

*No. 31-19-OR*

**AN ORDINANCE**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acquisition of certain rights-of-way and temporary easements to facilitate the replacement of the existing structure of the McRobert's Run Bridge No. 2 located in the Borough of Jefferson Hills, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, the County of Allegheny (the "County") intends to replace the existing bridge structure carrying County Road No. 4081-01 (Coal Valley Road No. 1) over McRobert's Run, known as the McRobert's Run Bridge No. 2, located in the Borough of Jefferson Hills, County of Allegheny, Commonwealth of Pennsylvania with a precast concrete box culvert structure along with certain safety upgrades (the "Project"); and

**Whereas**, the Project, has been depicted in the Right-of-Way Drawing, recorded on October 10, 2019 in the Allegheny County Department of Real Estate in Plans – Miscellaneous Vol. 181, Page 66, and marked as "Exhibit A", attached hereto and made a part hereof; and

**Whereas**, the Project requires the acquisition of a temporary construction easement of 302 square feet and a right-of-way of 119 square feet from the property identified in the Allegheny County Department of Real Estate as Block and Lot 559-P-199 ("Parcel 2"); a temporary construction easement of 186 square feet and a right-of-way of 337 square feet from the property identified in the Allegheny County Department of Real Estate as Block and Lot 559-P-104 ("Parcel 10"); and a temporary construction easement of 4,356 square feet and a right of way in fee of 52 square feet from the property identified in the Allegheny County Department of Real Estate as Block and Lot 559-P-100 ("Parcel 11"); and

**Whereas**, Parcel 2 was devised under the Last Will and Testament of Fannie Scott dated March 13, 1922 effective upon the occurrence of her death on March 28, 1922, said Will being filed of record on April 19, 1922 in Will Book 174, Page 152, No. 80, identifying the devisees as "my four sons and one daughter, viz. David Scott, Thomas Scott, William Scott, Hugh Scott and Elizabeth Scott, to be divided like and like amount to each"; and

**Whereas**, Parcel 10 was transferred by deed dated May 12, 2006, and recorded May 17, 2006 in the Allegheny County Department of Real Estate in Deed Book Volume 12846 at Page 210, identifying the Grantees as Deborah Kunz and Jason Kunz, wife and husband; and

**Whereas**, Parcel 11 was transferred by deed dated October 16, 1931, and recorded in the Allegheny County Department of Real Estate in Deed Book Volume 2464 at Page 243

identifying the Grantees as O. B. Smith, George Suss, Harry Maxwell, Porter Stokes, Florence Decker, Trustees of the Coal Valley Athletic Club, an unincorporated association; and

**Whereas**, the Allegheny County Department of Public Works has undertaken a diligent but unsuccessful effort to locate the named devisees of Parcel 2 and named grantees of Parcel 11, including their heirs, successors and assigns; and

**Whereas**, the Allegheny County Department of Public Works has located the grantees of Parcel 10; however, because they are no longer living at the site and are currently involved in a divorce action, the County has been unable to reach an agreement regarding a temporary construction easement and right-of-way in fee; and

**Whereas**, in accordance with Section 701.02 C of the County Administrative Code the approval of the County Council is required in any action wherein the County acquires real property necessary for carrying out any of its functions; and

**Whereas**, in accordance with Section 701.02 E of the County Administrative Code, the County Manager has authorized the clearance of certain rights-of-way for the Project by Executive Action No. 5425-19 approved March 19, 2019; and

**Whereas**, the County Council of Allegheny County deems it advisable to acquire by condemnation the rights-of-way and temporary easements as described hereinabove, located in the Borough of Jefferson Hills, County of Allegheny and Commonwealth of Pennsylvania for the purpose of the Project including replacing the existing structure of the McRobert's Run Bridge No. 2; 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 Parcels.***

That Counsel deems it advisable and necessary to authorize the Law Department, in conjunction with the Department of Public Works, to , 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 Counsel deems it advisable and necessary to acquire required right-of-way in fee 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 rights-of-way in fee simple and temporary construction easements, as necessary for the Project:

<b>Parcel No.</b>	<b>Record Owners</b>	<b>Tax Parcel Block &amp; Lot No.</b>
2	David Scott, Thomas Scott, William Scott, Huge Scott and Elizabeth Scott	559-P-199
10	Jason Kunz and Deborah Kunz, Husband and Wife	559-P-104
11	O. B. Smith, George Suss, Harry Maxwell, Peter Stokes, Florence Decker, Trustees of the Coal Valley Athletic Club, an unincorporated association	559-P-100

**SECTION 4. Notice to Interested Parties.**

That Counsel 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 Counsel 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 10<sup>th</sup> day of December, 2019

