

*No. 05-18-OR*

**AN ORDINANCE**

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from six parcels required to reconstruct Dooker's Hollow Bridge in North Braddock Borough, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, Dooker's Hollow Bridge, which carries Bell Avenue over O'Connell Boulevard in North Braddock Borough, has come into a state of disrepair, is now structurally deficient with a posted weight limit of 31 tons and sound engineering practice dictates that replacement of the bridge is required to insure continued public use and safety; and

**Whereas**, the Department of Public Works has attempted to amicably acquire the property of the parties hereinafter identified for reconstruction of the bridge and said parties have either failed to respond to the County's offers or made counter-offers that are not supported by accepted appraisal practices; and

**Whereas**, the County Council of Allegheny County deems it advisable to acquire certain right-of-way and easement areas within North Braddock Borough, County of Allegheny and Commonwealth of Pennsylvania for the purpose of reconstructing Dooker's Hollow Bridge over O'Connell Boulevard, Project No. DK01-0303 (the "Project"), being:

Parcel 4: 5,697 square feet of right-of-way and 3,287 square feet of temporary construction easement, required from a parcel of land of Heirs of William Wynn (deceased) and Walter Wynn.

Parcel 8: 3,935 square feet of temporary construction easement, required from a parcel of land of Heirs of Romualdo Mendez.

Parcel 11: 2,134 square feet of right-of-way, 1,337 square feet of temporary construction easement and 1,525 square feet of drainage easement, required from a parcel of land of Clara V. Schmude, as surviving joint tenant.

Parcel 13: 749 square feet of temporary construction easement, required from a parcel of land of Heirs of John Andrechak and Catherine Andrechak, his wife.

Parcel 15: 354 square feet of right-of-way and 863 square feet of temporary construction easement, as required from a parcel of land of Lamar Advantage GP Company, LLC, a Delaware limited liability company, successor by merger to Lamar West, L.P., f/k/a Martin Media, a California Limited Partnership.

Parcel 16: 624 square feet of right-of-way, 748 square feet of drainage easement and 2024 square feet of temporary construction easement required from a parcel of land of David J. Gumphier, a married man.

**Whereas**, the Right-of-Way Drawings for said Project were recorded October 2, 2017 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 172, Page 83; and

**Whereas**, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action No. 6633-17 approved September 9, 2017; 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 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 required right-of-way, drainage easements, and temporary construction easements 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 simple for right-of-way and an easement for the drainage easements and temporary construction easements, as necessary for the Project:

PARCEL    RECORD OWNERS  
NO.

TAX  
PARCEL  
BLOCK &

		LOT NO.
4	Heirs of William Wynn (deceased) and Walter Wynn (right-of-way and temporary construction easement)	375-N-100
8	Heirs of Romualdo Mendez (temporary construction easement)	375-N-124 375-N-125
11	Clara V. Schmude, as surviving joint tenant (right-of-way, permanent and temporary construction easements)	375-N-118
13	Heirs of John Andrechak and Catherine Andrechak, his wife (temporary construction easement)	375-N-115
15	Lamar Advantage GP Company, LLC, a Delaware limited liability company, successor by merger to Lamar West, L.P., f/k/a Martin Media, a California Limited Partnership (right-of-way and temporary construction easement)	375-N-200
16	David J. Gumpher, a married man	375-N-192 375-N-194 375-N-196

Said properties are identified 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.

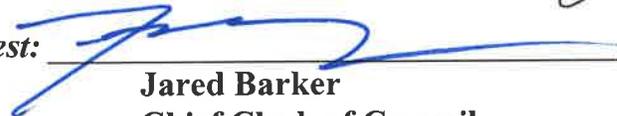
**SECTION 6. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.**

**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.**

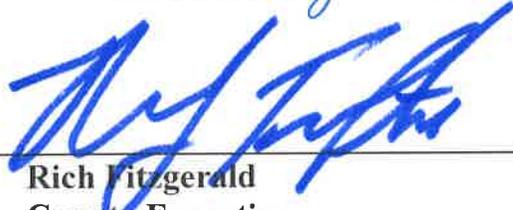
Enacted in Council, this 20<sup>th</sup> day of February, 2018

Council Agenda No. 10494-18

  
John DeFazio  
President of Council

Attest:   
Jared Barker  
Chief Clerk of Council

Chief Executive Office February 22, 2018

Approved:   
Rich Fitzgerald  
County Executive

Attest:   
Sonya Dietz  
Executive's Secretary

SUMMARY HISTORY OF PROPERTY OWNER CONTACTS FOR  
ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION  
TO RECONSTRUCT DOOKER'S HOLLOW BRIDGE  
OVER O'CONNELL BOULEVARD IN NORTH BRADDOCK BOROUGH  
November 20, 2017

The Public Works Department seeks authorization to acquire property by condemnation required to reconstruct Dooker's Hollow Bridge. Right-of-way, temporary and permanent easements are required to construct the project.

Parcel 4 Heirs of William Wynn (deceased) and Walter Wynn: The parcel was acquired by a deed dated 3/30/1960. Real estate taxes have not been paid from 1960 to the present day and the payoff amount far exceeds the county's offer of \$3,400.00. According to his obituary found on the website legacy.com, William Wynn died on 7/5/2008 and is survived by a widow and six children. On 10/10/17 offers were mailed to all interested parties. On 10/12/17 William Wynn indicated that Walter Wynn's widow & heirs wanted nothing to do with the property, would not be picking up mailings from the post office or attending any meetings related to the project, because they did not want to address the back real estate taxes. The offer letter sent to one of the heirs was returned to Highland on 10/23/17 as insufficient address unable to forward. It will be necessary to acquire the property via condemnation with service via posting & publishing.

