

No. 04-18-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to stabilize the slope supporting Tarentum Culmerville Road south of Allegheny Valley Expressway (SR 28) in Tarentum Borough, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, on or before January 18, 2017, a landslide occurred on Tarentum Culmerville Road at a location south of the Allegheny Valley Expressway (SR 28) bridge in Tarentum Borough that reduced the width of the roadway to one lane; and

Whereas, the County Council of Allegheny deems it advisable to acquire certain right-of-way and easement areas, being: 1,797 square feet of right-of-way and 6,727 square feet of temporary construction easement, required from a parcel of land of Hillsvale Coal Company, also called Hillsdale Coal Company in real estate tax records of the Allegheny County Real Estate Department, Parcel 1 within Tarentum Borough, County of Allegheny and Commonwealth of Pennsylvania (the "Parcel") for the purpose of stabilizing the slope supporting Tarentum Culmerville Road south of the Allegheny Valley Expressway (SR 28) bridge, (the "Project"); and

Whereas, the Right-of-Way Drawings for said Project were recorded October 5, 2017 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 173, Page 8; and

Whereas, Hillsvale Coal Company acquired the Parcel by its deed dated September 13, 1921 and recorded in Allegheny County Real Estate Department in Deed Book Volume 2129, Page 492; and

Whereas, real estate tax liens for the Parcel were found going back to 1995; and

Whereas, after conducting a diligent search, Hillsvale Coal Company cannot be located; and

Whereas, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action approved September 12, 2017, Executive Action No. 6558-17; and

Whereas, said Project constitutes a valid public purpose serving the interests of the residents of the County of Allegheny; and

Whereas, the County Council of Allegheny County deems it advisable to acquire by condemnation, certain land hereinafter described, as necessary, for the Project.

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. Authorization to Acquire Parcels.

That Council 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 Council deems it advisable and necessary to acquire required right-of-way 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 fee simple for right-of-way and an easement for the temporary construction easements, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
1	Hillsvale Coal Company (right-of-way and temporary construction easement)	1223-B-75

Said property is identified on a property drawing marked "Exhibit A", attached hereto and made part hereof. Entry upon, appropriation and the taking thereof is hereby authorized and directed, for the purpose of the Project.

SECTION 4. Notice to Interested Parties.

That Council 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 Council 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 20th day of February, 2018

Council Agenda No. 10453-13


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office February 22, 2018

Approved: 
Rich Fitzgerald
County Executive

Attest: 
Sonya Dietz
Executive's Secretary

SUMMARY HISTORY OF PROPERTY OWNER CONTACTS FOR
ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION
Hillsvale Coal Company
TO STABILIZE SLOPE SUPPORTING TARENTUM CULMERVILLE ROAD
TARENTUM BOROUGH
November 16, 2017

The Public Works Department seeks authorization to acquire property by condemnation required to stabilize slope supporting Tarentum Culmerville Road. Right-of-way and temporary easements are required to construct the project.

Hillsvale Coal Company, Parcel 1

The parcel was acquired by a deed dated 9/13/1921. The property owner cannot be located, and is apparently out of business. Real estate taxes are unpaid at least back to 1995. We seek authorization by County Council, as soon as possible, as required by the County Administrative Code, so we may file a Declaration of Taking and deposit estimated just compensation with the Department of Court Records to secure possession of the property for the Project.

HIGHWAY RIGHT-OF-WAY FOR TARENTUM-CULMERVILLE ROAD (RD 1001) IS PLANNED TO BE CONSTRUCTED BY THE COUNTY. THE STATION AND OFFSET VALUES INDICATING THE LOCATION OF THE CONSTRUCTION SHALL BE BASED ON THE CONSTRUCTION AND SURVEY DATA. THE STATION AND OFFSET VALUES INDICATING THE LOCATION OF THE CONSTRUCTION SHALL BE BASED ON THE CONSTRUCTION AND SURVEY DATA.

