

No. 32-19-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation a temporary construction easement on a parcel of vacant, not assessed, land situated along the southern side of Township Road 373 (Naylor Avenue) in order to facilitate the elimination of Gourdhead Run Bridge #1 located in Hampton Township, 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 eliminate the Gourdhead Run Bridge #1 including the removal of the existing open-grid deck, the structural steel bridge, and a portion of the block walls while allowing the bridge abutments to remain. A guide rail will be constructed as a permanent barrier on the west approach of the former bridge and the existing barrier will be relocated to close off the east approach to the bridge (the “Project”); and

Whereas, the Project has been depicted in the Right-of-Way Drawings, which were recorded on October 10, 2019 in the Allegheny County Department of Real Estate in Plans–Miscellaneous Volume 181, Page 73, and marked as “Exhibit A”, attached hereto and made a part hereof; and

Whereas, Parcel No. 4 was transferred by deed dated December 13, 1888 and recorded December 13, 1888 in the Allegheny County Department of Real Estate in Deed Book Volume 619 at Page 397; thereafter a 1/3 part of Parcel No. 4 was transferred by deed dated February 18, 1889 and recorded February 23, 1889 in the Allegheny County Department of Real Estate in Deed Book 629 at Page 539; and

Whereas, the subject deeds describe the owners as Charles E. Wood and W. E. Harmon owning an undivided 2/3rds interest and Clifford B. Harmon owning an undivided 1/3rd interest; and

Whereas, Allegheny County Department of Public Works has undertaken a diligent but unsuccessful effort to locate the named Grantees of Parcel 4, their heirs, successors and assigns and further, that Parcel 4 has not been assigned a Block and Lot number; 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 authorized the Law Department to clear the right-of-way for said Project by his Executive Action No. 5425-19 approved March 19, 2019; and

Whereas, the County Council of Allegheny County deems it advisable to acquire by condemnation a temporary construction easement on Parcel No. 4 described in Exhibit A, located within Hampton Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of the Project including the elimination of Gourhead Run Bridge #1; 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 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 a temporary construction easement and take under the power of eminent domain part of the property of the following persons or corporations and to acquire title in the temporary construction easement, as necessary for the Project:

Parcel No.	Record Owners	Tax Parcel Block & Lot No.
4	Charles E. Wood and W. E. Harmon and Clifford B. Harmon	None

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 10th day of December, 2019

Council Agenda No. 11324-19


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 a temporary construction easement on a parcel of land described as a vacant lot containing 1.579 acres (68,781 square feet) of land situated along the southern side of Township Road 373 (Naylor Avenue) and identified as Parcel 4 in the Right-of-Way Drawings in order to facilitate the elimination of Gourhead Run Bridge #1 located in Hampton Township.

RIGHT-OF-WAY CLAIM INFORMATION
 COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS
 PARCEL NO. 12111
 SHEET NO. 4
 CLAIM NO. 2019B

