

Bill No. 4741-09

No. 19-09-02

## AN ORDINANCE

Authorizing the County of Allegheny to sell a 4.23 acre parcel of excess land for the amount of \$461,070.00, plus a \$1000.00 administrative fee, to Parkway Park Associates, and refund to the Pennsylvania Department of Transportation the sum of \$461,070.00 representing the Bayer Corporation approved donation credit for construction of Settler's Cabin Interchange.

**Whereas**, by its deed dated May 7, 2003 and recorded in Deed Book Volume 11710, Page 315, Bayer Corporation donated 17.79 acres to Allegheny County (herein the "Donated Property" for construction of Settlers Cabin Interchange of SR 22 with Campbell's Run Road and Ridge Road (Project No. 6912-0001, Parcel 204) in Robinson Township; and

**Whereas**, the appraised value of Donated Property provided part of the Allegheny County local match of Federal Highway Administration funding for the interchange project; and

**Whereas**, said interchange construction created a 4.23 acre parcel of excess land not needed for road right-of-way (herein the "Excess Parcel"), located on Ridge Road at its intersection with Bayer Road, depicted on a Topographic Survey Drawing, marked Exhibit No. 1 and attached hereto; and

**Whereas**, by an appraisal dated January 10, 2008, the Excess Parcel was appraised at a unit value of \$74,500 per acre which is less than the prior \$109,000 per acre average unit value for the entire Donated Property; and

**Whereas**, by its letter dated July 22, 2008, the Pennsylvania Department of Transportation determined that if Allegheny County proceeds with the proposed sale, the County would be required to refund the sum of \$461,070, based on the original \$109,000 per acre unit value for the Donated Property and the approved donation credit; and

**Whereas**, by its letter dated July 31, 2008, Parkway Park Associates expressed its willingness to purchase the Excess Parcel at the original \$109,000 per acre value, plus a fee of \$1000.00 for administrative costs; and

**Whereas**, the County Council of Allegheny County deems it advisable to sell the 4.23 acre Excess Parcel, returning it to being taxable real estate, and to refund the Pennsylvania Department of Transportation the approved donation credit in the amount of \$461,070.00

***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 Sell Excess Land.***

That Council deems it advisable and necessary to convey the 4.23 acre Excess Parcel, depicted in Exhibit No. 1, to Parkway Park Associates, with its address of 200 Marshall Drive, Moon Township, PA 15108, for the amount of \$462,070.00, which includes a \$1,000.00 fee for administrative costs.

***SECTION 3.        Refund of Donation Credit.***

That Council deems it advisable and necessary that upon receipt of full payment by Parkway Park Associates, that the Department of Public Works refund Pennsylvania Department of Transportation the approved donation credit of \$461,070.00.

***SECTION 4.        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 5.        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.***

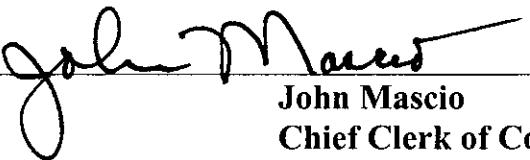
Enacted in Council, this 21st day of April, 2009

Council Agenda No. 4741-09



Rich Fitzgerald  
President of Council

Attest:



John Mascio  
Chief Clerk of Council

Chief Executive Office

MAY / 1, 2009

Approved:



Dan Onorato  
Chief Executive

Attest:



