

Bill No. 8735-15

No. 8-15-OR

## AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation temporary construction easement areas from parcels of land of Walter J. Davic required to construct lateral support facilities for Painters Run Road east of McMillan Road, Site 1, and of William Raymond Siedle (1/2 interest) and Daniel F. Vanzin and Catherine Vanzin (1/2 interest) required to construct lateral support facilities for Painters Run Road at Essen Hill Road, Site 2, both sites being in Upper St. Clair Township (6242-0206), 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 acquire certain temporary construction easement areas, being a 0.010 acre area required from a parcel of land of Walter J. Davic, Site 1, and being a 0.253 acre area required from a parcel of William Raymond Siedle and Daniel F. Vanzin and Catherine Vanzin, Site 2, both sites within Upper St. Clair Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of constructing facilities to laterally support Painters Run Road, Project No. 6242-0206, (the "Project"), and

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

**Whereas**, the County, through its Department of Public Works, has attempted to amicably acquire the properties hereinafter identified consistent with applicable law, and

**Whereas**, the County Council of Allegheny County now deems it advisable to acquire by condemnation, the property and property interests 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 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 thereto in temporary easement, as necessary for the Project:

RECORD OWNER	TAX PARCEL BLOCK & LOT NO.
Walter J. Davic	253-G-150
William Raymond Siedle (1/2 interest) and Daniel F. Vanzin and Catherine Vanzin (1/2 interest)	253-E-215

Said property is identified and included within the “cloud” marking 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.

SUMMARY PAGE  
DRAFT ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION  
PARCEL 253-G-150  
TO CONSTRUCT LATERAL SUPPORT FOR  
PAINTERS RUN ROAD EAST OF McMILLAN ROAD  
December 22, 2014

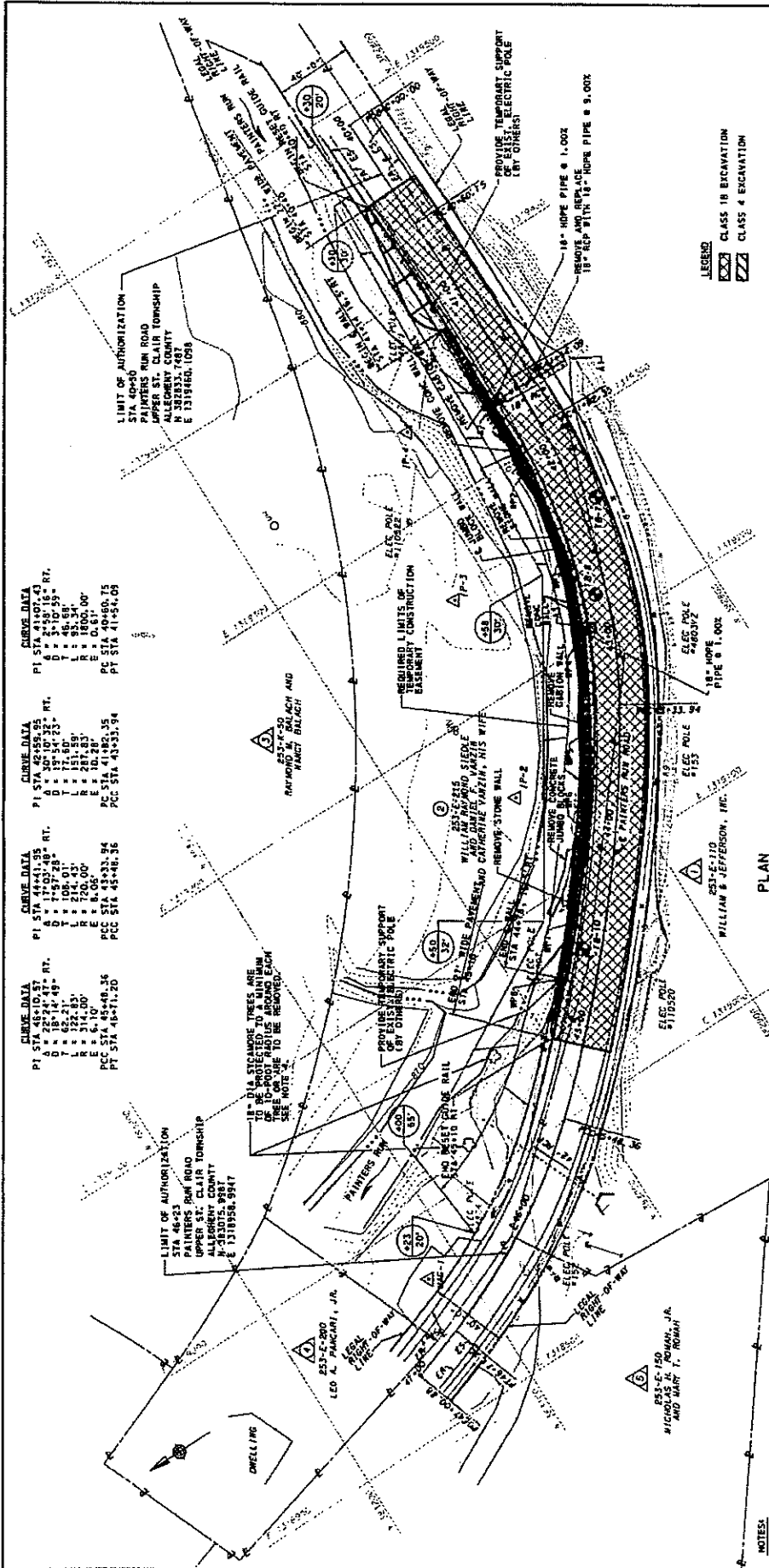
Existing retaining walls have deteriorated on Painters Run Road east of McMillan Road and at Essen Hill Road. Facilities are required to be constructed to stabilize the slope and provide lateral support for the road. Temporary construction easements on portions of the subject parcels are required to construct the project.

