

No. 09-18-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to reconstruct Jacks Run Bridge No. 4 carrying Jacks Run Road over Jacks Run in Ross Township, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, the Allegheny County Council deems it advisable to acquire certain right-of-way and easement areas, being: 2,900 square feet of right-of-way and 2,443 square feet of temporary construction easement, required from a parcel of land of Paul Murray and Jeanette Murray, husband and wife, identified as Parcel 2 in the project hereinafter defined within Ross Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of reconstructing Jacks Run Bridge No. 4, located on Jacks Run Road just north of its intersection with Balsam Street Project No. JA04-0109, (the "Project"); and

Whereas, the Right-of-Way Drawings for said Project were recorded January 26,2018 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 174, Page 12; and

Whereas, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action approved 10/6/2017, No. 6715-17; and

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

Whereas, the Allegheny County Council is satisfied that all means have been exhausted to amicably acquire the property and now 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 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 temporary construction easements, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
2	Paul Murray and Jeanette Murray, husband and wife	161-A-277

Said property is 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 20th day of March 2018

Council Agenda No. 1057678


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office April 2, 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
Paul Murray and Jeanette Murray, husband and wife
TO RECONSTRUCT JACKS RUN BRIDGE NO. 4
JACKS RUN ROAD OVER JACKS RUN
January 29, 2018

The Public Works Department seeks authorization to acquire property by condemnation required to reconstruct Jacks Run Bridge No. 4. Right-of-way and temporary easements are required to construct the project.

Paul Murray and Jeanette Murray, husband and wife, Parcel 2

An offer letter for \$3,000.00 was presented by our consultant, Keystone Acquisition Corporation, on May 31, 2017. After several contact attempts, the claimant has not made a counter demand justified by an appraisal. We will continue to try to negotiate a settlement.

We seek authorization by County Council, as soon as possible, as required by the County Administrative Code, so we may file Declarations of Taking and either pay the property owners or deposit estimated just compensation with the Department of Court Records.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: March 1, 2018