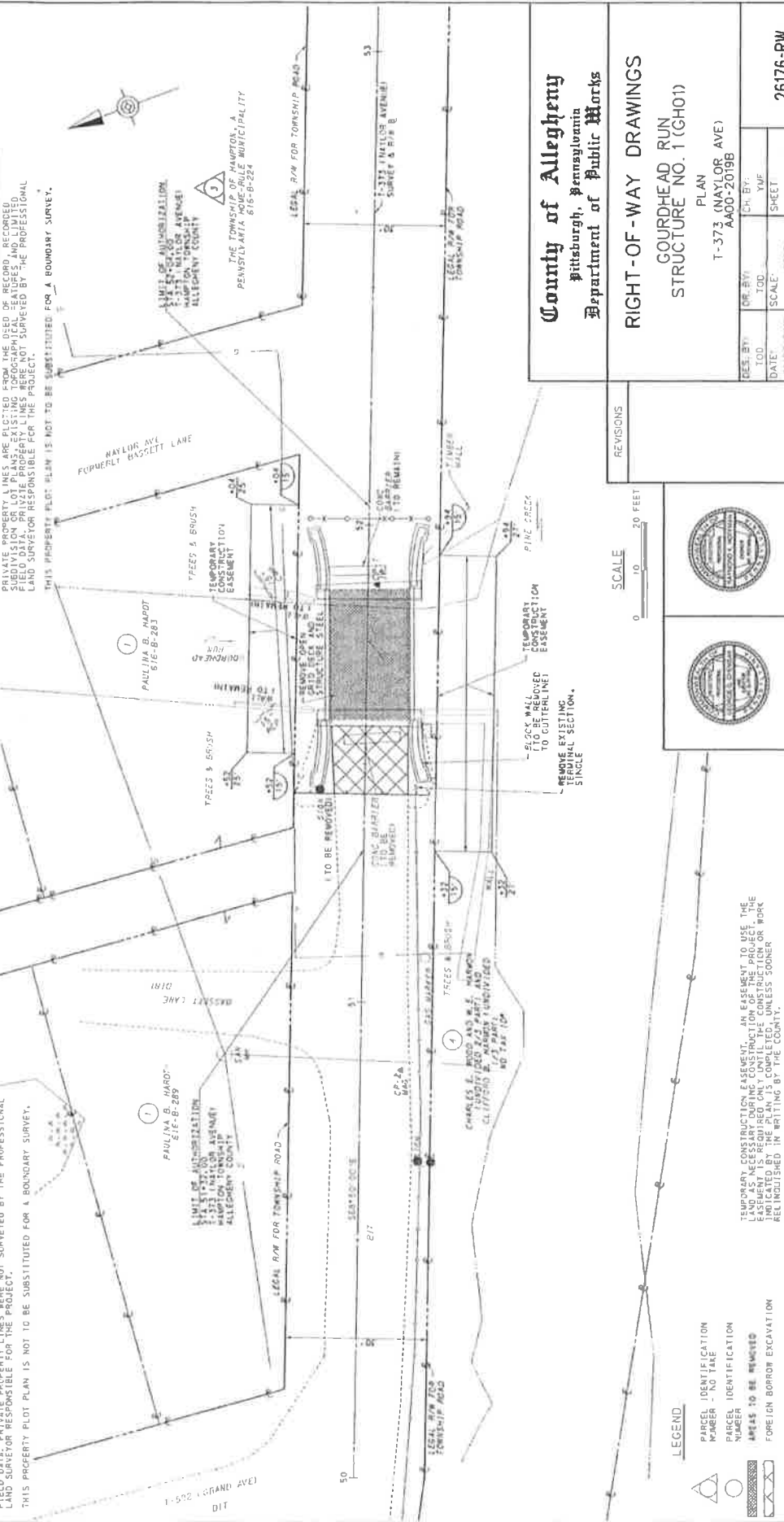
DEED BOOK	FILE OF DEED	DATE OF RECORD	CONSIDERATION	BLOCK AND LOT
823	0222/1353	02/22/1885	\$1,200.00	12111

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PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED 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.

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County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

RIGHT-OF-WAY DRAWINGS
 COURT HEAD RUN
 STRUCTURE NO. 1 (GH01)
 PLAN
 T-373 (NAYLOR AVE)
 AA00-2019B

DATE	07/05/2019	AS NOTED
SCALE	AS NOTED	
SHEET	4 OF 4	

26176-RW

REVISIONS

NO.	DATE	DESCRIPTION

SCALE
 0 10 20 FEET

LEGEND

- PARCEL IDENTIFICATION NUMBER - NO TAKE
- PARCEL IDENTIFICATION NUMBER
- AREAS TO BE REMOVED
- FOREIGN BORROW EXCAVATION

TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT AND TO BE REMOVED UPON COMPLETION OF THE PROJECT OR WORK INDICATED BY THE PLAN IS COMPLETED UNLESS SOONER RE-INDEMNIFIED IN WRITING BY THE COUNTY.

EXHIBIT A

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 authorizing the County of Allegheny to acquire by condemnation a temporary construction easement on a parcel of vacant, not assessed, land situated along the southern side of Township Road 373 (Naylor Avenue) in order to facilitate the elimination of Gourdhead Run Bridge #1 located in Hampton Township, 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 10:32:54