

Bill No. 1525-04

No. 14-04-OR

## AN ORDINANCE

An Ordinance of the County of Allegheny authorizing the Chief Executive to execute a deed conveying the County's interest in an excess real estate parcel, located at the intersection of Lowries Run-Mt. Nebo Road (County No. 1190-01) and Lowries Run-Rochester Road (SR 4021) in Ohio Township, to the Redevelopment Authority of Allegheny County

**Whereas**, the County Council of Allegheny County deems it advisable to dispose of certain excess real estate, being part of the same parcel acquired from Pennsylvania Department of Transportation by its deed dated November 13, 1998 and recorded in Deed Book Volume 10347, Page 48 and located at the intersection of Lowries Run-Mt. Nebo Road (County No. 1190-01) and Lowries Run-Rochester Road (SR 4021) in Ohio Township, County of Allegheny and Commonwealth of Pennsylvania, which is described on the real estate description, attached hereto as Exhibit "A" and incorporated herein, and depicted on the drawing that is attached hereto as Exhibit "B" and incorporated herein by reference (the "Parcel"); and

**Whereas**, the Redevelopment Authority of Allegheny County has indicated an interest in acquiring the Parcel for compensation in the amount of \$62,500.00, based on an appraisal provided by an interested private developer and an appraisal review obtained by the County, in order to convey it to the developer and return the Parcel to the real estate tax rolls and

**Whereas**, under Article IV, Section 2(k) of the Allegheny County Home Rule Charter, County Council has the authority to convey County land; and

**Whereas**, the Director of the Department of Public Works has complied with Section 701.03(F) of the Allegheny County Administrative Code, and the County Manager is prepared to convey the Parcel by Executive Action No. 318-04 dated March 29, 2004, subject to approval by County Council.

***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.**

**Approval of Transfer of County Interest in Real Property.**

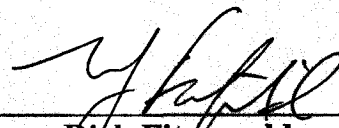
- A. County Council deems it advisable and necessary to dispose of the Parcel and convey it to the Allegheny County Redevelopment Authority of and hereby does approve the transfer of the interest held therein by the County to the Allegheny County Redevelopment Authority for and in consideration of the sum of SIXTY TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$62,500.00).
  
- B. The proper officers of the County are hereby authorized to execute any and all documents, including a deed, necessary to effectuate the conveyance of the County's interest in the Parcel.

**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 continue 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 18<sup>th</sup> day of May, 2004,

Council Agenda No. 1525-04



**Rich Fitzgerald  
President of Council**

Attest: John Mascio  
**John Mascio  
Chief Clerk of Council**

Chief Executive Officer May 28, 2004

Approved:   
**Dan Onorato  
Chief Executive**

Attest: Suzanne Rainey  
**Donna Beltz  
Executive Secretary**

SUMMARY PAGE  
DRAFT ORDINANCE TO SELL EXCESS REAL ESTATE  
TO ALLEGHENY COUNTY REDEVELOPMENT AUTHORITY  
March 31, 2004


PennDOT relocated a portion of Lowries Run & Mt. Nebo Road, a County road, at its intersection with Lowries Run & Rochester Road, a state road, as part of its project to construct the Mt. Nebo Road interchange of I-279 in Ohio Township. The State acquired additional property in fee for its project and conveyed the area of the County road to the County by a quit-claim confirmation deed. Excess real estate was created by PennDOT's relocating the County road.

A private developer seeks to acquire the excess real estate for a new development of the adjacent property. The excess parcel appears to be too small and steep to develop as an independent parcel. The Redevelopment Authority of Allegheny County is willing to act as a conduit for conveying the parcel to the developer under the terms of a Tax Increment Financing Agreement. The developer provided a survey drawing and an appraisal report prepared by a certified real estate appraiser establishing fair market value as \$50,000.00. Allegheny County obtained an appraisal review indicating a minimum higher value amount of \$75,000.00. The developer has indicated an agreement to split the difference and pay RAAC the amount of \$62,500.00 for the parcel. In addition, the developer will provide roadway improvements to Lowries Run & Mt. Nebo Road under a County permit and will provide additional right-of-way from other privately owned parcels for widening the County road. This conveyance will result in a return of the parcel to taxable real estate status.

The Public Works Department seeks permission from County Council to dispose of this excess real estate, as required by the Administrative Code, Section 701.03. The County Executive authorized said sale by his Executive Action No. 318-04 dated March 29, 2004 (copy attached).