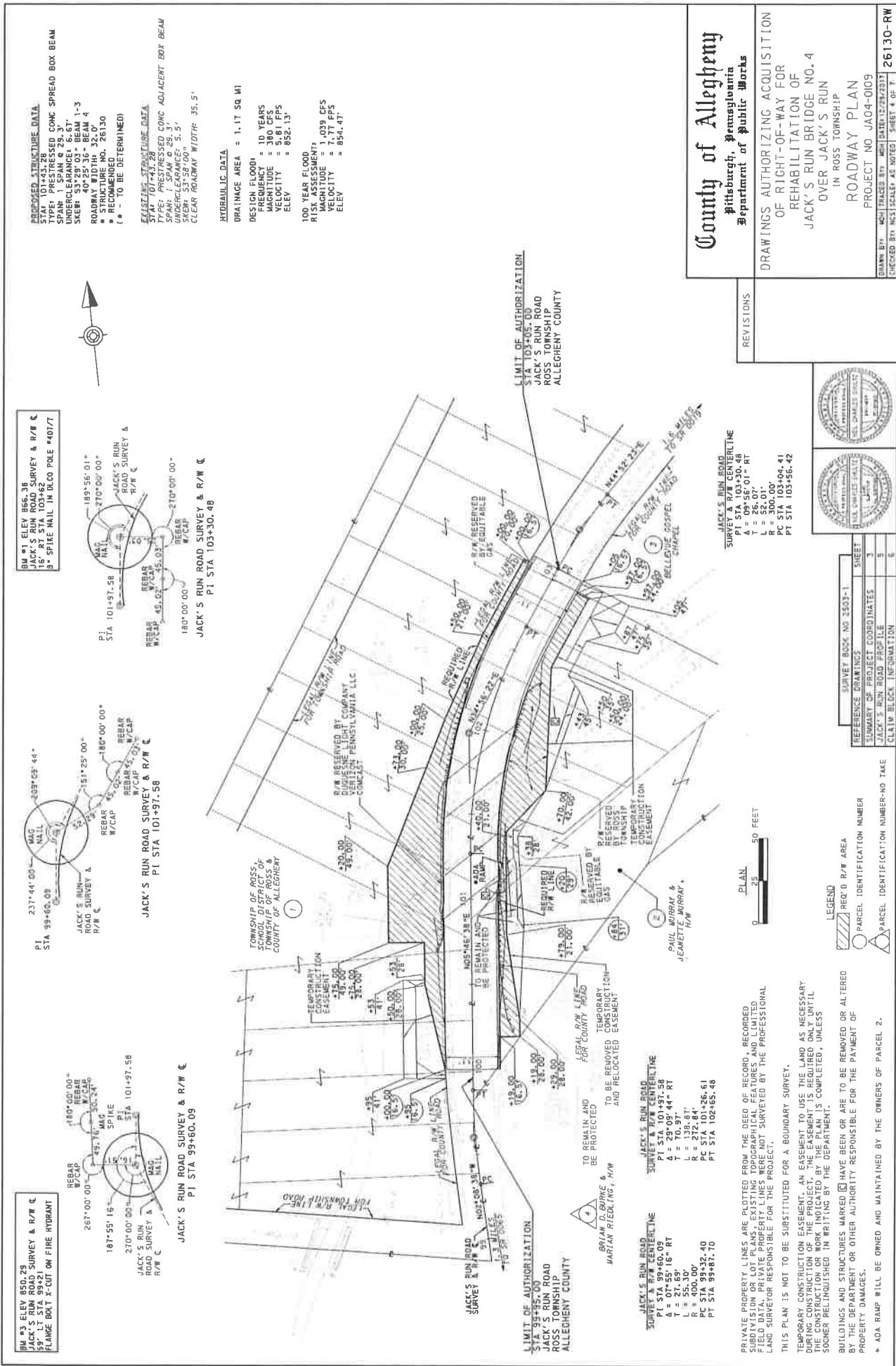
RE: Proposed Ordinance

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to reconstruct Jacks Run Bridge No. 4 carrying Jacks Run Road over Jacks Run in Ross Township, 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
3/11/18
11:04 am
TJS*



BM #3 ELEV 850.22 SURVEY & R/W C
 JACK'S RUN ROAD
 59' L3 STA 99+21
 FLANGE BOLT X-CUT ON FIRE HYDRANT

REBAR W/CAP
 180' 00" 00"
 267' 00" 00"
 187' 55" 18"
 270' 00" 00"
 JACK'S RUN ROAD SURVEY & R/W C
 PI STA 99+60.09

237' 44" 00"
 231' 44" 00"
 237' 44" 00"
 JACK'S RUN ROAD SURVEY & R/W C
 PI STA 99+60.09

BM #1 ELEV 866.36 SURVEY & R/W C
 JACK'S RUN ROAD
 18" RT STA 103+62
 3" SPIKE NAIL IN DLCO POLE #4077

180' 00" 00"
 270' 00" 00"
 189' 56" 01"
 JACK'S RUN ROAD SURVEY & R/W C
 PI STA 103+30.48

REBAR W/CAP
 180' 00" 00"
 270' 00" 00"
 189' 56" 01"
 JACK'S RUN ROAD SURVEY & R/W C
 PI STA 103+30.48

PROPOSED STRUCTURE DATA
 TYPE: PRESTRESSED CONC SPREAD BOX BEAM
 SPAN: 1 SPAN @ 29.3'
 UNDERCLEARANCE: 6.67'
 ROADWAY WIDTH: 32.0'
 STRUCTURE NO. 26130
 REVISIONS TO BE DETERMINED

EXISTING STRUCTURE DATA
 TYPE: PRESTRESSED CONC ADJACENT BOX BEAM
 SPAN: 1 SPAN @ 29.3'
 UNDERCLEARANCE: 6.67'
 ROADWAY WIDTH: 32.0'
 STRUCTURE NO. 26130
 REVISIONS TO BE DETERMINED