Council Agenda No. 11323-19

  
John DeFazio  
President of Council

Attest:   
Jared Barker  
Chief Clerk of Council

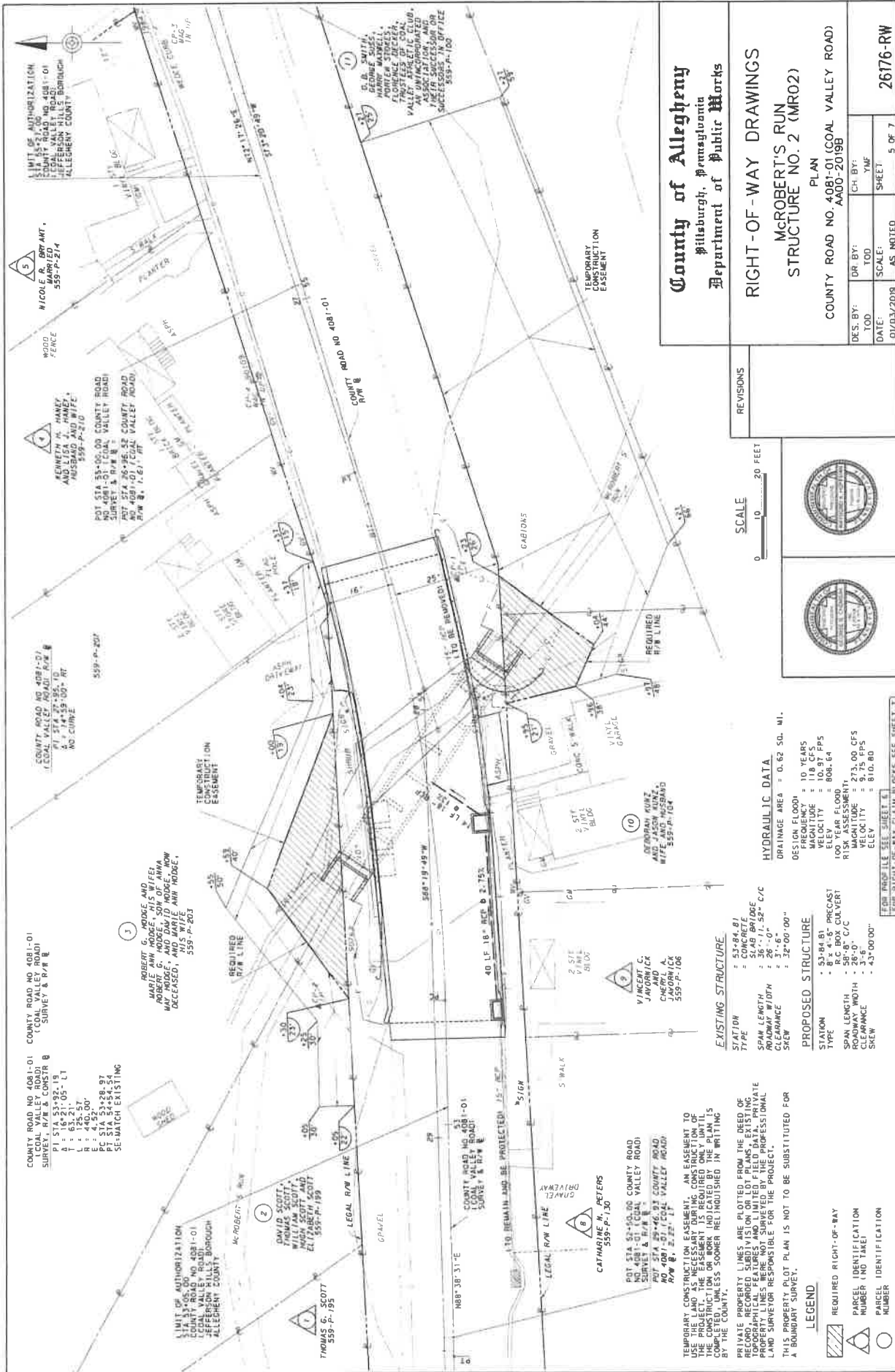
Chief Executive Office December 16, 2019

Approved:   
Rich Fitzgerald  
Chief Executive

Attest:   
Sonya Dietz  
Executive's Secretary

## **Summary**

Authorization to acquire certain temporary and permanent easements on Tax Parcel No. 559-P-199 (Parcel 2), Tax Parcel Number 559-P-104 (Parcel 10) and Tax Parcel Number 559-P-100 (Parcel 11) to facilitate the replacement of the existing structure of the McRobert's Run Bridge No. 2 located in the Borough of Jefferson Hills, County of Allegheny, Commonwealth of Pennsylvania.



