

Bill No. 4590-09

No. 06-09-0R

AN ORDINANCE

Authorizing the County of Allegheny to grant a revocable license to Duquesne Light Company to replace its North-Wildwood electric power line in the southeast section of North Park.

Whereas, the County Council of Allegheny County deems it advisable to authorize a revocable license to Duquesne Light Company, and receive compensation in the amount of \$60,000.00 for use of County Property, for replacing approximately 3,420 feet of its existing power line, located in the southeast section of North Park, from Shady Oak Circle Drive, along the north side of Wildwood Country Club property and over Hemlock Road to the old park boundary line with property formerly of Vincent P. Rutledge, in Hampton Township, with its North-Wildwood Z103 138kV Line, the location of which is depicted on the drawing that is attached hereto as Exhibit A and incorporated herein by reference (the "License Area"); and

Whereas, the County Council of Allegheny County also deems it advisable for Duquesne Light Company to replace a portion of its existing power line with the new North-Wildwood Z103 138 kV Line over an existing easement on County property, formerly of Vincent P. Rutledge, acquired from Western Pennsylvania Conservancy by deed recorded March 14, 2007; and

Whereas, in accordance with Section 701.02 E of the County Administrative Code, the County Manager has authorization to enter into a Revocable License Agreement.

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 enter into a Revocable License Agreement and terminate any License Agreement rendered useless.

Council hereby authorizes the County Manager to execute a Revocable License Agreement, and terminate any respective License Agreement rendered useless as a result, with Duquesne Light Company for Duquesne Light to replace approximately 3,420 feet of its existing power line with a new North-Wildwood Z103 138 kV Electric Power Line within the License Area depicted in Exhibit A in the southeast section of North Park, from the Shady Oak Circle area, along Wildwood Country Club property and over Hemlock Road to the former park boundary with property formerly of Vincent P. Rutledge, in Hampton Township. See Agreement No. 18715 between Duquesne Light Company and Allegheny County dated January 18, 1983, D. L. Co. R. of W. File No. 2154.

Section 3 Acceptance of power line replacement within existing right-of-way area.

Council further grants its acceptance for Duquesne Light Company to replace its existing electric power line with a new North-Wildwood Z103 138kV Electric Power Line within the existing right-of-way area acquired by Duquesne Light Company now on County park property, formerly of Vincent P. Rutledge, acquired from Western Pennsylvania Conservancy by its deed recorded March 14, 2007 in Allegheny County Real Estate Department Deed Book Volume 13173, Page 78. See the Right-of-Way Agreement dated December 31, 1969 and recorded in Deed Book Volume 4819, Page 13.

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 17th day of February, 2009,

Council Agenda No. 4590-09


Rich Fitzgerald
President of Council

Attest: John Mascio
John Mascio
Chief Clerk of Council

Chief Executive Office February 24, 2009

Approved: Dan Onorato
Dan Onorato
Chief Executive

Attest: Donna Beltz
Donna Beltz
Executive's Secretary



ALLEGHENY COUNTY DEPARTMENT OF PARKS

SUMMARY OF LEGISLATION

TO: JAMES M. FLYNN, JR., COUNTY MANAGER

MIKE WOJCIK, COUNTY SOLICITOR

CC: DEREK UBER, ASST. COUNTY MANAGER

**FROM: ANDREW G. BAECHLE, DIRECTOR
PARKS DEPARTMENT**

DATE: JANUARY 16, 2009

RE: DUQUESNE LIGHT REVOCABLE LICENSE – NORTH PARK

—

Duquesne Light Company is seeking permission to replace an existing power line on North Park property with a higher voltage line. This will require constructing higher poles and H-frames spaced farther apart. A wider cutting will be required to protect the line from tree falls.

The existing line occupies a license area that is specific to the existing facilities. They request a new easement. However, it is in the public interest that the County grants a new revocable license. Duquesne Light agrees to include a provision in the agreement to practice vegetation management that is compatible to the park environment.

The County is asking for compensation to use the County property in the amount of \$60,000.00. These funds are intended to pay the cost for a contractor to cut trees along County-owned power lines in the Parks. These lines were last cut in 2003-2004 at the cost of \$67,045.00.

The County recognizes that Duquesne Light may replace its power line within an existing 50' wide easement over a County-owned parcel. This parcel, used for a coal mine dump, had been acquired recently from Vincent P. Rutledge, through Western Pennsylvania Conservancy, to dispose of sediment to be dredged from North Park Lake.

If you have any questions, please do not hesitate to contact Director Baechle at (412) 350-2460.