HYDRAULIC DATA
 DRAINAGE AREA = 1.17 SQ MI
 DESIGN FLOOD:
 FREQUENCY = 10 YEARS
 MAGNITUDE = 380 CFS
 VELOCITY = 1.77 FPS
 ELEV = 852.13'

100 YEAR FLOOD:
 RT CURB ELEV = 1,039 CFS
 MAGNITUDE = 1,039 CFS
 VELOCITY = 7.77 FPS
 ELEV = 854.47'

LIMIT OF AUTHORIZATION
 JACK'S RUN ROAD
 ROSS TOWNSHIP
 ALLEGHENY COUNTY

ADDITIONAL R/W LINE
 JACK'S RUN ROAD
 PI STA 101+26.61
 PT STA 99+87.70

REBAR W/CAP
 JACK'S RUN ROAD
 PI STA 101+97.58
 PT STA 99+60.09

REBAR W/CAP
 JACK'S RUN ROAD SURVEY & R/W C
 PI STA 103+30.48

County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR REHABILITATION OF JACK'S RUN BRIDGE NO. 4 OVER JACK'S RUN IN ROSS TOWNSHIP ROADWAY PLAN PROJECT NO JA04-0109

REVISIONS

JACK'S RUN BRIDGE
 SUBMITTAL DATE: 12/27/2011
 PI STA 103+30.48
 A = 09°56' 01" RT
 T = 26.07'
 R = 300.00'
 PT STA 103+56.42

JACK'S RUN ROAD
 SUBMITTAL DATE: 12/27/2011
 PI STA 101+26.61
 A = 07°55' 16" RT
 T = 27.69'
 R = 400.00'
 PT STA 99+32.40
 PT STA 101+26.61
 PT STA 102+65.48

JACK'S RUN ROAD
 SUBMITTAL DATE: 12/27/2011
 PI STA 101+97.58
 A = 29°09' 44" RT
 T = 70.97'
 R = 273.81'
 PC STA 99+32.40
 PT STA 101+26.61
 PT STA 102+65.48

JACK'S RUN ROAD
 SUBMITTAL DATE: 12/27/2011
 PI STA 103+30.48
 A = 09°56' 01" RT
 T = 26.07'
 R = 300.00'
 PT STA 103+56.42

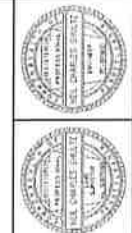
PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, A RECORDED FIELD DATA PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

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

TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY FOR THE CONSTRUCTION OF THE PROJECT. THE EASEMENT IS REQUIRED ONLY UNTIL THE CONSTRUCTION OR WORK NOTICED BY THE DEPARTMENT IS COMPLETED, UNLESS SOONER RELINQUISHED IN WRITING BY THE DEPARTMENT.

BUILDINGS AND STRUCTURES MARKED WITH AN 'X' HAVE BEEN OR ARE TO BE REMOVED OR ALTERED BY THE DEPARTMENT OR OTHER AUTHORITY RESPONSIBLE FOR THE PAYMENT OF PROPERTY DAMAGES.

* ADA RAMP WILL BE OWNED AND MAINTAINED BY THE OWNERS OF PARCEL 2.



SURVEY BOOK NO	SHEET
5503-1	1
5503-2	2
5503-3	3
5503-4	4
5503-5	5
5503-6	6

REFERENCE DRAWINGS	SUMMARY OF PROJECT COORDINATES	CLAIM BLOCK INFORMATION

LEGEND
 REBAR W/CAP AREA
 PARCEL IDENTIFICATION NUMBER

SCALE: 1" = 50 FEET

PLAN

TO REMAIN AND BE PROTECTED FOR COUNTY ROAD TO BE REMOVED EASEMENT AND RELOCATED

TO REMAIN AND BE PROTECTED FOR COUNTY ROAD TO BE REMOVED EASEMENT AND RELOCATED

TO REMAIN AND BE PROTECTED FOR COUNTY ROAD TO BE REMOVED EASEMENT AND RELOCATED

TO REMAIN AND BE PROTECTED FOR COUNTY ROAD TO BE REMOVED EASEMENT AND RELOCATED

EXHIBIT A

* JACK'S RUN ROAD
 ** LOTS 108 THRU 130 ONLY. REMAINING LOTS ARE NON-CONTIGUOUS.
 (1) TOWNSHIP OF ROSS, SCHOOL DISTRICT OF TOWNSHIP OF ROSS & COUNTY OF ALLEGHENY

