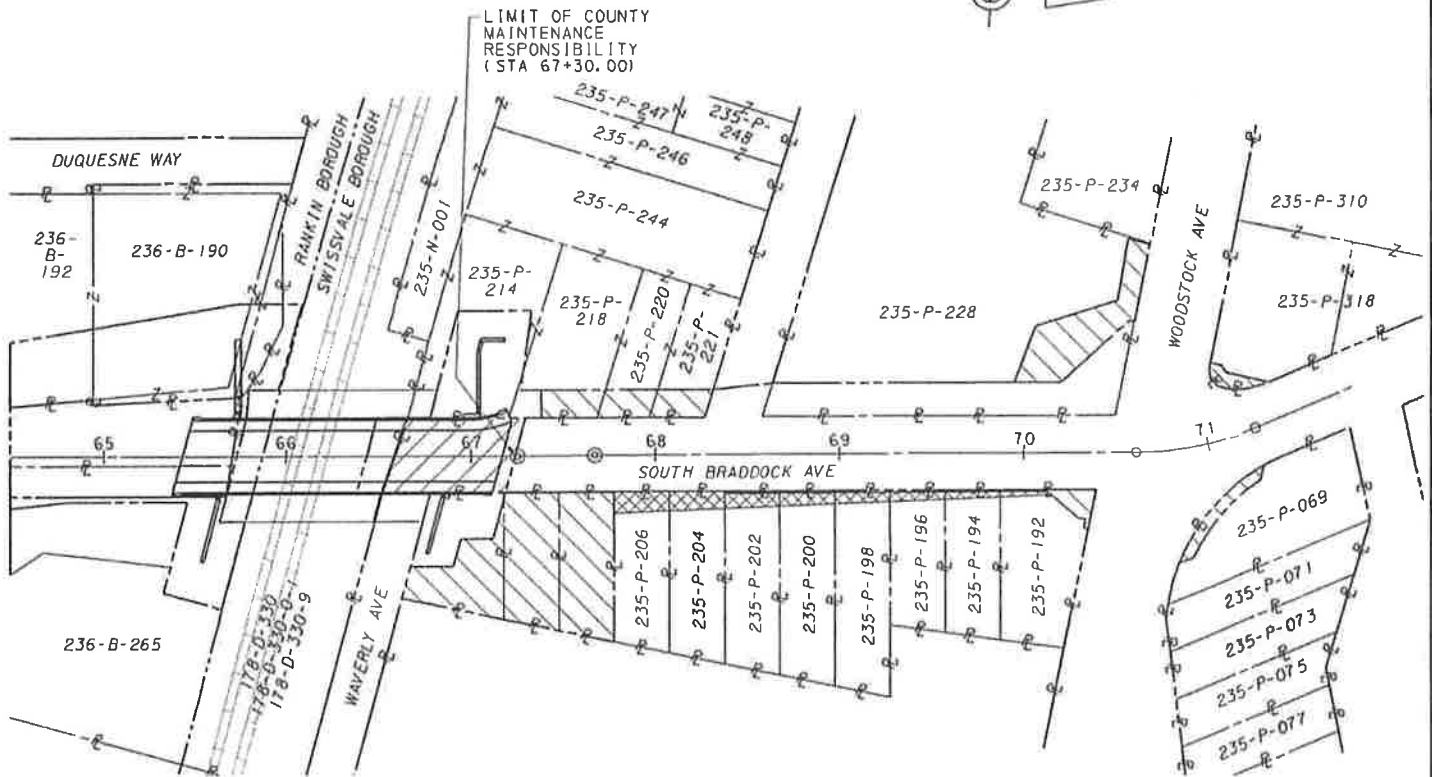
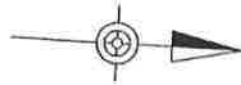


County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

ROAD TRANSFER PLAN
REPLACEMENT OF KENMAWR BRIDGE
 RANKIN BOROUGH
 NS01-0301
EXHIBIT A






FILE: F:\DGN\430 Kenmawr Br\00p\00M.Road Trans for P.Lan-Rankin.m.dgn DATE: 7/15/2019



NOTES:

1. THE LEGAL RIGHT-OF-WAY ON SOUTH BRADDOCK AVENUE FROM STA 66+55.89 TO STA 68+63.79 AND FROM STA 70+60.01 TO STA 71+51.02 IS 40 FEET AND FROM STA 68+63.79 TO STA 70+60.01 IS 20 FEET ON THE RIGHT BASED ON BOROUGH OF SWISSVALE ORDINANCE NO. 369 ADOPTED AND APPROVED FEBRUARY 20, 1908, FILED IN THE SWISSVALE BOROUGH MUNICIPAL BUILDING.
2. THE LEGAL RIGHT-OF-WAY ON SOUTH BRADDOCK AVENUE FROM STA 68+63.79 TO STA 70+60.01 IS VARIABLE ON THE LEFT BASED ON THE BOROUGH OF SWISSVALE ORDINANCE NO. 17-06 ADOPTED AND APPROVED SEPTEMBER 6, 2017, FILED IN THE SWISSVALE BOROUGH MUNICIPAL BUILDING.
3. DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR REPLACEMENT OF KENMAWR BRIDGE WERE RECORDED IN ALLEGHENY COUNTY DEPARTMENT OF REAL ESTATE IN PLANS - MISCELLANEOUS BOOK 173, PAGE 56 ON NOVEMBER 22, 2017. THE DRAWINGS WERE REVISED AND RECORDED IN PLANS - MISCELLANEOUS BOOK 177, PAGE 34 ON NOVEMBER 7, 2018.

	RIGHT-OF-WAY TO BE TRANSFERRED TO ALLEGHENY COUNTY
	RIGHT-OF-WAY TO BE TRANSFERRED TO SWISSVALE BOROUGH
	SLOPE EASEMENT TO BE TRANSFERRED TO SWISSVALE BOROUGH

County of Allegheny

Pittsburgh, Pennsylvania
Department of Public Works

ROAD TRANSFER PLAN
REPLACEMENT OF KENMAWR BRIDGE
SWISSVALE BOROUGH
NS01-0301

EXHIBIT B

SCALE

