

*No. 29-23-OR*

**AN ORDINANCE**

An Ordinance authorizing the County of Allegheny, through the Department of Public Works and the Law Department, to acquire by condemnation a temporary construction easement over one (1) parcel of land identified by the Allegheny County Department of Real Estate as Block & Lot #1087-P-00310-0000-00 (the “Property”) required for the Bailey’s Run wall reconstruction project at station 166+25, located at Bailey’s Run Road (County Road No. 3093-00), East Deer Township, Allegheny County, a project included in the 2023 Capital Road Program, and to take such further action as may be necessary under applicable law, including, but not limited to, the Eminent Domain Code.

**Whereas**, the County’s Department of Public Works presently is engaged in the process of replacing a certain wall located along Bailey’s Run Road (County Road No. 3093-00), East Deer Township, Allegheny County as part of the County’s 2023 Capital Road Program (the “Project”); and

**Whereas**, the Project has been depicted in a right-of-way plan numbered 3093-0002 titled “Wall Reconstruction Plan at Station 166+25”, approved August 16, 2023, and recorded August 16, 2023 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Book 194 at Page 59 (the “ROW Plan”), which is incorporated by reference herein and attached hereto as “Exhibit A;” and

**Whereas**, the ROW Plan identifies the Property as Parcel 8 owned by Orris Fuel, Inc., evidenced by indenture dated April 14, 2000 recorded in the Allegheny County Department of Real Estate at Deed Book Volume 10739, Page 318; and

**Whereas**, a search of the Pennsylvania Secretary of State’s internet site has revealed that Orris Fuel, Inc. is still an active Pennsylvania corporation; and

**Whereas**, the Department of Public Works has contacted representatives of the deceased President and Treasurer of Orris Fuels, Inc. and has been advised that the company is no longer actively engaged in business and will disavow any interest in the Property due to the existence of encumbering tax liens in excess of \$5,200.00; and

**Whereas**, the County Council of Allegheny County recognizes that the Project constitutes a valid public purpose serving the interests of the residents of Allegheny County by enhancing transportation facilities, safety, and commerce; and therefore, deems it advisable to acquire the needed Property by condemnation.

***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 Property by Condemnation.**

That Council deems it advisable and necessary to acquire by condemnation, under the County's power of eminent domain, certain property necessary for the Project described more particularly as follows:

**Owner:** Orris Fuel Inc.  
**Lot/Block:** #1087-P-00310-0000-00  
**Property:** Temporary Construction Easement consisting of 2,545 square feet  
**Estimated Just Compensation:** \$1,600.00

**SECTION 3. Notice to Interested Parties.**

That Council requests 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 4. Application to Court.**

That Council requests 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 5. 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 6. Repealer.**

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the some affects this Ordinance.

**SECTION 7. Effective Date.**

This Ordinance shall be effective immediately.

Enacted in Council, this 26<sup>th</sup> day of September, 2023

Council Agenda No. 12784-23

  
\_\_\_\_\_  
**Patrick Catena**  
**President of Council**

Attest:   
\_\_\_\_\_  
**Jared Barker**  
**Chief Clerk of Council**

County Executive Office October 2nd, 2023

Approved:   
\_\_\_\_\_  
**Rich Fitzgerald**  
**County Executive**

Attest:   
\_\_\_\_\_  
**Jennifer M. Liptak**  
**County Manager/Chief of Staff**

## **Summary of Legislation**

Authorization is respectfully requested to commence a condemnation action to acquire a temporary construction easement on property identified in the ROW Plan as Parcel 8 (Block & Lot #1087-P-00310-0000-00) in connection with the required wall reconstruction at station 166+25 on Bailey's Run Road (County Road# 3093-00) located in East Deer Township, Allegheny County.

