

Bill No. 8734-15

No. 7-15-OR

## AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation a certain drainage easement area from a parcel of land of Ernest M. Pido and Catherine Beauchamp required to construct a replacement storm sewer along West Run – Homestead & Duquesne Connecting Road, also known as East 22<sup>nd</sup> Avenue Extension, in Munhall Borough (5331-0002), and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, the County Council of Allegheny deems it advisable to acquire a certain drainage easement area, being a 2,092 square foot area required from a parcel of land of Ernest M. Pido and Catherine Beauchamp, located on West Run – Homestead & Duquesne Connecting Road, also known as East Twenty Second Avenue Extension, within Munhall Borough, County of Allegheny and Commonwealth of Pennsylvania for the purpose of constructing a replacement storm sewer, Project No. 5331-0002, (the “**Project**”), and

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

**Whereas**, the County, through its Department of Public Works, has attempted to amicably acquire the property hereinafter identified consistent with applicable law, and

**Whereas**, the County Council of Allegheny County now deems it advisable to acquire by condemnation, the property and property interests 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 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 a drainage easement and take under the power of eminent domain part of the property of the following persons or corporations and to acquire title thereto in easement, as necessary for the Project:

PARCEL NO.	RECORD OWNER	TAX PARCEL BLOCK & LOT NO.
2	Ernest M. Pido and Catherine Beauchamp	131-R-220

Said property is identified and included within the “cloud” marking 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.***

SUMMARY PAGE  
DRAFT ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION  
PARCEL 131-R-220  
TO CONSTRUCT REPLACEMENT STORM SEWER FOR  
WEST RUN – HOMESTEAD & DUQUESNE CONNECTING ROAD  
ALSO KNOWN AS E. 22<sup>ND</sup> AVENUE EXTENSION  
MUNHALL BOROUGH  
December 24, 2014

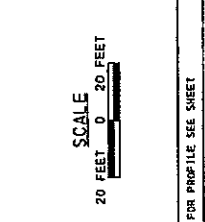
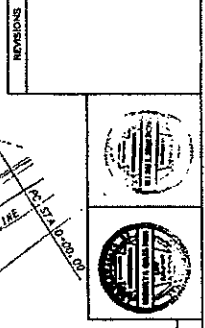
The existing storm sewer along East 22<sup>nd</sup> Avenue Extension from West Street down the hill to West Run has deteriorated and clogged. A replacement sewer along a new alignment is needed to reduce flooding.

After numerous attempts to make contact, the property owner has not responded to our offer. We, regrettably, need to resort to the County's power of Eminent Domain to acquire the drainage easement required for construction. The estimated just compensation was determined to be \$100.00.

We seek authorization by County Council, as soon as possible, to file Declaration of Taking, as required by the County Administrative Code. We will continue to attempt to settle with the claimant.

**NOTES:**  
 THE COUNTY RETAINS THE AUTHORITY TO ENTER UPON AND UTILIZE APPROVED AND ADJUSTED RIGHT-OF-WAY AREAS FOR CONSTRUCTING OR MAINTAINING THE STORM DRAIN SYSTEM AND/OR ATTACHED GUIDE RAIL.  
 PRIVATE PROPERTY LINES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION PLANS AND EXISTING PROPERTY LINES. THESE LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.  
 THIS PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY.  
 TEMPORARY CONSTRUCTION EASEMENT, AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT, THE EASEMENT IS INDICATED BY THE PLAN IS COMPLETED, UNLESS SOONER RE-INDICATED IN WRITING BY THE COUNTY.  
 DRAINAGE EASEMENT, AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND REMOVAL OF STORM DRAINAGE STRUCTURES, THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY LEGAL USE OF THE LAND AS LONG AS THE USE DOES NOT INTERFERE WITH THE PROPOSED STORM DRAINAGE STRUCTURE OR ANY KIND MAY BE ERECTED IN THE AREA, NOR MAKE ANY PIPE OR FITTING WHICH WOULD BE CONSIDERED AS AN ADVANCED APPROVAL BY THE COUNTY.