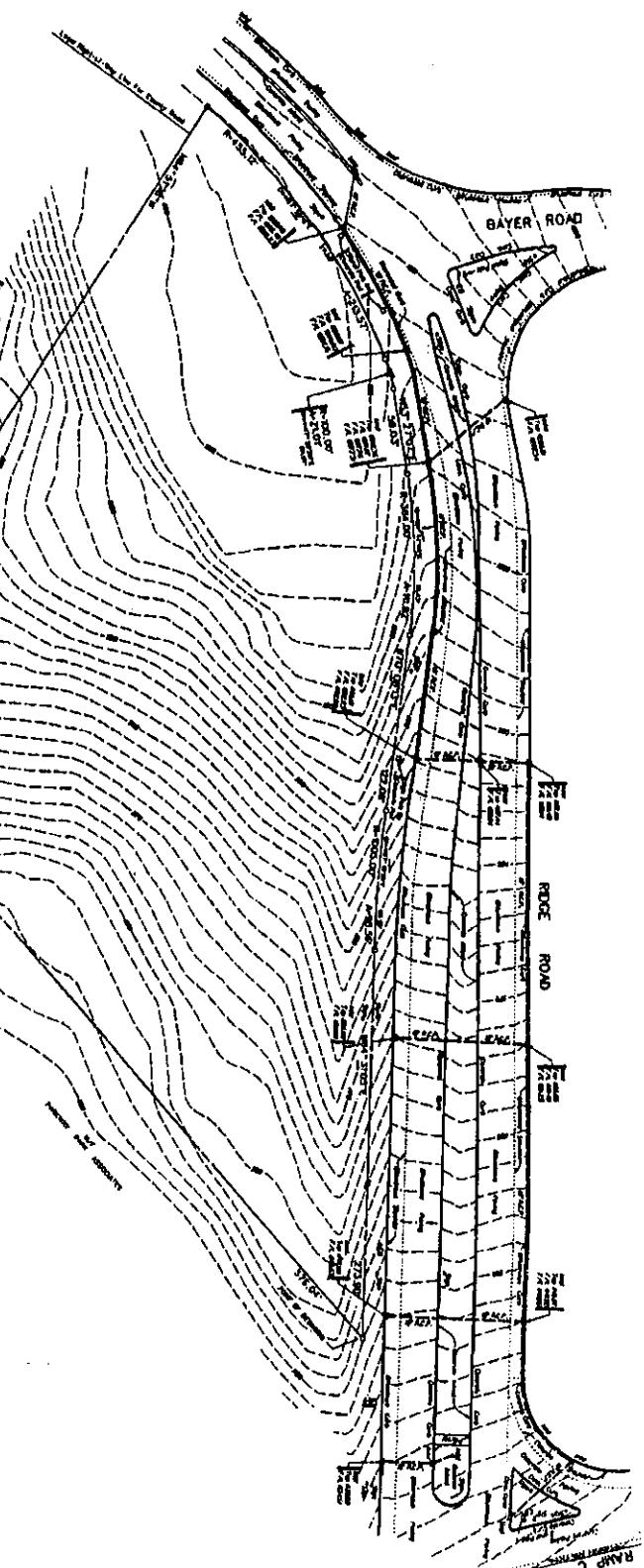
Donna Beltz  
Executive's Secretary

**SUMMARY PAGE**  
**DRAFT ORDINANCE TO SELL EXCESS LAND**  
**AND REFUND PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**  
**SETTLER'S CABIN INTERCHANGE**  
September 15, 2008

Bayer Corporation donated 17.79 acres to Allegheny County for construction of the Settler's Cabin Interchange of the Parkway West (SR 22, Campbell's Run Road and Ridge Road) in Robinson Township. Allegheny County used its value, appraised at \$105,000 per acre, as local match to Federal Highway Administration funding for the project. Construction of the interchange created a 4.23 acre parcel of excess land located on Ridge Road at its intersection with Bayer Road. An adjacent property owner, Parkway Park Associates, expressed an interest in acquiring the property. A recent appraisal determined the value of the excess property to be \$74,500 per acre, or 68.35% less than the original unit value of the entire donation. PennDOT determined that if the County would sell the parcel, it would be required to refund \$461,070 based on the original unit value as the approved donation credit. Parkway Park Associates expressed its willingness to purchase the parcel at this amount plus a \$1000.00 fee for administrative costs. When asked, Bayer Corporation expressed no objections to this transaction.

We seek approval by County Council to sell the parcel for \$462,070 and refund PennDOT \$461,070.

# EXHIBIT NO. 1



AREA 184,233.46 SQ. FT.  
OR 4.250 ACRES

TOPOGRAPHICAL SURVEY

APPROVED FOR

ROY F. JOHNS JR. ASSOCIATES

SMART

ROBISON TOWNSHIP, ALLEGHENY COUNTY, PA.

WORKSHEET 2A 2008

1:24,000

Wicklin Engineering Company ©  
1000 Franklin Street  
Pittsburgh, Pennsylvania 15222-4000  
(412) 288-5472

CALL NUMBER: 100-11  
DATE ISSUED: 10/10/2008  
EXPIRE DATE: 10/10/2009  
PICKUP DATE: 10/10/2008



**M E M O R A N D U M**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

ALLEGHENY COUNTY COUNCIL

'09 APR 2 AM10:18

FROM: James M. Flynn, Jr.  
County Manager

*JF*

DATE: April 1, 2009

RE: Proposed Ordinance

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Attached is an Ordinance authorizing the County of Allegheny to sell a 4.23 acre parcel of excess land for the amount of \$461,070.00, plus a \$1000.00 administrative fee, to Parkway Park Associates, and refund to the Pennsylvania Department of Transportation the sum of \$461,070.00 representing the Bayer Corporation approved donation credit for construction of Settler's Cabin Interchange.

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.