COMPUTER GENERATED DRAWING  
 COUNTY PROJECT NUMBER: **KAW 241163.P1**  
 FILE NAME: **240424.DWG** DRAWING TITLE: **ROUTE 3093 PLAN**

|         |          |       |           |              |
|---------|----------|-------|-----------|--------------|
| PROJECT | DATE     | SCALE | SHEET NO. | TOTAL SHEETS |
| 11-0    | 11/14/23 |       | 2         | 2            |

# County of Allegheny



Pittsburgh, Pennsylvania

## DEPARTMENT OF PUBLIC WORKS

DRAWINGS AUTHORIZING ACQUISITION  
 OF  
 RIGHT-OF-WAY  
 FOR  
**BAILEY'S RUN ROAD**  
**(ALLEGHENY COUNTY ROUTE NO. 3093-00)**  
 IN ALLEGHENY COUNTY

FROM STA. 166+23.00 TO STA. 167+35.00 LENGTH 112.00 FT. 0.021 MI

THIS PLAN IS PART OF THE ROAD TO SECTION 20(5)(1) OF THE FEDERAL AID ROAD ACT, AS AMENDED, FOR THE STATE OF PENNSYLVANIA AND IS SUBJECT TO THE TERMS OF THE FEDERAL AID ROAD ACT, AS AMENDED, AND TO THE TERMS OF THE SECOND CLASS COUNTY EASEMENT ACT OF JULY 28, 1957, P.L. 123, AS APPLIED AND PURSUANT TO THE ALLEGHENY COUNTY HOME RULE CHARTER AND ALLEGHENY COUNTY ORDINANCES.

Exhibit "A"



**ACKNOWLEDGEMENT**

I, the undersigned, hereby acknowledge that I have read and understand the contents of the above described drawings and that I have approved the same for the purposes herein stated.

\_\_\_\_\_  
 Date: 11/14/23

APPROVED FOR THE COUNTY OF ALLEGHENY  
 COUNTY ENGINEER

\_\_\_\_\_  
 Date: 11/14/23

|  |   |
|--|---|
| <p><b>THE ARCHITECT</b></p> <p><b>mbe</b><br/>         MERRILL BARNETT ENGINEERING<br/>         2150 BROADWAY, SUITE 100<br/>         PITTSBURGH, PA 15222</p> <p>COMMUNAL ENGINEER</p> <p>_____<br/>         Date: 11/14/23</p> | <p><b>APPROVED</b></p> <p>_____<br/>         Date: 11/14/23</p> |
|--|---|

|   |  |
|---|--|
| <p><b>APPROVED</b></p> <p>_____<br/>         Date: 11/14/23</p> | <p><b>RECOMMENDED</b></p> <p>_____<br/>         Date: 11/14/23</p> |
|---|--|

County of Allegheny  
 Pittsburgh, Pennsylvania  
 Department of Public Works  
**2023 CAPITAL ROADS PROGRAM**  
 DRAWINGS AUTHORIZING ACQUISITION  
 OF  
 RIGHT-OF-WAY  
 FOR  
**BAILEY'S RUN ROAD**  
 COUNTY ROAD NO. 3093-00  
 (7A01 2301)

DATE OF PLAN: 11/14/23



**TABULATION OF OVERALL LENGTH**

BAILEY'S RUN ROAD STA 162+23.00 TO STA 162+35.00 = 12.00 FT = 3.66 M

**SUMMARY OF PROJECT COORDINATES**

BAILEY'S RUN ROAD SHEET PLAN  
 COUNTY ROAD NO. 3093 (SOUTH SIDE)

| LINE | SECTION    | POINT     | ELEVATION | STATION   | REMARKS      |
|------|------------|-----------|-----------|-----------|--------------|
| 1    | SOUTH SIDE | 162+23.00 | 444.88    | 162+23.00 | START OF CUT |
|      |            | 162+25.00 | 445.12    | 162+25.00 |              |
|      |            | 162+27.00 | 445.36    | 162+27.00 |              |
|      |            | 162+29.00 | 445.60    | 162+29.00 |              |
| 2    | NORTH SIDE | 162+30.00 | 446.00    | 162+30.00 | END OF CUT   |
|      |            | 162+32.00 | 446.24    | 162+32.00 |              |
|      |            | 162+34.00 | 446.48    | 162+34.00 |              |
|      |            | 162+35.00 | 446.72    | 162+35.00 | END OF CUT   |