**County of Allegheny**  
 Department of Public Works  
**RIGHT-OF-WAY DRAWING**  
 PLAN  
**E. 22ND AVENUE EXTENSION**  
 MUNNALL, PA  
 PROJECT NO. 5331-0002  
 DATE: 7/27/14 (SCALE AS SHOWN) SHEET 4 OF 5  
 DRAWN BY: J.C.W. (SCALE AS SHOWN) SHEET 4 OF 5  
 CHECKED BY: J.C.W. (SCALE AS SHOWN) SHEET 4 OF 5  
 2752-RW

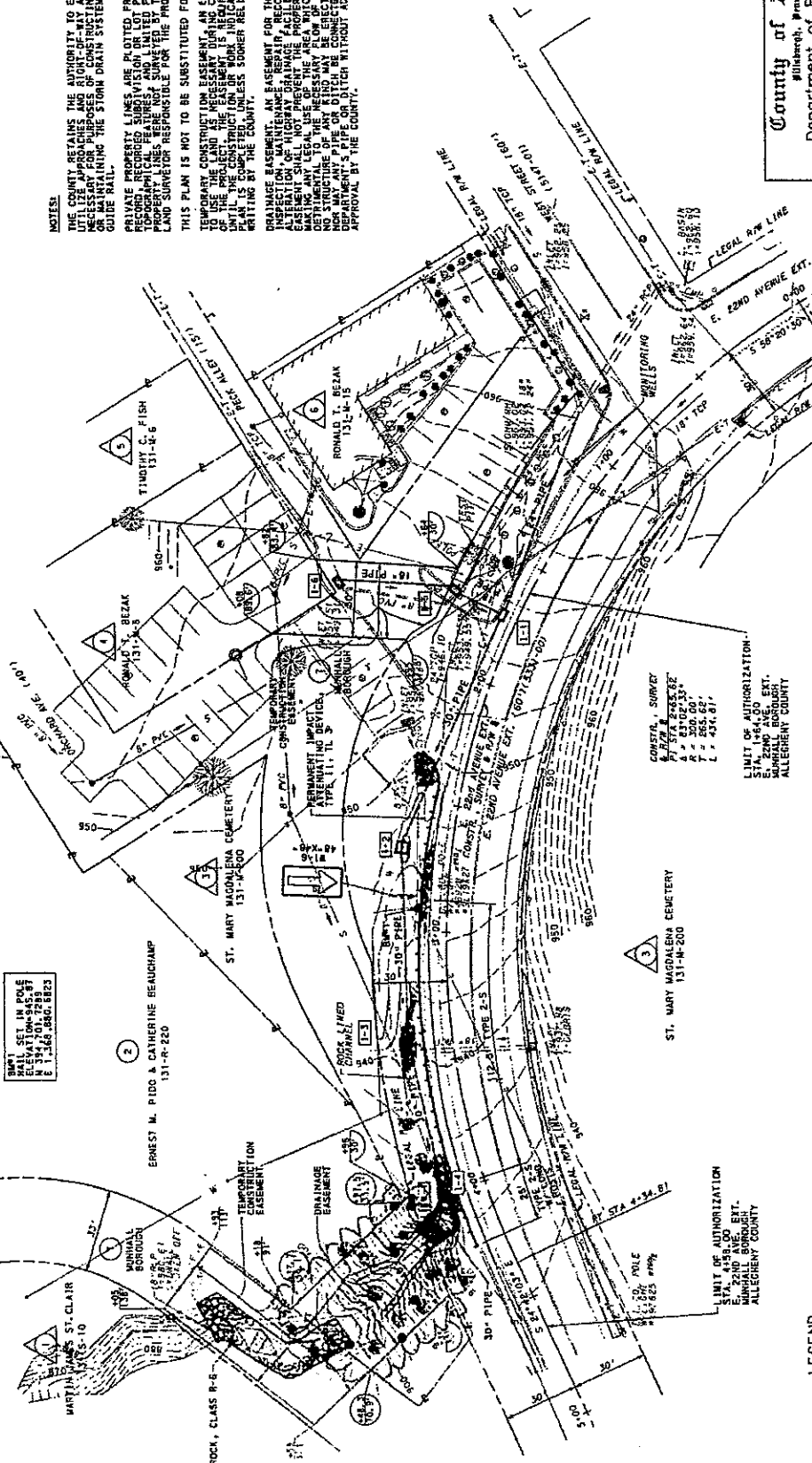


REVISIONS

SCALE  
 20 FEET 0 20 FEET

FOR PROFILE SEE SHEET

SURVEY BOOK NO.



- LEGEND**
- 920 - EXISTING CONTOUR
  - 820 - PROPOSED CONTOUR
  - PROPOSED STORM DRAIN
  - PROPOSED GUIDE RAIL
  - STORM DRAIN STRUCTURE ID
  - PARCEL IDENTIFICATION NUMBER
  - PARCEL IDENTIFICATION NUMBER (NO TAKE)



**EXHIBIT "A"**

TAX MAP NO. 131-R-00210-0000-00

### RIGHT-OF-WAY CLAIM INFORMATION

COUNTY OF ALLEGHENY

PLAN SHIT. 4  
PARCEL NO. 2  
PROPERTY OWNER(S) ERNEST W. PIERO AND CATHERINE BEAUCHAMP,  
AS TENANTS IN COMMON  
GRANTOR(S) THOMAS HODGES, EXECUTOR OF THE ESTATE OF  
HELEN HODGES, DECEASED

