

No. 36-16-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from three parcels required to realign Thoms Run Road, also known as Thoms Run – Oakdale Road, in Collier Township (6306-0201), 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 right-of-way and easement areas, being 3,790 square feet of right-of-way, required from a parcel of land of Joseph F. Hickman Heirs, Parcel 1; 5,307 square feet of right-of-way and 8,957 square feet of slope easement required from a parcel of land of William E. Johnson Heirs, Parcel 8 and 1,546 square feet of slope easement and 3,660 square feet of temporary construction easement required from a parcel of land of Albert Ross, widow (deceased), and Jean Schultz, as joint tenants with right of survivorship and not as tenants in common, Parcel 9, all within Collier Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of realigning Thoms Run Road, Project No. 6306-0201, (the “Project”); and

Whereas, the Right-of-Way Drawings for said Project were recorded December 7, 2015 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 168, Page 1; 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 as set forth 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, in fee, required right-of-way and, in easement, slope easement and 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 fee and in easement, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
1	Joseph F. Hickman (deceased)	Not assessed
8	William E. Johnson (deceased)	328-G-5 & 326-G-6
9	Albert Ross, widow (deceased), and Jean Schultz, as joint tenants with right of survivorship, and not as tenants in common	328-G-45

Said properties are identified on property drawings 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.

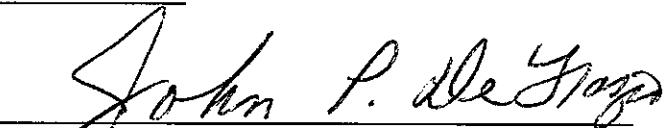
That Council directs the Law Department to make immediate application to the Court of Common Pleas of Allegheny County for the purpose of having the value of said property legally ascertained.

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.*

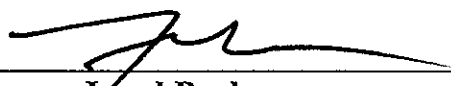
SECTION 7. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 18th day of October, 2016

Council Agenda No. 9736-16

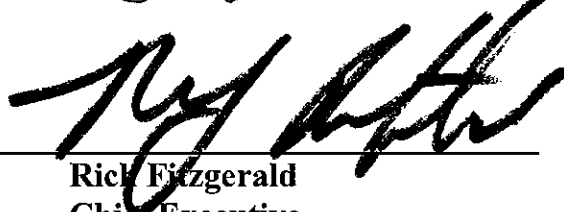


John DeFazio
President of Council

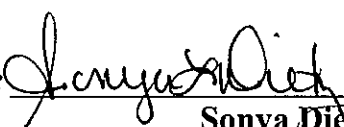
Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office October 26, 2016

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Sonya Dietz
Executive's Secretary

SUMMARY PAGE
ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION
TO REALIGN THOMS RUN ROAD AT NESBITT ROAD (6306-0201)
June 21, 2016

Parcel 1 - Joseph F. Hickman (deceased) (Not Assessed)
Parcel 8 - William E. Johnson (deceased) (328-G-5 & 328-G-6)
Parcel 9 - Albert Ross, widow, (deceased) and Jean Schultz,
as joint tenants with right of survivorship, and not as tenants in common (328-G-45)