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

**TO:** John Mascio  
Chief Clerk

**FROM:** James M. Flynn, Jr.   
County Manager

**DATE:** April 15, 2004

**RE:** Proposed Ordinance

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Attached is a Proposed Ordinance authorizing the Chief Executive to execute a deed conveying the County's interest in an excess real estate parcel located at the intersection of Lowries Run-Mt. Nebo Road and Lowries Run-Rochester Road in Ohio Township to the Redevelopment Authority of Allegheny County (RAAC).

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.

Copy: Tom Donatelli  
✓ Joe Catanese  
County Council

**ALLEGHENY COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**  
501 County Office Building  
542 Forbes Avenue  
Pittsburgh, PA 15219-2904

May 7, 2004

TO: Howard Louik, Esq.  
Assistant County Solicitor  
Law Department

RE: **Lowries Run – Mt. Nebo Road Excess Right-of-Way**  
**Sale to Redevelopment of Allegheny County for Mt. Nebo Pointe Development**  
Transmitting the following:

Herewith  
 Under separate cover

For your information  
 For your approval  
 For execution  
 Approved as noted

NO. OF COPIES	SHEET NO.	SHEET DATE	DESCRIPTION
3		May 5, 2004	Exhibits A (Boundary Description) and B (Drawing), as revised by CEC, Inc.

REMARKS: If acceptable, please forward these exhibits to the Manager's Office to replace the draft exhibits previously attached to the draft ordinance sent March 31, 2004. Call David L. Wright, P.E., Project Manager, at (412) 350-6645 if you have any questions.

By: David L. Wright  
for Bernard R. Rossman, P.E.  
Roads Engineering Manager

cc: Tom Donatelli, P.E./GF; Don Killmeyer, P.E.; Dave Wright, P.E.



NORTH

**EXHIBIT "B"**

AREA OF FORMER R/W TO BE  
CONVEYED TO RAAC--51,757 S.F.

**LOWRIES RUN-ROCHESTER  
ROAD S.R. 4021**

R=1056.45'  
A=148.37°  
CHORD BEARING: S 54°33'00" W  
CHORD DISTANCE: 148.25'

CHORD BEARING: S 78°26' E  
CHORD DISTANCE: 518.85'

S 21°36'25" E 32.07'  
A=21.51°  
CHORD BEARING: S 17°29'21" E  
CHORD DISTANCE: 122.05'

S 15°15'04" E 101.00'  
A=122.07°  
R=1852.83'  
CHORD BEARING: S 11°36'07" E  
CHORD DISTANCE: 179.95'

S 21°46'25" E 231.81'  
S 11°36'07" E 396.80'

CHORD BEARING: S 73°48'06" E  
CHORD DISTANCE: 142.79'

**LOWRIES RUN - MT. NEBO ROAD  
COUNTY ROAD NO. 1190-1**

LEGAL  
RIGHT-OF-WAY  
LINE

REQUIRED LEGAL  
RIGHT-OF-WAY LINE



CONSTRUCTION BASELINE

OHIO TOWNSHIP  
ALLEGHENY COUNTY, PENNSYLVANIA

PROPERTY TO BE ACQUIRED BY  
REDEVELOPMENT AUTHORITY OF  
ALLEGHENY COUNTY  
ALLEGHENY COUNTY, PENNSYLVANIA

**Civil & Environmental  
Consultants, Inc.**  
Pittsburgh, PA 15205  
(412) 429-2324 • (800) 385-2324  
Cincinnati, OH • Columbus, OH • Indianapolis, IN • Nashville, TN

DATE: 6/11/2003  
SCALE: 1" = 50'  
CHD. BY: JRB  
CMM

PROJECT NO:  
200554

Description – Property located in Ohio Township, Allegheny County, Pennsylvania to be acquired by the Redevelopment Authority of Allegheny County.