COUNTY ROAD NO. 4081-01  
 (CONSTR. B)  
 SURVEY & R/W B  
 P1 STA 53+92.19  
 Q = 85.21  
 L = 125.57  
 R = 4.50'  
 PC STA 53+28.97  
 SE-MATCH EXISTING

ROBERT C. MORSE AND  
 MARIE ANN MORSE - HIS WIFE  
 ROBERT G. MORSE, SON OF ANNA  
 MORSE, DECEASED, AND MARIE ANN MORSE,  
 HIS WIFE  
 559-P-203

UNIT OF AUTHORIZATION  
 COUNTY ROAD NO. 4081-01  
 JEFFERSON HILLS BOROUGH  
 ALLEGHENY COUNTY

DAVID SCOTT,  
 THOMAS SCOTT,  
 MACH SCOTT AND  
 ELIZABETH SCOTT  
 559-P-199

CATHARINE K. PETERS  
 559-P-130

POT STA 52+00.00 COUNTY ROAD  
 NO. 4081-01 (COAL VALLEY ROAD)  
 POT STA 52+46.03 COUNTY ROAD  
 NO. 4081-01 (LEGAL VALLEY ROAD)  
 R/W B, 2.22' L

VINCENT C.  
 JAVAN AND  
 CHERYL A.  
 559-P-106

OPPERMAN, RINZ  
 AND JASON KINZ,  
 WIFE AND HUSBAND  
 559-P-106

KENNETH M. HANEY  
 AND LISA J. HANEY,  
 WIFE  
 559-P-210

UNIT OF AUTHORIZATION  
 COUNTY ROAD NO. 4081-01  
 COAL VALLEY ROAD  
 ALLEGHENY COUNTY

NICOLE R. BRYANT,  
 559-P-214

TEMPORARY CONSTRUCTION EASEMENT, AN EASEMENT TO  
 BE USED FOR THE CONSTRUCTION OF THE BRIDGE AND TO  
 THE PROJECT. THE EASEMENT IS REQUIRED ONLY UNTIL  
 THE CONSTRUCTION OR WORK INDICATED BY THE PLAN IS  
 COMPLETE. THE EASEMENT SHALL BE TERMINATED BY THE  
 COUNTY ENGINEER, UNLESS SOONER RELINQUISHED IN WRITING  
 BY THE PROPERTY OWNER.

PRIVATE PROPERTY LINES ARE OBTAINED FROM THE BEST OF  
 RECORD RECORDED SUBDIVISION OR LOT PLANS, EXISTING  
 TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. PRIVATE  
 LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

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

**EXISTING STRUCTURE**  
 STATION = 53+84.81  
 TYPE = CONCRETE  
 SPAN LENGTH = 36'-0" BR/22" C/C  
 ROADWAY WIDTH = 26'-0"  
 CLEARANCE = 37'-6"  
 SKEW = 32.00 00°

**PROPOSED STRUCTURE**  
 STATION = 53+84.81  
 TYPE = PRECAST  
 SPAN LENGTH = 8' x 4'-8" PRECAST  
 R.C. BOX CULVERT  
 ROADWAY WIDTH = 26'-0" C/C  
 CLEARANCE = 38'-0"  
 SKEW = 43°00'00"

**HYDRAULIC DATA**  
 DRAINAGE AREA = 0.62 SQ. MI.  
 DESIGN FLOOD FREQUENCY = 10 YEARS  
 MAGNITUDE = 18.67 FPS  
 VELOCITY = 808.64  
 100 YEAR FLOOD MAGNITUDE = 273.00 CFS  
 VELOCITY = 9.75 FPS  
 ELEV = 810.80

**LEGEND**  
 [Symbol] REQUIRED RIGHT-OF-WAY  
 [Symbol] PARCEL IDENTIFICATION NUMBER (AND TIME)  
 [Symbol] PARCEL IDENTIFICATION NUMBER

**REVISIONS**

NO.	DATE	DESCRIPTION
1	07/03/2018	AS NOTED

SCALE: 0 10 20 FEET

COUNTY OF ALLEGHENY  
 PITTSBURGH, PENNSYLVANIA  
 DEPARTMENT OF PUBLIC WORKS

RIGHT-OF-WAY DRAWINGS  
 McROBERT'S RUN  
 STRUCTURE NO. 2 (MR02)  
 PLAN  
 COUNTY ROAD NO. 4081-01 (COAL VALLEY ROAD)  
 AAOO-2019B

DES. BY: DR. BY: CH. BY: SHEET: 5 OF 7  
 TOD: YAF  
 DATE: SCALE: AS NOTED

26176-RW

**RIGHT-OF-WAY CLAIM INFORMATION**  
 COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS  
 STREET NAME COUNTY ROAD NO. 1000, RD. 1000, HILLTOP, ALLEGHENY HILLS BOROUGH, ALLEGHENY COUNTY  
 PARCEL NO. 11  
 PROPERTY OWNER(S) DAVID SCOTT, THOMAS SCOTT, WILLIAM SCOTT, JOHN SCOTT, AND ELIZABETH SCOTT  
 GARDEN(S) 11 - JENNIE SCOTT