After numerous attempts to make contact, the property owners have not responded to our offer. We, regrettably, need to resort to the County's power of Eminent Domain to acquire the temporary construction easement required for construction. The estimated just compensation was determined to be \$100.00 for Walter Davic and \$400.00 for William Raymond Sidle and Daniel F. Vanzin and Catherine Vanzin.

We seek authorization by County Council, as soon as possible, to file Declarations of Taking, as required by the County Administrative Code. We will continue to attempt to settle with the claimants.

# EXHIBIT "A"

6/27/2014 10:52:47 AM C:\WORK\PROJECTS\27500\RDW\_PLO.DWG



**County of Allegheny**  
 Department of Public Works

**RIGHT-OF-WAY DRAWING**  
 RETAINING WALL REPLACEMENT  
 PAINTERS RUN ROAD SITE 2  
 COUNTY ROAD NO. 6242-02  
 UPPER ST. CLAIR TOWNSHIP  
 PLAN  
 STA 40+00 TO 47+00  
 PROJECT NO. 6242-0206 SITE 2

DATE: 06/27/14 SCALE: 1"=40'

SHEET 1 OF 2 2756 RW

REVISIONS

PREPARED BY: **DLK**  
 CHECKED BY: **DLK**  
 DATE: 06/27/14

**DLK**  
 DESIGN & LAND SURVEY, INC.  
 1000 EAST 10TH AVENUE, SUITE 100  
 PITTSBURGH, PA 15213

**WORK POINTS**

DESCRIPTION	NORTHING	EASTING
WP 1	322350.412	1319375.841
WP 2	322337.105	1319291.912
WP 3	322181.329	1319245.688
WP 4	322015.574	1319260.192
WP 5	322039.512	1319151.451
WP 6	322272.035	1319171.751
WP 7	322371.151	1319062.102

**SURVEY CONTROL POINTS**

DESCRIPTION	NORTHING	EASTING	ELEV
MAC - 1	323318.312	1318958.123	876.611
IP - 2	322947.813	1319162.668	874.611
IP - 3	322820.314	1319254.985	877.523
IP - 4	322833.948	1319341.182	881.212

- NOTES**
- PLAN IS BASED ON A SURVEY THAT WAS COMPLETED BY AN CONSULTING ENGINEERS, INC. ON 01/25/2014. HORIZONTAL CONTROL IS TIED TO CONTROL POINT 13 BASED ON NAD 83 DATUM OF 1983. VERTICAL CONTROL IS BASED ON NAD 83 DATUM OF 1983.
  - PROPOSED SUBDIVISION OR LOT PLANS, EXISTING GEOGRAPHICAL FEATURES, AND LIMITED FIELD DATA, PROPERTY LINES, WERE NOT OBTAINED FOR THIS PROJECT. THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.
  - TEMPORARY CONSTRUCTION EASEMENT, AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT, THE EASEMENT IS SHOWN ON THE PLAN. THE EASEMENT IS TO BE LOCATED ON THE NORTHERLY SIDE OF PAINTERS RUN IN PARCEL 2, THE COUNTY.
  - ANY TREES OR TIMBER REMOVED FROM TEMPORARY EASEMENT AREA ARE TO BE CUT INTO 5 FOOT LONG PIECES OR MULTIPLES OF 15 INCHES AND LESS THAN 6 INCHES IN DIAMETER. THE REMOVED MATERIAL IS TO BE STORED ON THE NORTHERLY SIDE OF PAINTERS RUN IN PARCEL 2.
  - STATIONING ON PROJECT SPECIFIC, STA. 40+00 IS LOCATED APPROXIMATELY IN THE CENTER OF THE PAVEMENT, 103.5' EAST OF ELECTRIC POLE 4609, AT COORDINATES N 322834.5077, E 1319150.1001.
  - EXISTING ITEMS IN ITALICS TEXT.
  - PROPOSED ITEMS IN VERTICAL TEXT.