RIGHT-OF-WAY CLAIM INFORMATION		RIGHT-OF-WAY CLAIM INFORMATION	
COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF TRANSPORTATION		COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF TRANSPORTATION	
STATE RTE	SEC NO	SHEET NO	CLAIM NO
1	4	4	4
PROPERTY OWNER(S) BELLEVEU COOPER, CHAPEL			
GRANTOR(S) BELLEVEU COOPER, CHAPEL			
DEED BOOK	4441	DEED	11/20/1987
PAGE OF DEED	1/2	CALCULATED	2.843
DATE OF RECORD	11/20/1987	ADVERSES	0.007
CONSIDERATION	\$10,000	LEGAL AREA	0.019
TAX STAMPS	-	EFFECTIVE AREA	0.025/103
		TOTAL REQ'D R/W	0.025
		TOTAL RESIDUE	1.523
		RESIDUE LT	1.523
TAX MAP NO	161-A-00120	VERIFICATION DATE	02/20/2017
		DRAWN BY	AS SHOWN
		SCALE	AS SHOWN

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 PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

* JACK'S RUN ROAD

RIGHT-OF-WAY CLAIM INFORMATION		RIGHT-OF-WAY CLAIM INFORMATION	
COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF TRANSPORTATION		COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF TRANSPORTATION	
STATE RTE	SEC NO	SHEET NO	CLAIM NO
2	4	4	4
PROPERTY OWNER(S) PAUL MURRAY, JEANETTE MURRAY, M/M			
GRANTOR(S) GEORGE WARREN MURRAY			
DEED BOOK	4441	DEED	11/20/1987
PAGE OF DEED	1/2	CALCULATED	3.8133
DATE OF RECORD	11/20/1987	ADVERSES	4.971
CONSIDERATION	\$10,000	LEGAL AREA	3.3162
TAX STAMPS	-	EFFECTIVE AREA	2.900
		TOTAL REQ'D R/W	3.0262
		TOTAL RESIDUE	3.0262
		RESIDUE PT	3.0262
TAX MAP NO	161-A-00120	VERIFICATION DATE	02/20/2017
		DRAWN BY	AS SHOWN
		SCALE	AS SHOWN

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* JACK'S RUN ROAD

RIGHT-OF-WAY CLAIM INFORMATION		RIGHT-OF-WAY CLAIM INFORMATION	
COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF TRANSPORTATION		COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF TRANSPORTATION	
STATE RTE	SEC NO	SHEET NO	CLAIM NO
3	4	4	4
PROPERTY OWNER(S) JACK'S RUN PRESBYTERIAN MISSION, SABBATH SCHOOL			
GRANTOR(S) BELLEVEU COOPER, CHAPEL			
DEED BOOK	4441	DEED	11/20/1987
PAGE OF DEED	1/2	CALCULATED	2.843
DATE OF RECORD	11/20/1987	ADVERSES	2.833
CONSIDERATION	\$1,000	LEGAL AREA	25.010
TAX STAMPS	-	EFFECTIVE AREA	2.08
		TOTAL REQ'D R/W	25.010
		TOTAL RESIDUE	25.010
		RESIDUE LT	25.010
TAX MAP NO	161-A-00120	VERIFICATION DATE	02/20/2017
		DRAWN BY	AS SHOWN
		SCALE	AS SHOWN

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County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR REHABILITATION OF JACK'S RUN BRIDGE NO. 4 IN ROSS TOWNSHIP ROADWAY PLAN PROJECT NO JA04-0109



REVISIONS

DRAWN BY: MHI/DAVE/7/2017
 CHECKED BY: MHI/DAVE/7/2017
 SHEET 6 OF 7 26130-RW