

Bill No. 3422-07

No. 43-07-OR

## AN ORDINANCE

Authorizing the County of Allegheny (the "County") to acquire an aerial easement for and accept ownership of, the bridge structure and abutments of the McKeesport Flyover Ramp which is to be constructed between Lysle Boulevard and Industry Drive in the City of McKeesport (the "City").

**Whereas**, the County deems it advisable and necessary for the County to acquire an aerial easement for and accept ownership of, the bridge structure and the abutments of the McKeesport Flyover Ramp which is to be designed and constructed between Lysle Boulevard and Industry Drive in the City of McKeesport and is shown on the drawing attached hereto as Exhibit "A"; and

**Whereas**, the County and the City are desirous and willing to cooperate in the design and construction of the McKeesport Flyover Ramp; and

**Whereas**, the project funding shall be provided by the Federal Highway Administration, the Commonwealth of Pennsylvania and the City and/or its agents, and these entities shall pay all costs incurred in connection with the design, construction and related items for the McKeesport Flyover Ramp; and

**Whereas**, the City shall take ownership of the ramps, end walls and roadway leading to the bridge structure from Lysle Boulevard, and the ramps, end walls and roadway leading from the bridge structure to Industry Drive; and

**Whereas**, the City shall provide and be responsible for snow and ice removal for all of the road surfaces including the road surfaces on the bridge structure; all routine maintenance and paving for all roadway surfaces including the road surfaces on the bridge structure; and further, the City shall be responsible for maintenance and utilities for all lighting, signage and signalization related to the project. The City shall be eligible to receive from the County, and the County will be responsible for reimbursing the City for winter snow/ice removal from the roadway surface on the bridge structure, in accordance with the existing agreements for other County owned facilities in the City; and

**Whereas**, in accordance with Section 701.02 E of the County Administrative Code, the County Executive has authorized the County to acquire an aerial easement for and accept ownership of, the bridge structure and the abutments of the McKeesport Flyover Ramp by Executive Action No. 5813-07 dated June 21, 2007; and

**Whereas**, in accordance with Section 701.02 C of the County Administrative Code, the approval of County Council is required for the County to acquire an aerial easement for and accept ownership of, the bridge structure and the abutments of the McKeesport Flyover Ramp.

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

***Section 1.     Incorporation of the Preamble.***

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

***Section 2.     Authorization To Accept Ownership of Bridge Structure and Abutments of the McKeesport Flyover Ramp.***

Council hereby authorizes the County to acquire an aerial easement for and accept ownership of, the bridge structure and the abutments of the McKeesport Flyover Ramp which is to be designed and constructed between Lysle Boulevard and Industry Drive in the City of McKeesport as described above and as shown on the drawing attached hereto as Exhibit "A". The appropriate County officers and officials are authorized to execute any documents required to carry out the purpose of the authorization granted herein.

***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.***

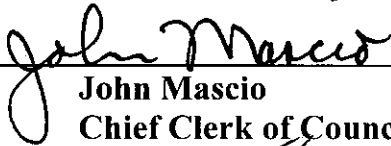
Enacted in Council, this 23<sup>rd</sup> day of October, 2007,

Council Agenda No. 3422-07



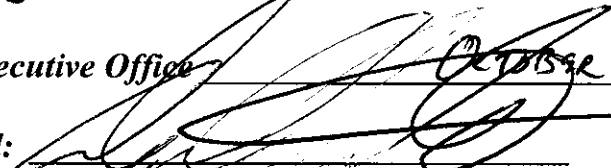
**Rich Fitzgerald**  
President of Council

Attest:



**John Mascio**  
Chief Clerk of Council

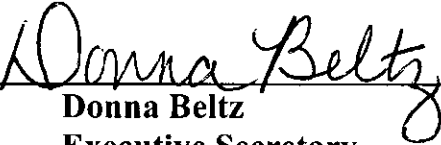
Chief Executive Officer

 October 29, 2007

Approved:

**Dan Onorato**  
Chief Executive

Attest:



**Donna Beltz**  
Executive Secretary

## **Summary**

Request for Council to authorize the County to acquire an aerial easement for, and accept ownership of, the bridge structure and abutments of the McKeesport Flyover Ramp which is to be designed and constructed between Lysle Boulevard and Industry Drive in the City of McKeesport.

**Via e-mail**

**MEMORANDUM**

**TO:** Michael H. Wojcik, Esq., Solicitor  
Law Department

**FROM:** Thomas E. Donatelli, P.E.  
Director

**DATE:** September 18, 2007

**SUBJECT:** **McKeesport Flyover Ramp**

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Per instructions from John Woltz, Esq. of your department, I am electronically transmitting the following documents to you:

1. Ordinance
2. Summary
3. Exhibit "A"

Please place the Ordinance on the County Council agenda for approval.