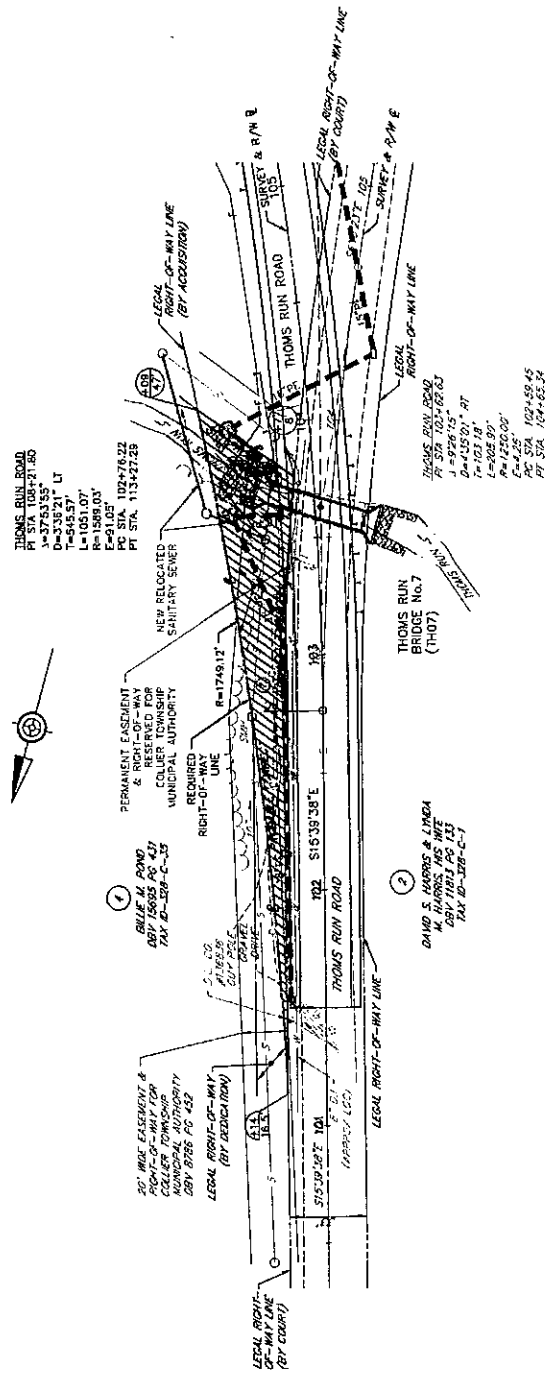
The Public Works Department seeks authorization to acquire property by condemnation required to realign Thoms Run Road at Nesbitt Road.

The owners of the properties either cannot be located after diligent search or have refused reasonable settlement offers made by the County based on the appraised value of the properties.

The County Manager authorized clearing the right of way for this project August 6, 2014, Executive Action No. 6385-14. We seek authorization by County Council to acquire property by condemnation, as soon as possible, as required by the County Administrative Code.

NOTES:

1. PRIVATE PROPERTY LINES ARE PLOTTED FROM THE BLEED OF RECORD. REQUIRED SUBDIVISION OR LOT PLANS EXISTING TOGROGRAPHICAL FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.
2. THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.



* INCLUDES 2013 SF OF PERMANENT EASEMENT & RIGHT-OF-WAY RESERVED FOR COLLIER TOWNSHIP MUNICIPAL AUTHORITY

RIGHT-OF-WAY CLAIM INFORMATION	
PARCEL NO.	438
OWNER(S)	DAVID S. HARRIS & LINDA M. HARRIS, AS TRS
GRANTOR(S)	JOSEPH HICKMAN
DEED BOOK	438
DATE OF DEED	11/18/1991
CONSIDERATION	\$15,000.00
TAX STAMPS	
BLOCK & LOT	
VERIFICATION DATE	04/27/2015
DRAWN BY	MCA
SCALE	0 25 50

County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

RIGHT-OF-WAY DRAWING

PROPERTY PLOT PLAN
 THOMS RUN ROAD REALIGNMENT
 COUNTY ROAD 6306-02
 PROJECT NO. 6306-0001

DATE: 10/24/2014 SCALE: AS NOTED SHEET 2 OF 16 2743-RW

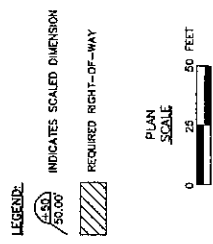
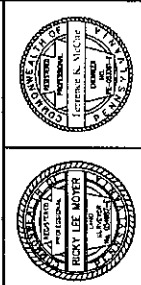


EXHIBIT A

NOTES:

1. PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL FEATURES AND SURVEY DATA. THE SURVEYOR IS NOT RESPONSIBLE FOR THE PROJECT BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.
2. THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.
3. SLOPE EASEMENT, AN EASEMENT FOR THE SUPPORT AND PROTECTION OF AN ADJACENT PROPERTY, IS SHOWN TO BE NECESSARY TO MAINTAIN THE EXISTING RECORD, INCLUDING THE EXISTING TOPOGRAPHICAL FEATURES AND THE CONTIGUOUS OF THE LAND. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY LEGAL USE OF THE AREA, WHICH IS NOT DETRIMENTAL TO THE INTERESTS OF THE ADJACENT PROPERTY. THE EASEMENT IS A RIGHT-OF-WAY AND THE SAFETY OF THE TRAVELING PUBLIC.