NOTE: ELEVATIONS ARE IN FEET AND DECIMALS THEREOF. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

**RIGHT-OF-WAY CLAIM INFORMATION**

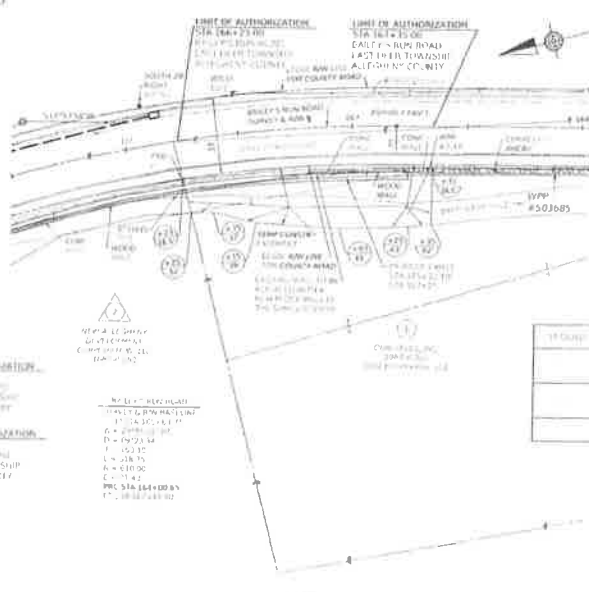
COUNTY OF ALLEGHENY - DEPARTMENT OF PUBLIC WORKS

| PROPERTY OWNER | ADDRESS   | ACREAGE | APPROXIMATE VALUE | APPROXIMATE AREA |
|----------------|-----------|---------|-------------------|------------------|
| W. J. HARRIS   | 162+23.00 | 0.12    | \$12,000          | 162+23.00        |
| ...            | ...       | ...     | ...               | ...              |

**GENERAL NOTES**

- 1. THE LEGAL RIGHT OF WAY ON BAILEY'S RUN ROAD IS 66 FEET WIDE AT THE STATION 162+23.00 TO STATION 162+35.00 AS SHOWN ON THE PLAN SHEET.
- 2. THE LEGAL RIGHT OF WAY ON BAILEY'S RUN ROAD IS 66 FEET WIDE AT THE STATION 162+23.00 TO STATION 162+35.00 AS SHOWN ON THE PLAN SHEET.
- 3. THE LEGAL RIGHT OF WAY ON BAILEY'S RUN ROAD IS 66 FEET WIDE AT THE STATION 162+23.00 TO STATION 162+35.00 AS SHOWN ON THE PLAN SHEET.
- 4. THE LEGAL RIGHT OF WAY ON BAILEY'S RUN ROAD IS 66 FEET WIDE AT THE STATION 162+23.00 TO STATION 162+35.00 AS SHOWN ON THE PLAN SHEET.
- 5. THE LEGAL RIGHT OF WAY ON BAILEY'S RUN ROAD IS 66 FEET WIDE AT THE STATION 162+23.00 TO STATION 162+35.00 AS SHOWN ON THE PLAN SHEET.
- 6. THE LEGAL RIGHT OF WAY ON BAILEY'S RUN ROAD IS 66 FEET WIDE AT THE STATION 162+23.00 TO STATION 162+35.00 AS SHOWN ON THE PLAN SHEET.

**LOCATION MAP**



**LIST OF PUBLIC UTILITIES**

| UTILITY  | COMPANY | CONTACT | PHONE NUMBER | ADDRESS |
|----------|---------|---------|--------------|---------|
| WATER    | ...     | ...     | ...          | ...     |
| SEWER    | ...     | ...     | ...          | ...     |
| ELECTRIC | ...     | ...     | ...          | ...     |

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

**2023 CAPITAL ROADS PROGRAM**  
**DRAWINGS AUTHORIZING**  
**ACQUISITION OF RIGHT-OF-WAY**  
**BAILEY'S RUN ROAD**  
**COUNTY ROAD NO. 3093-00**

**DETAIL PLAN SHEET**  
**7A01 2301**

DATE: 11/15/22  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]



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

TO: Jared E. Barker  
Allegheny County Council

FROM: Jennifer M. Liptak  
County Manager

DATE: August 24, 2023

RE: Proposed Ordinance

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Attached is an Ordinance authorizing the County of Allegheny, through the Department of Public Works and the Law Department, to acquire by condemnation a temporary construction easement over one (1) parcel of land identified by the Allegheny County Department of Real Estate as Block & Lot #1087-P-00310-0000-00 (the "Property") required for the Bailey's Run wall reconstruction project at station 166+25, located at Bailey's Run Road (County Road No. 3093-00), East Deer Township, Allegheny County, a project included in the 2023 Capital Road Program, and to take such further action as may be necessary under applicable law, including, but not limited to, 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.