If any questions arise, please contact Joseph A. Hrabik, P.E., Esq. at 412-350-2456.

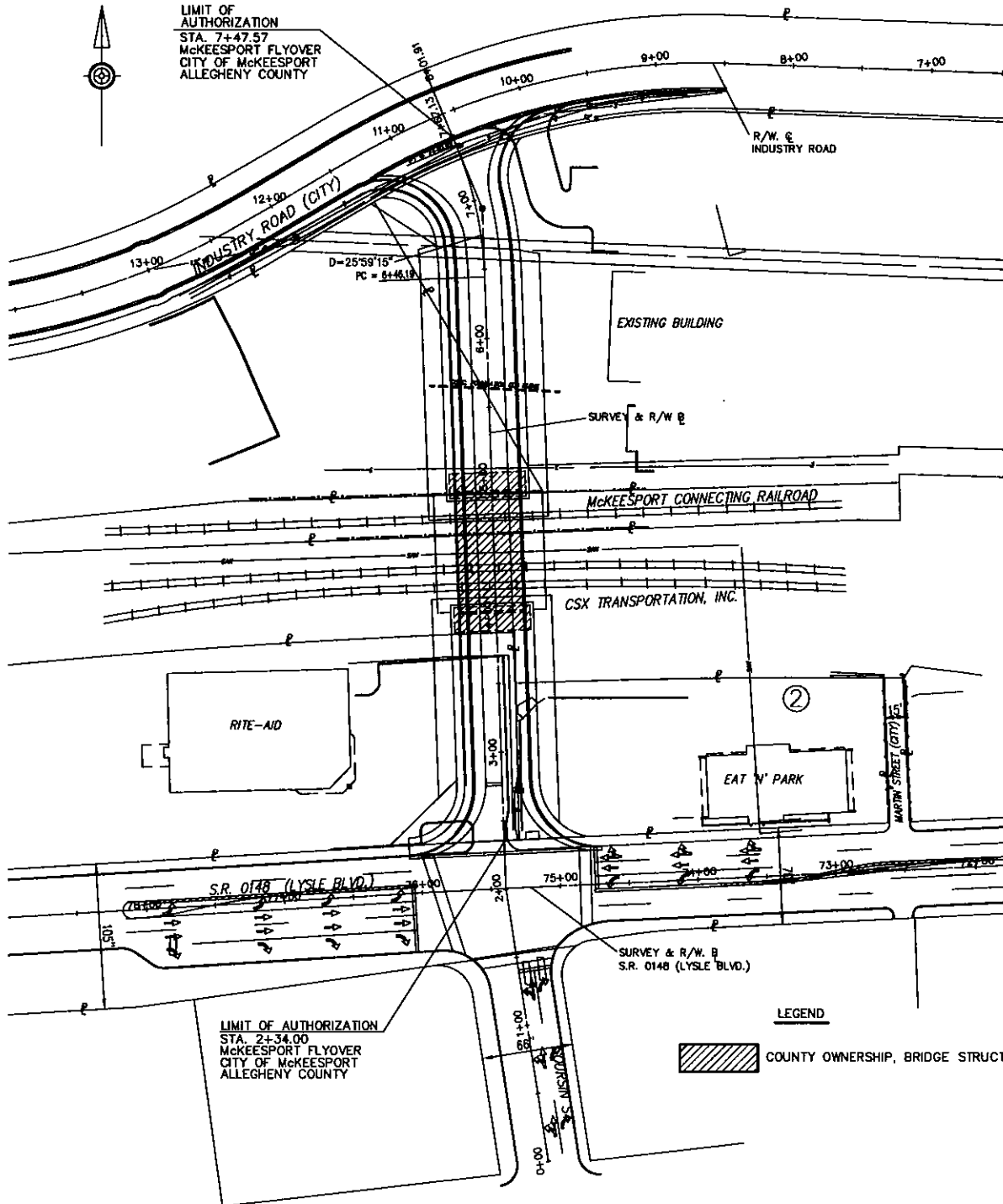
TED/JAH/lis

Attachments

cc: John Woltz, Esq. (w/attach.)  
Donna Bednar (w/attach.)  
J. A. Hrabik, P.E., Esq. (w/attach.)  
T. Vena, P.E. (w/attach.)



LIMIT OF  
AUTHORIZATION  
STA. 7+47.57  
McKEESPORT FLYOVER  
CITY OF McKEESPORT  
ALLEGHENY COUNTY



# McKEESPORT FLYOVER RAMP EXHIBIT "A"

**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.  
County Manager



'07 SEP 20 AM 11:24

DATE: September 20, 2007

RE: Proposed Ordinance

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Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania authorizing the County of Allegheny to acquire an aerial easement for and accept ownership of, the bridge structure and abutments of the McKeesport Flyover Ramp which is to be constructed between Lysle Boulevard and Industry Drive in the City of McKeesport, Allegheny County.

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.