

Bill No. 4740-09

No. 18-09-08

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to clear the right-of-way for, and to acquire by condemnation certain parcels of land for this project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, the County Council of Allegheny deems it advisable to clear the right-of-way for the reconstruction of Jacks Run Bridge No. 1, Project No. JA01-0101, carrying Lincoln Avenue in the Borough of Bellevue and California Avenue in the City of Pittsburgh, 27th Ward, within the County of Allegheny and Commonwealth of Pennsylvania (the "Project"), and

Whereas, said Project constitutes a valid public purpose serving the transportation 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 additional right-of-way and easements 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 Clear Right-of-Way.

County Council deems it advisable and necessary to acquire the required rights-of-way and easements and other property interests that may be required to clear the right-of-way, for the Project.

SECTION 3.**Authorization to Acquire Property by Condemnation.**

That Council deems it advisable and necessary to acquire in fee simple and take under the power of eminent domain the property of the following persons or corporations and to acquire title thereto in fee simple, as necessary to reconstruct the Project:

PROJECT RECORD OWNER	TAX
PARCEL	PARCEL
NO.	BLOCK &
	LOT NO.
7 Edward Williams and Jacob Wolff	114-E-78
9 Arthur J. McSorley and Annie McSorley (husband and wife)	114-E-140

Said properties are identified on a Right-of-Way 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. *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.*

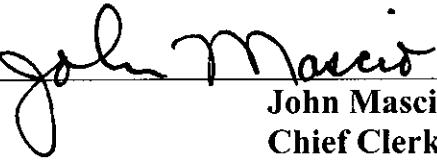
SECTION 5. *Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

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

Council Agenda No. 4740 - 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 CLEAR THE RIGHT-OF-WAY
AND ACQUIRE BY CONDEMNATION
JACKS RUN BRIDGE NO. 1
LINCOLN AVENUE IN BELLEVUE BOROUGH AND
CALIFORNIA AVENUE IN THE CITY OF PITTSBURGH, 27TH WARD
PROJECT NO. JA01-0101
March 12, 2009

Jacks Run Bridge No. 1 has structurally deteriorated to the point that it needs to be reconstructed. We have been unable to locate the owners of two properties affected by the project. The deed for Parcel 7 was recorded June 27, 1906 and the deed for Parcel 9 was recorded October 24, 1931. We, regrettably, need to resort to the County's power of Eminent Domain to reconstruct the bridge.

We seek approval by County Council as soon as possible to file Declarations of Taking, as required by the County Administrative Code.

M E M O R A N D U M

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

ALLEGHENY COUNTY COUNCIL

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

09 APR 2 AM10:18

DATE: April 1, 2009

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to clear the right-of-way for, and to acquire by condemnation certain parcels of land for this project, 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.