

Bill No. 3214-07

No. 27-07-OR

AN ORDINANCE

Authorizing the County of Allegheny to convey a 20,779.23 square foot area required right-of-way, in fee, and a 19,893.46 square foot temporary construction easement on County-owned White Oak Park property to the Commonwealth of Pennsylvania, acting through its Department of Transportation for replacing its bridge carrying McClintock Road (SR 02033, Section A02 R/W) over Jacks Run, 76 feet east of its intersection with Jacks Run Road (SR 48) in White Oak Borough.

Whereas, the County Council of Allegheny County deems it advisable to convey a certain 20,779.23 square foot right-of-way and a 19,893.46 square foot temporary construction easement on County-owned White Oak Park property 76 feet east of its intersection with Jacks Run Road (SR 48), to the Commonwealth of Pennsylvania, acting through its Department of Transportation, being part of the same parcel acquired by Commonwealth Real Estate Company from Manns and Conroy Company by deed dated December 26, 1957, recorded in Allegheny County Recorder of Deeds Office in Deed Book Volume 3692, Page 54 and subsequently conveyed to County of Allegheny by deed dated December 16, 1958 and recorded in Deed Book Volume 3725, Page 95, in the Borough of White Oak, County of Allegheny and Commonwealth of Pennsylvania, which is depicted on the drawing, sheet 5 of 6 for State Route 2033, Section A02 R/W that is attached hereto as Exhibit "A" and incorporated herein by reference (the "Property"); and

Whereas, said project will improve public access to White Oak Park; and

Whereas, the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION (called "PennDOT"), by its Notice of Acquisition dated April 26, 2007, has indicated its intent to acquire the Property in order to replace its bridge over Jacks Run; and

Whereas, in lieu of cash consideration, PennDOT has indicated its willingness to provide the County park improvements as part of its project.

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 Convey, by Deed Fee Simple, Right-of-way and Easement on White Oak Park Property

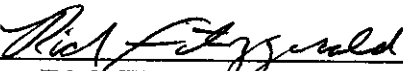
Council deems it advisable and necessary to convey, by special warranty deed, a certain 20,779.23 square foot area of required right-of-way and a 19,893.46 square foot temporary construction easement area on County-owned White Oak Park property for replacing its bridge carrying McClintock Road (SR 02033, Section A02 R/W) over Jacks Run, 76 feet east of its intersection with Jacks Run Road (SR 48) in White Oak Borough, to the Commonwealth of Pennsylvania, acting through its Department of Transportation, as depicted on Exhibit "A". The Director of Public Works or his designee is authorized to execute in the name of the County such instruments of conveyance and other documents that may be necessary to accomplish the conveyance and transfer of the Property to PennDOT for non-cash consideration.

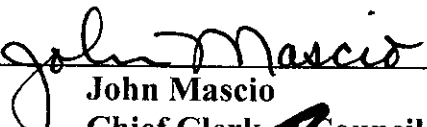
Section 3. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

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 3rd day of July, 2007,

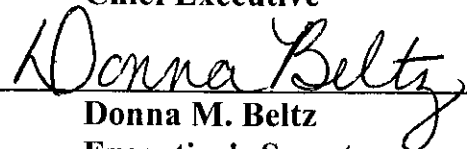
Council Agenda No. 3214-07.


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office  July 11, 2007

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna M. Beltz
Executive's Secretary

SUMMARY
ORDINANCE AUTHORIZING CONVEYANCE OF
REQUIRED RIGHT-OF-WAY AND EASEMENT BY DEED, FEE SIMPLE
WHITE OAK PARK PROPERTY AT
McCLINTOCK ROAD BRIDGE REPLACEMENT OVER JACKS RUN
WHITE OAK BOROUGH

In 1958, the County acquired property for the White Oak Park. On April 26, 2007, PennDOT sent its Notice of Acquisition to acquire required right-of-way and easement needed to replace its adjacent bridge carrying McClintock Road over Jacks Run. A two-lane bridge will replace the existing one-lane bridge.

An authorizing ordinance is required because PennDOT is requiring the use of a Deed to convey title in fee simple. Otherwise, this conveyance would have been authorized by Ordinance No. 04-06.



MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr.
County Manager

DATE: May 10, 2007

RE: Proposed Ordinance

ALLEGHENY COUNTY COUNCIL

'07 MAY 10 AM 9:05

Attached is an Ordinance Authorizing the County of Allegheny to convey a 20,779.23 square foot area required right-of-way, in fee, and a 19,893.46 square foot temporary construction easement on County-owned White Oak Park property to the Commonwealth of Pennsylvania, acting through its Department of Transportation for replacing its bridge carrying McClintock Road (SR 02033, Section A02 R/W) over Jacks Run, 76 feet east of its intersection with Jacks Run Road (SR 48) in White Oak Borough.

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.