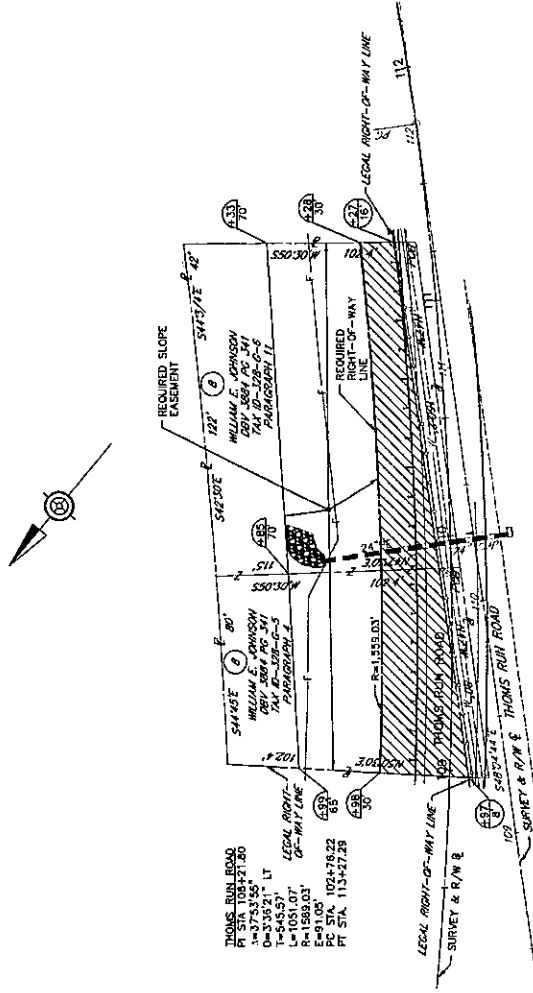


EXHIBIT A

RIGHT-OF-WAY CLAIM INFORMATION	
PARCEL NO. 8	SHEET NO. 8
PROPERTY OWNER(S) WILLIAM E. JOHNSON, JR. and LISA W. JOHNSON	CLAIM NO. 8
GRANTOR(S) JEFF HICKMAN and ELIZABETH A. HICKMAN	DEED NO. 3884
DEED BOOK 3884	DEED DATE 12/19/1960
ADVERSE INTERESTS	ADVERSE INTERESTS
CONSERVATION	CONSERVATION
TAX STAMPS	TAX STAMPS
BLOCK & LOT	BLOCK & LOT
RESIDUE LT	RESIDUE LT
RESIDUE RT	RESIDUE RT
RIGHT OF WAY	RIGHT OF WAY
SLOPE EASEMENT	SLOPE EASEMENT
TOTAL REQD R/W	TOTAL REQD R/W
TOTAL RESIDUE	TOTAL RESIDUE
DRAIN B	DRAIN B
SCALE: 0 25 50	SCALE: 0 25 50

LEGEND:
 INDICATES SLOPE DIMENSION
 REQUIRED RIGHT-OF-WAY



REVISIONS

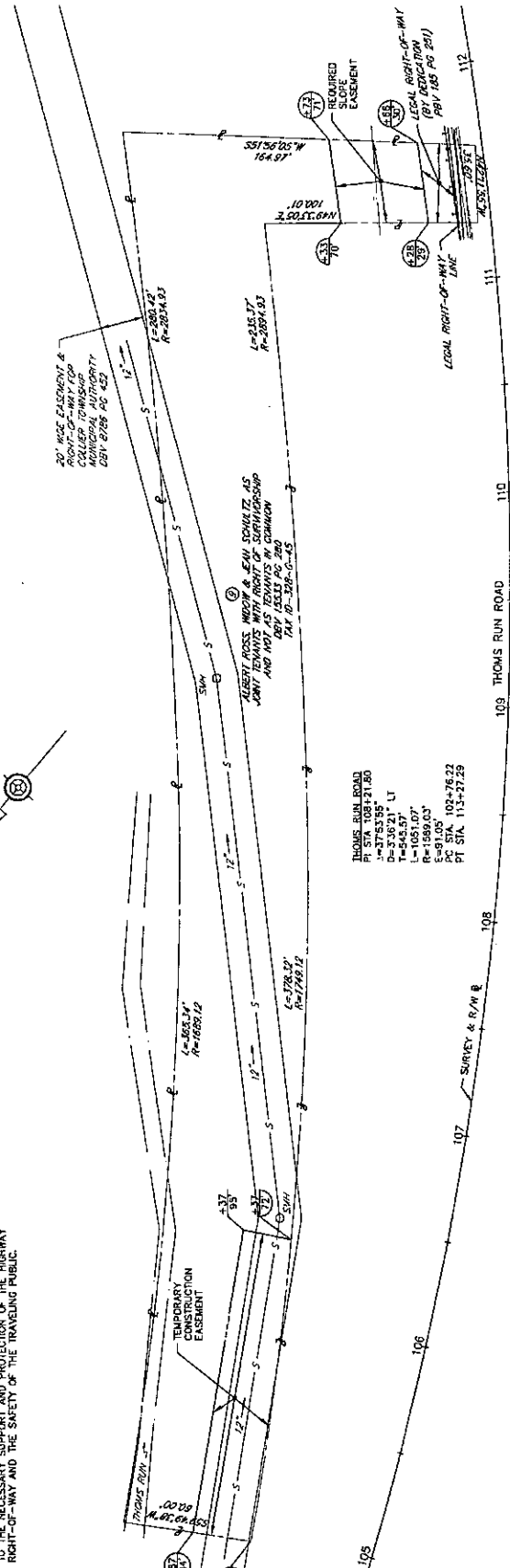
County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