DESIGNED BY: **NICOLAS R. ROUWH, JR.**  
 AND **MARY T. ROUWH**

SCALE: 1"=40'

**RIGHT-OF-WAY CLAIM INFORMATION**

COUNTY ROAD 6242      SECT. NO. 02      CLAIM NO. \_\_\_\_\_  
 PARCEL NO. 1      BLOCK NO. 253-0215      COUNTY OF ALLEGHENY

PROPERTY OWNER(S) WILLIAM BAYMOND STEWART AND DANIEL E. VANZIN AND CATHERINE VANZIN - HIS WIFE  
 GRANTOR(S) WILLIAM B. STEWART, HUSBAND, AND WIFE, L.L. BILLSBURGH, CONSOLIDATION COAL COMPANY L21

DEED BOOK	( )	AREAS	ACRE(S)	REQUIRED AREA	ACRE(S)
PAGE OF DEED	10222	DEED	1407	RIGHT OF WAY	-
DATE OF RECORD	8/15/13	ADVERSE	3/20/13	SLOPE EASEMENT	-
CONSIDERATION	\$0.00	LEGAL R/W	3,500	TEMP CONTR EASEM	0.253
		EFFECTIVE	3,500	VERIFICATION DATE	5/20/2011
		TOTAL REQ'D R/W	3,500		
		RESIDUE L	3,500		
		RESIDUE R	3,500		


**NOTES:**  
 PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD. A RECORDED DEED DATE ON PRIVATE PROPERTY LINES WHICH ARE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT, THIS RIGHT-OF-WAY CLAIM INFORMATION IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

**County of Allegheny**  
 Pittsburgh, Pennsylvania  
 Department of Public Works

**RIGHT-OF-WAY DRAWING**  
 RETAINING WALL REPLACEMENT  
 PAINTERS RUN ROAD SITE 2  
 COUNTY ROAD NO. 6242-02  
 UPPER ST. CLAIR TOWNSHIP  
 RIGHT-OF-WAY  
 CLAIM INFORMATION  
 PROJECT NO. 6242-0206 SITE 2

REV. 15	REV. 09	DATE	SCALE	SHEET
				2756 RW

REVISIONS

PREPARED BY:   
 CONSULTING ENGINEER, INC.  
 1001 SOUTH BRIDGE STREET, PITTSBURGH, PA 15226

**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: January 14, 2015

RE: Proposed Ordinance

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Attached is an Ordinance to acquire by condemnation temporary construction easement areas from parcels of land of Walter J. Davic required to construct lateral support facilities for Painters Run Road east of McMillan Road, Site 1, and of William Raymond Siedle (1/2 interest) and Daniel F. Vanzin and Catherine Vanzin (1/2 interest) required to construct lateral support facilities for Painters Run Road at Essen Hill Road, Site 2, both sites being in Upper St. Clair Township (6242-0206), 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.

JAN 15 10:13 AM  
ALLEGHENY COUNTY  
COUNCIL

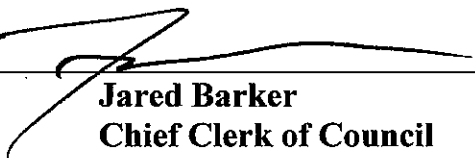
**SECTION 6. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.**

**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 3<sup>rd</sup> day of February, 2015

Council Agenda No. 8735-15

  
John DeFazio  
President of Council

Attest:   
Jared Barker  
Chief Clerk of Council

Chief Executive Office February 4, 2015

Approved:   
Rich Fitzgerald  
Chief Executive

Attest:   
Sonya Dietz  
Executive's Secretary