Beginning at a point on the easterly line of Lowries Run - Mt. Nebo Road, County Road No. 1190-1, at Station 8+21.51', 32.07' right of the construction baseline of Lowries Run - Mt. Nebo Road as depicted on Mt. Nebo Road Construction Plan, prepared by Trans Associates and revised 3/03/2003, said point being on the westerly line of Parcel A of the Mt. Nebo Pointe Plan of Lots, to be recorded; thence along the westerly line of Parcel A of the Mt. Nebo Pointe Plan of Lots the following six (6) courses and distances, viz: S21°36'22"E, 22.25' to a point; thence N76°35'22"E, 15.00' to a point; thence S15°15'04"E, 101.09' to a point; thence S28°56'52"E, 52.39' to a point; thence S21°46'25"E, 231.81' to a point of curve; thence by an arc of a circle deflecting to the left in a southeastwardly direction having a radius of 275.00', an arc distance of 341.10' (chord bearing and distance, S57°18'26"E, 319.65') to a point on the northerly line of Lowries Run - Rochester Road, S.R. 4021; thence along the northerly line of Lowries Run - Rochester Road, S.R. 4021 the following two (2) courses and distances, viz: S58°34'25"W, 57.79' to a point of curve; thence by an arc of a circle deflecting to the left in a southwestwardly directing having a radius of 1056.45', an arc distance of 148.37' (chord bearing and distance, S54°33'00"W, 148.25') to a point on the relocated right of way of Lowries Run - Mt. Nebo Road; thence along the relocated right-of-way line of Lowries Run - Mt. Nebo Road, the following seven (7) courses and distances, viz: N39°28'24"W, 4.65' to a point; N81°07'18"W, 70.86' to a point; thence by an arc of a circle deflecting to the right in a northwestwardly direction, having a radius of 337.87', an arc distance of 143.88' (chord bearing and distance, N 23°48'06"W, 142.79') to a point of tangent; thence N11°36'07"W, 356.90' to a point; thence S78°23'53"W, 17.93' to a point; thence N11°36'07"W, 55.91' to a point of curve; thence by an arc of a circle deflecting to the left in a northwestwardly direction, having a radius of 1852.93', an arc distance of 122.07' (chord bearing and distance, N13°29'21"W, 122.05') to a point at the place of beginning.

**EXHIBIT "A"**



DRAFT

Description - Property to be acquired by the Redevelopment Authority of Allegheny County.

Beginning at a point on the easterly line of Lowries Run - Mt. Nebo Road, County Road No. 1190-1, at Station 8+21.51', 32.07' right of the centerline of Lowries Run - Mt. Nebo Road, said point being on the westerly line of Parcel A of the Mt. Nebo Pointe Plan of Lots, to be recorded; thence along the westerly line of Parcel A of the Mt. Nebo Pointe Plan of Lots the following six (6) courses and distances, viz: S21°36'22"E, 22.25' to a point; thence N76°35'22"E, 15.00' to a point; thence S15°15'04"E, 101.09' to a point; thence S28°56'52"E, 52.39' to a point; thence S21°46'25"E, 231.81' to a point; thence by an arc of a circle deflecting to the left in a southeastwardly direction having a radius of 275.00', an arc distance of 341.10' (chord bearing and distance, S57°18'26"E, 319.65') to a point on the northerly line of Lowries Run - Rochester Road, S.R. 4021; thence along the northerly line of Lowries Run - Rochester Road, S.R. 4021 the following two (2) courses and distances, viz: S58°34'25"W, 57.79' to a point; thence by an arc of a circle deflecting to the left in a southwestwardly direction having a radius of 1056.45', an arc distance of 148.37' (chord bearing and distance, S54°33'00"W, 148.25') to a point on the relocated right of way of Lowries Run - Mt. Nebo Road; thence along the relocated right-of-way line of Lowries Run - Mt. Nebo Road, the following seven (7) courses and distances, viz: N39°28'24"W, 4.65' to a point; N81°07'18"W, 70.86' to a point; thence by an arc of a circle deflecting to the right in a northwestwardly direction, having a radius of 337.87', an arc distance of 143.88' (chord bearing and distance, N 23°43'06"W, 142.79') to a point; thence N11°36'07"W, 356.90' to a point; thence S78°23'52"W, 17.93' to a point; thence N11°36'07"W, 55.91' to a point; thence by an arc of a circle deflecting to the left in a northwestwardly direction, having a radius of 1852.93', an arc distance of 122.07' (chord bearing and distance, N13°29'21"W, 122.05') to a point at the place of beginning.

EXHIBIT "A"

EXHIBIT "A"



AREA OF FORMER R/W TO BE  
CONVEYED TO R/MC--51,757 S.F.

LOWRIES RUN-S.R. ROCHESTER  
4021

ALLEGHENY GENERAL HOSPITAL  
H/F

LOWRIES RUN - MT. NEBO ROAD  
COUNTY ROAD NO. 1190-1

LEGAL  
RIGHT-OF-WAY  
LINE

REQUIRED  
LEGAL  
RIGHT-OF-WAY LINE

Q OF LEGAL R/W

SCALE IN FEET  
0 50 100

DRAFT


		<b>Civil &amp; Environmental Consultants, Inc.</b> (412) 429-2324 • (800) 365-2324 Cincinnati, OH • Columbus, OH • Indianapolis, IN • Nashville, TN	
DWG. BY: CMM CHKD. BY: JRB	SCALE: 1" = 50'	DATE: 6/11/2003	PROJECT NO: 200554
PROPERTY TO BE ACQUIRED BY REDEVELOPMENT AUTHORITY OF ALLEGHENY COUNTY ALLEGHENY COUNTY, PENNSYLVANIA			

EXHIBIT "B"