RIGHT-OF-WAY DRAWING
 PROPERTY PLOT PLAN
 THOMAS RUN ROAD REALIGNMENT
 COUNTY ROAD 6306-02
 PROJECT NO. 6306-0201

DATE: 02/27/2014
 TIME: 07:00 AM
 SCALE: AS NOTED
 SHEET: 13 OF 16
 2743-RW

NOTES:

1. PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.
2. THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.
3. TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS LIMITED TO THE PERIOD OF CONSTRUCTION AND IS TO BE TERMINATED WHEN THE PLAN IS COMPLETED, UNLESS SOONER RELINQUISHED IN WRITING BY THE COUNTY.
4. SLOPE EASEMENT. AN EASEMENT FOR THE SUPPORT AND PROTECTION OF THE HIGHWAY, INCLUDING THE RIGHT TO CONSTRUCT, INSPECT, MAINTAIN, REPAIR, RECONSTRUCT AND ALTER DRAINAGE FACILITIES AND THE CONTOUR OF THE LAND. THE EASEMENT SHALL NOT PREVENT THE PROPERTY OWNER FROM MAKING ANY USE OF THE LAND THAT IS REASONABLY NECESSARY TO THE NECESSARY SUPPORT AND PROTECTION OF THE HIGHWAY RIGHT-OF-WAY AND THE SAFETY OF THE TRAVELING PUBLIC.



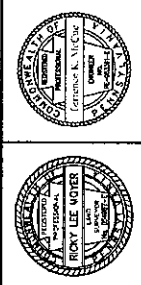
THOMS RUN ROAD
 PT STA 108+21.80
 J=3755.55'
 D=536.21' LT
 L=1051.00'
 R=1589.03'
 S=91.05'
 PT STA 107+79.22
 PT STA 112+27.25

County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

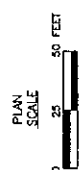
RIGHT-OF-WAY DRAWING

PROPERTY PLOT PLAN
 THOMS RUN ROAD REALIGNMENT
 COUNTY ROAD 6309-02
 PROJECT NO. 6309-001

DR. BY: GAL TH. BY: GAL CH. BY: TRM
 DATE: 03/17/2014 SCALE: AS NOTED SHEET 14 OF 16 **2743-RW**



LEGEND:
 INDICATES SCALED DIMENSION



RIGHT-OF-WAY CLAIM INFORMATION

ALLEGHENY COUNTY, PENNSYLVANIA
 COLLIER, TOWNSHIP, PENNSYLVANIA

PARCEL NO.	8	SHEET NO.	5, 6
PROPERTY OWNER(S)	ALBERT ROSS, WOOD & JEAN SCHULTZ, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON		
GRANTOR(S)	ALBERT ROSS, WOOD		
DEED BOOK	15533	DEED PAGE	436, 437
PAGE OF DEED	280	CALCULATED AREA	42829.460
DATE OF DEED	02/20/2014	ADVERSES EASEMENT	1546
DATE OF RECORD	02/27/2014	LEGAL R/W	403
CONSIDERATION	\$1,000	TEMP. CONSTR. EASEMENT	3680
TAX STAMPS		TOTAL REQ'D R/W	42426
BLOCK & LOT		TOTAL RESIDUE	0246
		RESIDUE RT.	0
		SCALE:	0 25 50

VERIFICATION DATE: 04-27-2014
 DRAIN BY: MKA

EXHIBIT A

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: June 30, 2016

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from three parcels required to realign Thoms Run Road, also known as Thoms Run – Oakdale Road, in Collier Township (6306-0201), 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.

RECEIVED
ALLEGHENY COUNTY COUNCIL
2016 JUN 30 AM 10:42