

No. 36-18-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from a parcel required to stabilize the slope above Worthington Avenue and below Gilmore Drive in Jefferson Hills Borough, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, on or before June 14, 2018, a landslide occurred above Worthington Avenue at a location below Gilmore Drive in Jefferson Hills Borough that required closure of Worthington Avenue; and,

Whereas, the Allegheny County Council deems it advisable to acquire certain right-of-way and easement areas, required from a parcel of land of B. Leslie Bickerton and Eoline Bickerton (H/W) Heirs within Jefferson Hills Borough, County of Allegheny and Commonwealth of Pennsylvania (the "Parcel") for the purpose of stabilizing the slope supporting above Worthington Avenue and below Gilmore Drive in Jefferson Hills Borough, (the "Project"); and,

Whereas, the Right-of-Way Drawings for said Project will be recorded at a future date; and,

Whereas, B. Leslie Bickerton and Eoline Bickerton (husband and wife) acquired the Parcel by their deed dated December 2, 1964 and recorded January 6, 1965 in Allegheny County Real Estate Department in Deed Book Volume 4207, Page 261; and,

Whereas, Benjamin Leslie Bickerton died on or about February 8, 1975 and Eoline Mitchell Bickerton died on or about November 11, 1981; and

Whereas, unsatisfied real estate tax liens for the Parcel were found going back to 1995; and,

Whereas, after conducting a diligent search, William M. Bickerton of Rostraver Township, Pennsylvania and Shirley McCombs of Hudson, Illinois, reputed heirs, have been found and contacted; and,

Whereas, other potential heirs may exist and have not been located necessitating that any condemnation proceeding be duly advertised in accordance with law in a legal journal and newspaper of general circulation; and,

Whereas, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action approved September 23, 2018, Executive Action No. 6731-18; and,

Whereas, the County Manager authorized a Declaration of Emergency for said Project by his Executive Action approved September 3, 2018, Executive Action No. 6591-18; and

Whereas, said Project constitutes a valid public purpose serving the interests of the residents of the County of Allegheny; and

Whereas, the Allegheny County Council, is satisfied that all means have been exhausted to amicably acquire the property, deems it advisable to acquire by condemnation, certain land hereinafter described, as necessary, for the Project.

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 Parcels.

That Council deems it advisable and necessary to authorize the Law Department, in conjunction with the Department of Public Works, to obtain appraisals and title reports, to negotiate and acquire the parcels, to prepare 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, all or some of which may be required for the Project.

SECTION 3. Authorization to Acquire Property by Condemnation.

That Council deems it advisable and necessary to acquire required right-of-way and temporary construction easements and take under the power of eminent domain part of the property of the following persons or corporations and to acquire title thereto in fee simple for right-of-way and an easement for the temporary construction easements, as necessary for the Project:

PARCEL RECORD OWNERS
NO.

TAX
PARCEL
BLOCK &
LOT NO.

1	B. Leslie Bickerton and Eoline Bickerton (husband and wife) Heirs (right-of-way and temporary construction easement)	880-F-50
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Said property is identified on a property drawing marked "Exhibit A", attached hereto and made part hereof. Entry upon, appropriation and the taking thereof is hereby authorized and directed, for the purpose of the Project.

SECTION 4. 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 5. 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 6. 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 7. 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 23rd day of October, 2018

Council Agenda No. 10751-18



John DeFazio
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office October 24, 2018

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Sonya Dietz
Executive's Secretary

SUMMARY HISTORY OF PROPERTY OWNER CONTACTS FOR
ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION
TO STABILIZE SLOPE ABOVE WORTHINGTON AVENUE
JEFFERSON HILLS BOROUGH
September 27, 2018

The Department of Public Works seeks authorization to acquire by condemnation property that is necessary to stabilize the slope above Worthington Avenue to remediate a landslide that has caused closure of this County highway. Right-of-way and temporary easements are required to construct the project. The reputed parties having an interest in the subject property are:

B. Leslie Bickerton and Eoline Bickerton, husband and wife, Heirs

The subject property was acquired by a deed dated December 2, 1964. Two reputed heirs have been located and contacted, but other potential heirs have not been identified necessitating that any condemnation proceeding be duly advertised in a legal journal and newspaper of general circulation. Real estate taxes remain unpaid going back to at least 1995. As required by the Administrative Code we seek authorization from County Council to initiate condemnation proceedings as soon as possible, including the filing of a Declaration of Taking and deposit of estimated just compensation with the Department of Court Records to secure possession of the property for the Project.