DEED BOOK	174	ACRES/SF	AS NOTED
PAGE OF DEED	132	REQUIREMENT	
DATE OF RECORD	05/13/1922	TEMP. CONDR. ESMT	19
CONSIDERATION	\$1.00	EFFECTIVE	302
BLOCK AND LOT	552-P-197	TOTAL RESIDUE P/P	
		RESIDUE LT	01/03/19
		RESIDUE RT	1500
		SCALE	AS NOTED

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

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

**RIGHT-OF-WAY CLAIM INFORMATION**  
 COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS  
 STREET NAME COUNTY ROAD NO. 1000, RD. 1000, HILLTOP, ALLEGHENY HILLS BOROUGH, ALLEGHENY COUNTY  
 PARCEL NO. 11  
 PROPERTY OWNER(S) DAVID SCOTT, THOMAS SCOTT, WILLIAM SCOTT, JOHN SCOTT, AND ELIZABETH SCOTT  
 GARDEN(S) 11 - JENNIE SCOTT

DEED BOOK	4072	ACRES/SF	AS NOTED
PAGE OF DEED	448	REQUIREMENT	
DATE OF RECORD	02/20/1964	TEMP. CONDR. ESMT	19
CONSIDERATION	\$1.00	EFFECTIVE	302
BLOCK AND LOT	552-P-207	TOTAL RESIDUE P/P	
		RESIDUE LT	01/03/19
		RESIDUE RT	1500
		SCALE	AS NOTED

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

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

**RIGHT-OF-WAY CLAIM INFORMATION**  
 COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS  
 STREET NAME COUNTY ROAD NO. 1000, RD. 1000, HILLTOP, ALLEGHENY HILLS BOROUGH, ALLEGHENY COUNTY  
 PARCEL NO. 11  
 PROPERTY OWNER(S) DAVID SCOTT, THOMAS SCOTT, WILLIAM SCOTT, JOHN SCOTT, AND ELIZABETH SCOTT  
 GARDEN(S) 11 - JENNIE SCOTT

DEED BOOK	12846	ACRES/SF	AS NOTED
PAGE OF DEED	210	REQUIREMENT	
DATE OF RECORD	05/17/2006	TEMP. CONDR. ESMT	19
CONSIDERATION	\$70,000.00	EFFECTIVE	302
BLOCK AND LOT	552-P-104	TOTAL RESIDUE P/P	
		RESIDUE LT	01/03/19
		RESIDUE RT	1500
		SCALE	AS NOTED

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

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

**RIGHT-OF-WAY CLAIM INFORMATION**  
 COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS  
 STREET NAME COUNTY ROAD NO. 1000, RD. 1000, HILLTOP, ALLEGHENY HILLS BOROUGH, ALLEGHENY COUNTY  
 PARCEL NO. 11  
 PROPERTY OWNER(S) DAVID SCOTT, THOMAS SCOTT, WILLIAM SCOTT, JOHN SCOTT, AND ELIZABETH SCOTT  
 GARDEN(S) 11 - JENNIE SCOTT

DEED BOOK	2464	ACRES/SF	AS NOTED
PAGE OF DEED	243	REQUIREMENT	
DATE OF RECORD	07/25/1931	TEMP. CONDR. ESMT	19
CONSIDERATION	\$1.00	EFFECTIVE	302
BLOCK AND LOT	552-P-100	TOTAL RESIDUE P/P	
		RESIDUE LT	01/03/19
		RESIDUE RT	1500
		SCALE	AS NOTED

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

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

**County of Allegheny**  
 Pittsburgh, Pennsylvania  
 Department of Public Works

**RIGHT-OF-WAY DRAWINGS**  
 McROBERT'S RUN  
 STRUCTURE NO. 2 (MR02)  
 RIGHT-OF-WAY CLAIM BLOCKS  
 COUNTY ROAD NO. 4081-01 (COAL VALLEY ROAD)  
 4000-2019B

REVISIONS



DES. BY:	DR. BY:	CH. BY:
TOD:	TOD:	YMF
DATE:	SCALE:	SHEET:
01/03/2019	AS NOTED	7 OF 7

26176-RW

**MEMORANDUM**  
**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 acquisition of certain rights-of-way and temporary easements to facilitate the replacement of the existing structure of the McRobert's Run Bridge No. 2 located in the Borough of Jefferson Hills, 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.

ALCO Council RECEIVED  
19 NOV 27 AM 10:32:42