Parcel 8 Heirs of Romualdo Mendez: The parcel was acquired by a deed dated 12/13/1968 and a deed dated 3/16/1973. The owner is deceased. Five heirs were found using Ancestry.com to obtain an Application for World War II Compensation, records found in the Allegheny County Department of Court Records, an obituary from legacy.com, and after speaking with Anna Yeager, the sister of Martha Jane Mendez (deceased and one of the heirs). Others may not be locatable. Real estate taxes have not been paid from 1984 to present and the payoff amount far exceeds the offer amount of \$600.00, which was delivered to the locatable heirs on 10/19/17. It will be necessary to acquire the property via condemnation with service via posting & publishing.

Parcel 11 Clara V. Schmude, as surviving joint tenant: This parcel was acquired by deed dated 7/29/1959. The owner or her heirs have not been found after completing a diligent search using the Allegheny County Department of Court Records, Ancestry.com, Legacy.com, as well as several phone calls to potential relatives. Real estate taxes have not been paid from 1970 to present and the payoff amount far exceeds the County's offer amount of \$1,900.00. It will be necessary to acquire the property via condemnation with service via posting & publishing.

Parcel 13 Heirs of John Andrechak and Catherine Andrechak, his wife: This parcel was acquired by deed dated March 23, 1935. The owners are deceased. Using estates, wills, & marriage records found in the Allegheny County Department of Court Records, Social Security Death Index & Death Certificate records found on Ancestry.com, cemetery records found on Findagrave.com, obituaries found on legacy.com & newspapers.com, as well as several phone conversations with numerous heirs and their relatives, 26 possible heirs have been identified though only 23 of those heirs have been located and there may be additional heirs not found. Real estate taxes have not been paid from 1957 to present and the payoff amount far exceeds the County's offer amount of \$500.00. Offer letters were mailed to the locatable heirs on 10/4/17 though several were returned

as unclaimed. It will be necessary to acquire the property via condemnation with service via posting & publishing.

Parcel 15 Lamar Advantage GP Company, LLC, a Delaware limited liability company, successor by merger to Lamar West, L.P., f/k/a Martin Media, a California Limited Partnership: This parcel was acquired by deed dated 7/16/1998. The offer of \$500.00 was presented to the claimant's attorney on 9/29/17. On 10/4/17 the claimant's attorney indicated he was considering the submission of a counteroffer however before doing so he requested additional information about the counteroffer approval process. This information was provided via email on 10/6/17. Attempts to follow up occurred on 10/17/17, 10/26/17, 11/2/17, & 11/8/17. On 11/20/17 the claimant's attorney submitted a verbal counteroffer of \$4,000.00. It was requested that he submit the counteroffer in writing with justification. He indicated he would do so the following week. On 11/30/17 a follow up attempt was made to obtain the written counteroffer with justification. To date no response was received. If a settlement is not reached, it will be necessary to acquire the property via condemnation.

Parcel 16 David J. Gumpher, a married man: This parcel was acquired by deed dated 1/22/2014. The offer of \$1,600.00 was presented on 9/29/17 along with a special contract provision regarding access. Mr. Gumpher indicated he intended to be represented by an attorney and they have additional concerns regarding access. Despite attempts to follow up occurred on 10/5/17, 10/17/17, 10/26/17, 11/2/17, 11/3/17, 11/13/17, 11/20/17, and 11/30/17, no letter of representation has been provided and no additional concerns have been presented. If no concerns are presented and the claimant does not agree to settle the claim, then it will be necessary to acquire the property via condemnations.

We seek authorization by County Council, as soon as possible, as required by the County Administrative Code, so we may file a Declaration of Taking and deposit estimated just compensation with the Department of Court Records to secure possession of the property for the Project.





**RIGHT-OF-WAY CLAIM INFORMATION**  
 COUNTY OF ALLEGHENY  
 DEPARTMENT OF PUBLIC WORKS  
 NORTH BRADDOCK BOROUGH  
 ALLEGHENY COUNTY

STREET NAME: BELLEVUE AVENUE  
 PARCEL NO.: BRADDOCK PAL CONGRESSIONAL  
 GRANTEE(S): WILLIAM J. MATIA, UNMARRIED

DEED BOOK	DEED	ACRE	RIGHT-OF-WAY	TEMP. CONSTR. EMT.	SCALE	AS NOTED
121	1817	6.187	3663	48377	1:937	1:937
121	1817	6.187	3663	48377	1:937	1:937

DATE OF DEED: 9/11/1922  
 DATE OF RECORD: 9/11/1922  
 CONVEYANCE: 9/11/1922  
 TAX STAMPS: 9/11/1922  
 BLOCK AND LOT: 300-W-30

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.

THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

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

REPLACEMENT OF  
 DOOKER'S HOLLOW BRIDGE NO. 1  
 NORTH BRADDOCK BOROUGH  
 BKD-1-0303

RIGHT-OF-WAY CLAIM BLOCKS

REVISIONS

SCALE: 1" = 100'

DATE: 10/11/2011

BY: [Signature]



**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: February 1, 2018

RE: Proposed Ordinance

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Attached is an Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from six parcels required to reconstruct Dooker's Hollow Bridge in North Braddock Borough, 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.

2018 FEB - 1 AM 9:45  
RECEIVED  
ALLEGHENY COUNTY COUNCIL