FIGURE 2 SITE PLAN

WORTHINGTON AVENUE
BOROUGH OF EFFERSON HILLS
ALLEGANY COUNTY, PENNSYLVANIA
COUNTY PROJECT NO. 4211-0301

PREPARED FOR
COUNTY OF ALLEGANY
PITTSBURGH, PENNSYLVANIA

D'APPOLONIA

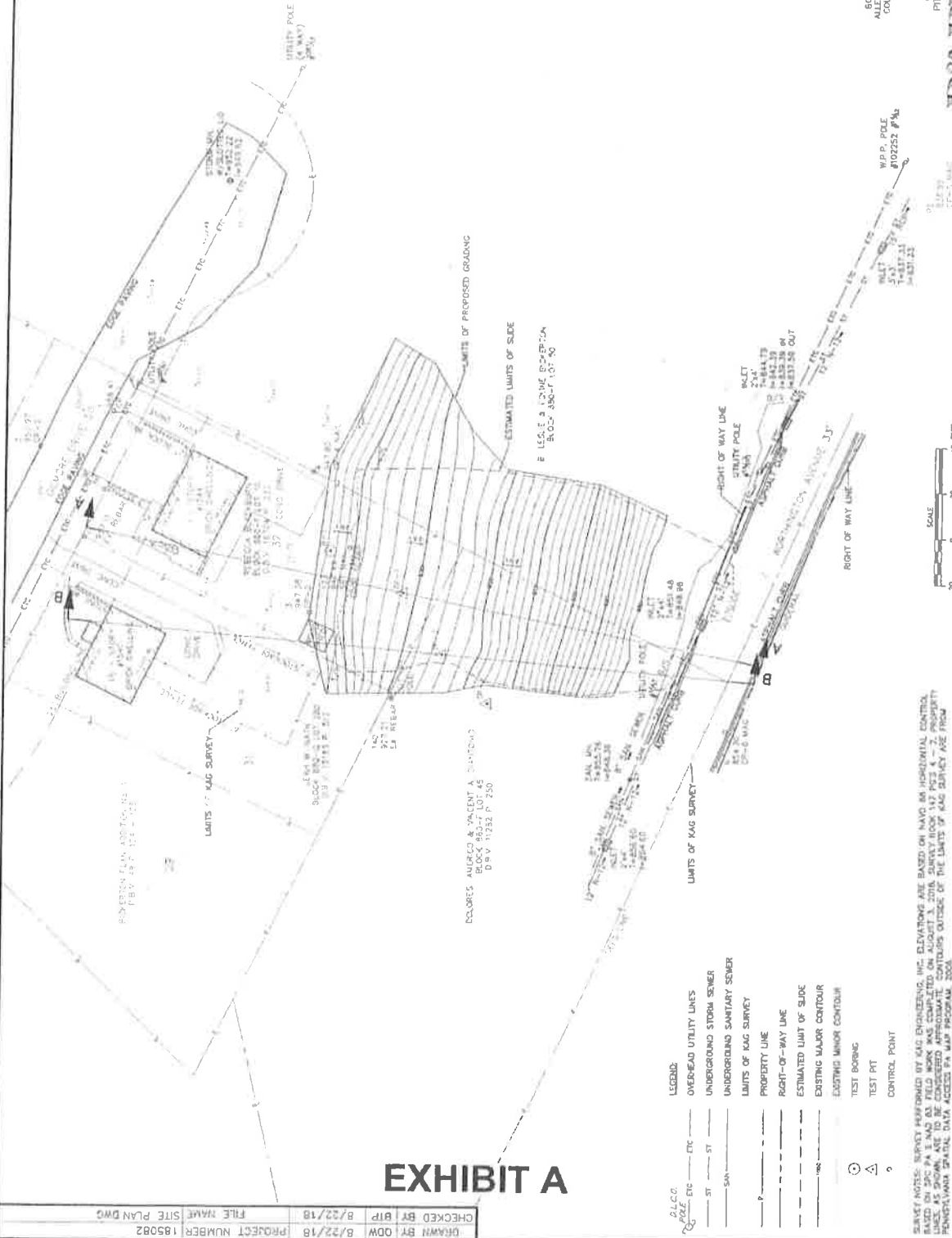


EXHIBIT A

- LEGEND:**
- ETC
 - ST—ST—
 - SM—SM—
 - P—P—
 - Dashed line—
 - Dotted line—
 - Dotted line with dots—
 - Dotted line with triangles—
 - Dotted line with circles—
- OVERHEAD UTILITY LINES
 UNDERGROUND STORM SEWER
 UNDERGROUND SANITARY SEWER
 LIMITS OF KAG SURVEY
 PROPERTY LINE
 RIGHT-OF-WAY LINE
 ESTIMATED LIMIT OF SLIDE
 EXISTING MAJOR CONTOUR
 EXISTING MINOR CONTOUR
 TEST BORING
 TEST PIT
 CONTROL POINT

LEGEND:

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SURVEY NOTES: SURVEY PERFORMED BY KAG ENGINEERING, INC. ELEVATIONS ARE BASED ON NAVD 83 HORIZONTAL CONTROL. POINTS SHOWN ON THIS PLAN ARE TO BE CONSIDERED APPROXIMATE. CONTOURS OUTSIDE OF THE LIMITS OF KAG SURVEY ARE FROM PENNSYLVANIA SPATIAL DATA ACCESS PA MAP PROGRAM, 2004.

CHECKED BY	BTP	8/22/18	FILE NAME	SITE PLAN.DWG
DRAWN BY	ODW	8/22/18	PROJECT NUMBER	185082

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: October 4, 2018

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from a parcel required to stabilize the slope above Worthington Avenue and below Gilmore Drive in Jefferson Hills Borough, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

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.

2018 OCT -4 AM 11:21
RECEIVED
ALLEGHENY COUNTY COUNCIL