North Park: Southeast Section and Power Line

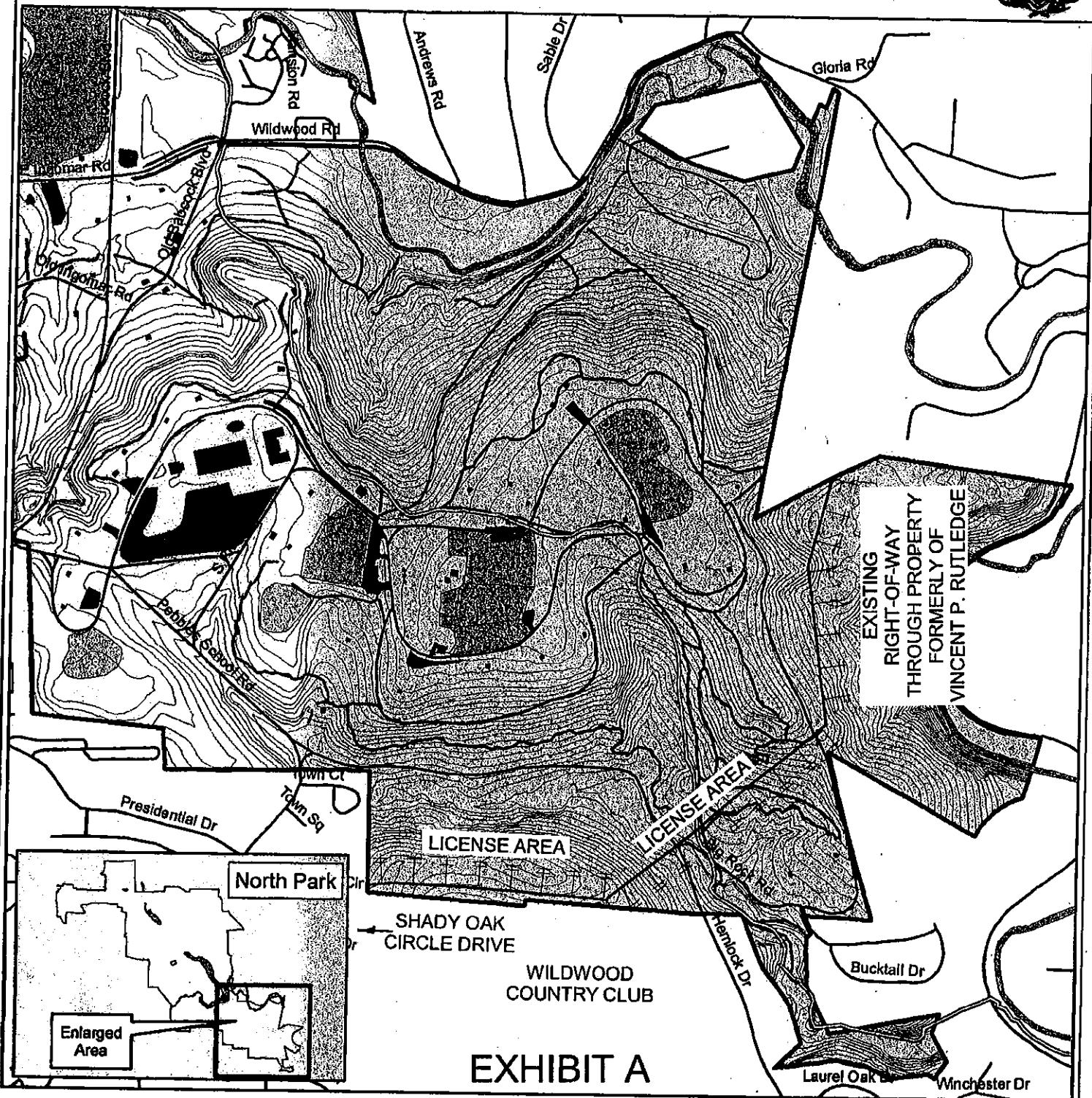
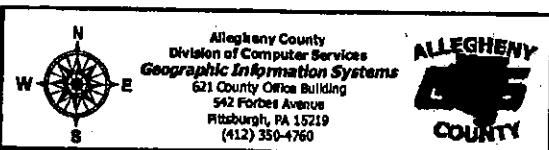


EXHIBIT A

A horizontal scale bar with numerical markings at 0, 330, 660, 1,320, 1,980, and 2,640 feet. Each marking is accompanied by a short black line segment below the scale bar.

1:10,800 1 inch = 900 feet



Features

Legend for North Park Map:

- Park Boundary
- North Park Trails
- Rachel Carson Trail
- 10 Foot Contours
- Shelters
- PowerLine
- Lakes, Streams
- Ballfields
- Park Buildings

M E M O R A N D U M

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk
J. Mascio
FROM: James M. Flynn, Jr.
County Manager

ALLEGHENY COUNTY COUNCIL

DATE: January 29, 2009

09 JAN 29 AM11:26

RE: Proposed Ordinance

Attached is an Ordinance Authorizing the County of Allegheny to grant a revocable license to Duquesne Light Company to replace its North-Wildwood electric power line in the southeast section of North Park.

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.