TEMPORARY CONSTRUCTION EASEMENT: THE EASEMENT IS REQUIRED ONLY UNTIL WORK IS COMPLETED. THE EASEMENT IS REQUIRED ONLY UNTIL WORK IS COMPLETED. THE EASEMENT IS REQUIRED ONLY UNTIL WORK IS COMPLETED.

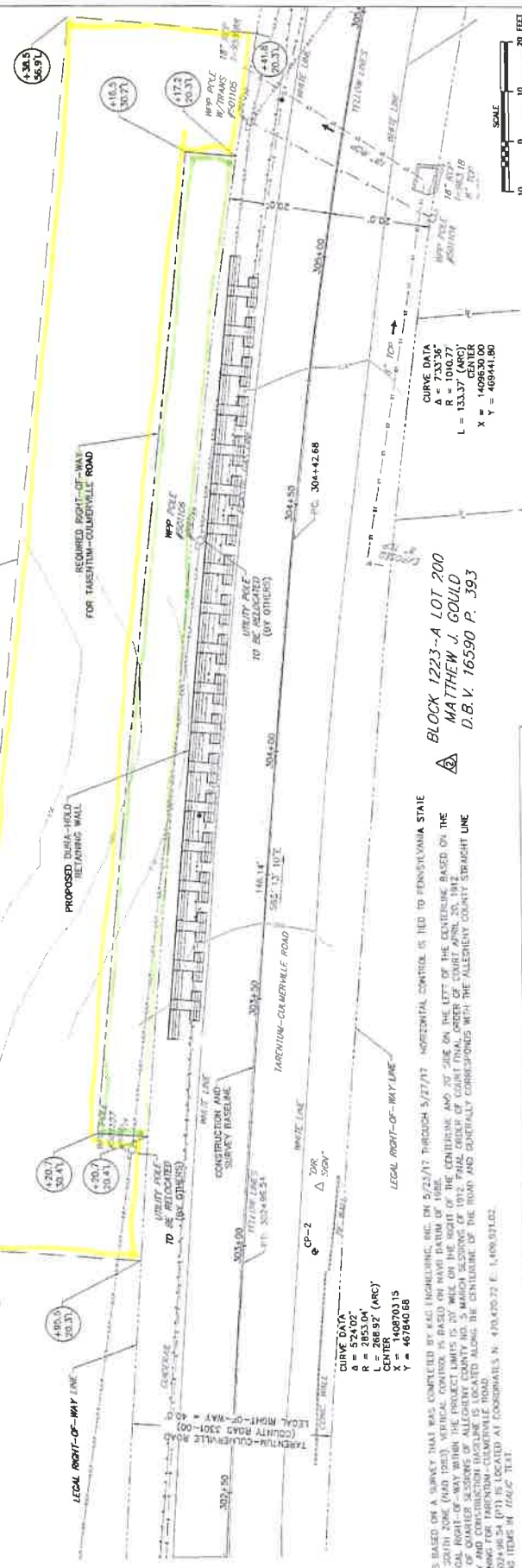
POINT NAME	STATION	OFFSET	DESCRIPTION
CP-1	4951.56	56.97	STAKE POINT
CP-2	4951.56	56.97	STAKE POINT
CP-3	4951.56	56.97	STAKE POINT
CP-4	4951.56	56.97	STAKE POINT



EXHIBIT A

① BLOCK 1223-B LOT 75
HILLSVALE COAL CO.