DEED BOOK	PAGE	DATE OF DEED	CONSIDERATION	TAX STAMPS
3113	511	JAN 20 1952	MA 000	
30.228	30.228	30.228	6.5/21.1	ADP

VERIFICATION DATE 6/21/11  
DRAWN BY ADP  
SCALE 20' = 1" = 0'

PRIVATE PROPERTY LINES ARE PLOTTED FROM THE USED OR RECORDED SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

THIS PROPERTY PLOT IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

ALL REQUIRED RIGHTS-OF-WAY FOR THIS PROJECT SHALL BE ACQUIRED IN FEE SIMPLE UNLESS OTHERWISE NOTED. NECESSARY EASEMENTS DO NOT BE NOTED ON THE PLAN SHEET. SHALL BE ACQUIRED IN THE LESSER ESTATE OR INTEREST NOTED ON THE PLAN SHEET.

DRAINAGE EASEMENT: AN EASEMENT FOR THE CONSTRUCTION, INSPECTION, MAINTENANCE, REPAIR, RECONSTRUCTION AND ALTERATION OF HIGHWAY DRAINAGE FACILITIES. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY TYPE OF IMPROVEMENT OR STRUCTURE OF ANY KIND MAY BE ERECTED IN THE AREA FOR ANY TYPE OF DITCH BE CONNECTED TO THE DEPARTMENT'S PIPE OR DITCH WITHOUT ADVANCED WRITTEN APPROVAL BY THE DEPARTMENT OF TRANSPORTATION.

### RIGHT-OF-WAY CLAIM INFORMATION

COUNTY OF ALLEGHENY

PLAN SHIT. 4  
PARCEL NO. 7  
PROPERTY OWNER(S) MUNNALL, BOROUGH

GRANTOR(S) COUNTY OF ALLEGHENY VIA ORDINANCE NO. 1082, DATED JULY 19, 1982

DEED BOOK	PAGE	DATE OF DEED	CONSIDERATION	TAX STAMPS
3113	511	JAN 20 1952	MA 000	
30.228	30.228	30.228	6.5/21.1	ADP

VERIFICATION DATE 6/21/11  
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TEMPORARY CONSTRUCTION EASEMENT: AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS ACQUIRED ONLY UNTIL THE CONSTRUCTION OR REPAIRING OF THE PROJECT IS COMPLETED, UNLESS SOONER BELIEVED BY THE DEPARTMENT.

THIS PROJECT WAS CREATED BY THE ENACTMENT OF ORDINANCE NO. 1082, DATED JULY 19, 1982, WHEREIN ALLEGHENY COUNTY VACATED THIS PROPERTY TO MUNNALL BOROUGH DUE TO THE RELOCATION OF EAST 22ND AVENUE EXTENSION AND WEST STREET.

TITIC 4 TO IMMUNEABLE TO CALCULATE

County of Allegheny  
Pittsburgh, Pennsylvania  
Department of Public Works

## RIGHT-OF-WAY DRAWING

RIGHT-OF-WAY CLAIM INFORMATION  
E. 22ND AVENUE EXTENSION  
MUNNALL, PA

PROJECT NO. 5331-0002  
DATE 7/20/11  
SCALE AS SHOWN  
SHEET 3 OF 5

2752-RW



**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

**TO:** Jared E. Barker  
Allegheny County Council

**FROM:** William D. McKain CPA  
County Manager

**DATE:** January 14, 2015

**RE:** Proposed Ordinance

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Attached is an Ordinance to acquire by condemnation a certain drainage easement area from a parcel of land of Ernest M. Pido and Catherine Beauchamp required to construct a replacement storm sewer along West Run – Homestead & Duquesne Connecting Road, also known as East 22<sup>nd</sup> Avenue Extension, in Munhall Borough (5331-0002), 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.

ALLEGHENY COUNTY  
JAN 15 10:32 AM

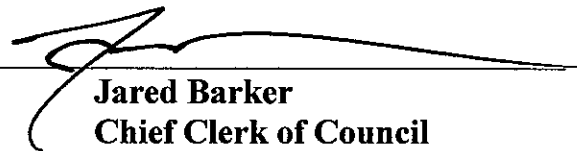
COUNCIL

**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 3<sup>rd</sup> day of February, 2015

Council Agenda No. 8734 -15

\_\_\_\_\_  
**John DeFazio**  
President of Council

Attest:   
**Jared Barker**  
Chief Clerk of Council

Chief Executive Office February 4, 2015

Approved:   
**Rich Fitzgerald**  
Chief Executive

Attest:   
**Sonya Dietz**  
Executive's Secretary