BLOCK 1223-A LOT 200
MATTHEW J GOULD
D.B.V. 16590 P. 393



County of Allegheny
Pittsburgh, Pennsylvania
Department of Public Works

DRAWING AUTHORIZING
ACQUISITION
OF
RIGHT-OF-WAY
TARENTUM-CULMERVILLE ROAD
BOROUGH OF TARENTUM, PENNSYLVANIA
PROJECT NO. 3301-0003

DWG. BY: ZJS
CHK. BY: EPV
DATE: 9/17/17
SCALE: AS SHOWN
SHEET 2 OF 2
2783-R/W

LEGEND
 --- OVERHEAD ELEC./TELEPHONE/CABLE LINE
 --- UNDERGROUND STORM SEWER
 --- UNDERGROUND GAS LINE
 --- PROPERTY BOUNDARY
 --- GUYE PILE
 --- UTILITY POLE (WEST PENN POWER)
 --- RIGHT-OF-WAY (EXISTING)
 --- REQUIRED RIGHT-OF-WAY LINE
 --- TEMPORARY CONSTRUCTION EASEMENT
 --- PARCEL NUMBER - AFFECTED
 --- PARCEL NUMBER - NOT AFFECTED

RIGHT-OF-WAY CLAIM INFORMATION
 COUNTY OF ALLEGHENY
 COUNTY OF ALLEGHENY
 BOROUGH OF TARENTUM, PENNSYLVANIA
 BLOCK & LOT NO. 1223-B-75
 COUNTY ROAD 3301
 SECT NO 00
 DEED BOOK 2112
 DEED PAGE(S) 492-493
 DATE OF DEED 09/17/1921
 DATE OF RECORD 11/04/1922
 CONSIDERATION \$600
 TOTAL REQ. R/W 1.797
 TOTAL REQ. EASEMENT 6.727
 TOTAL RESIDUE 100.000
 RESIDUE LT. ---
 RESIDUE RT. ---

AREAS	S.F.	REQUIRED AREA	S.F.
DEED	192,554	TOTAL REQ. R/W	1.797
ADVERSE	---	SLOPE EASEMENT	---
LEGAL	---	CHANNEL EASEMENT	---
TOTAL	192,554	TEMP. CONST. EAS	6.727
TOTAL REQ. R/W	1.797		
TOTAL REQ. EASEMENT	6.727		
TOTAL RESIDUE	100.000		
RESIDUE LT.	---		
RESIDUE RT.	---		

VERIFICATION DATE 10/2/17

NOTES:
 1. PLAN IS BASED ON A SURVEY THAT WAS COMPLETED BY PECO ENGINEERING, INC. ON 5/23/17 THROUGH 5/27/17. NORTHERN CONTROL IS TIED TO PENNSYLVANIA STATE PLANE 2011 ZONE (NAD 1983) WITHIN THE PROJECT LIMITS IS 20' W/2" ON THE RIGHT OF THE CENTERLINE AND 20' W/2" ON THE LEFT OF THE CENTERLINE BASED ON THE FINAL ORDER OF COURT FINAL ORDER FOR THE PROJECT.
 2. THE LEGAL RIGHT-OF-WAY FOR TARENTUM-CULMERVILLE ROAD IS LOCATED ALONG THE CENTERLINE OF THE ROAD AND GENERALLY CORRESPONDS WITH THE ALLEGHENY COUNTY STRAIGHT LINE STATIONING FOR TARENTUM-CULMERVILLE ROAD.
 3. STATIONING FOR TARENTUM-CULMERVILLE ROAD IS LOCATED AT COORDINATES N: 4794702.72 E: 1408031.02
 4. STA. 307+86.54 (PT) IS LOCATED AT COORDINATES N: 4794702.72 E: 1408031.02
 5. EXISTING TRUCK R. 1626' 314"

CURVE DATA
 A = 524.02'
 R = 2853.04'
 L = 288.92' (ARC)
 X = 1408703.15
 Y = 467840.68

CURVE DATA
 A = 733.36'
 R = 1010.77'
 L = 133.37' (ARC)
 X = 1409694.80
 Y = 469441.80

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: February 1, 2018

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to stabilize the slope supporting Tarentum Culmerville Road south of Allegheny Valley Expressway (SR 28) in Tarentum Borough, 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.

2018 FEB - 1 AM 9:45
RECEIVED ALLEGHENY COUNTY COUNCIL