

Bill No. 8733-15

No. 6-15-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain temporary construction easement areas from three parcels required to construct lateral support facilities for Homestead-Duquesne Road at Franklin Street in Munhall Borough (5147-0207), 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 temporary construction easement areas, being 0.009 acre required from a parcel of land of Kevin McKinney; 0.011 acre required from a parcel of land of Edward D. Emory and Tina M. Emery and 0.021 acre required from a parcel of land of Evett A. Mitchell, within Munhall Borough, County of Allegheny and Commonwealth of Pennsylvania for the purpose of constructing facilities to laterally support Homestead-Duquesne Road at Franklin Street, Project No. 5147-0207, (the “**Project**”), and

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

Whereas, the County, through its Department of Public Works, has attempted to amicably acquire the property hereinafter identified consistent with applicable law, and

Whereas, the County Council of Allegheny County now deems it advisable to acquire by condemnation, the property and property interests 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 in 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 easement, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
5	Kevin McKinney	180-P-161
6	Edward D. Emery and Tina M. Emery	180-N-94
7	Evett A. Mitchell	180-N-99

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.

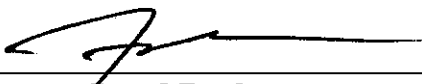
SECTION 7. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 3rd day of February, 2015

Council Agenda No. 8733 -15



John DeFazio
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office February 4, 2015

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

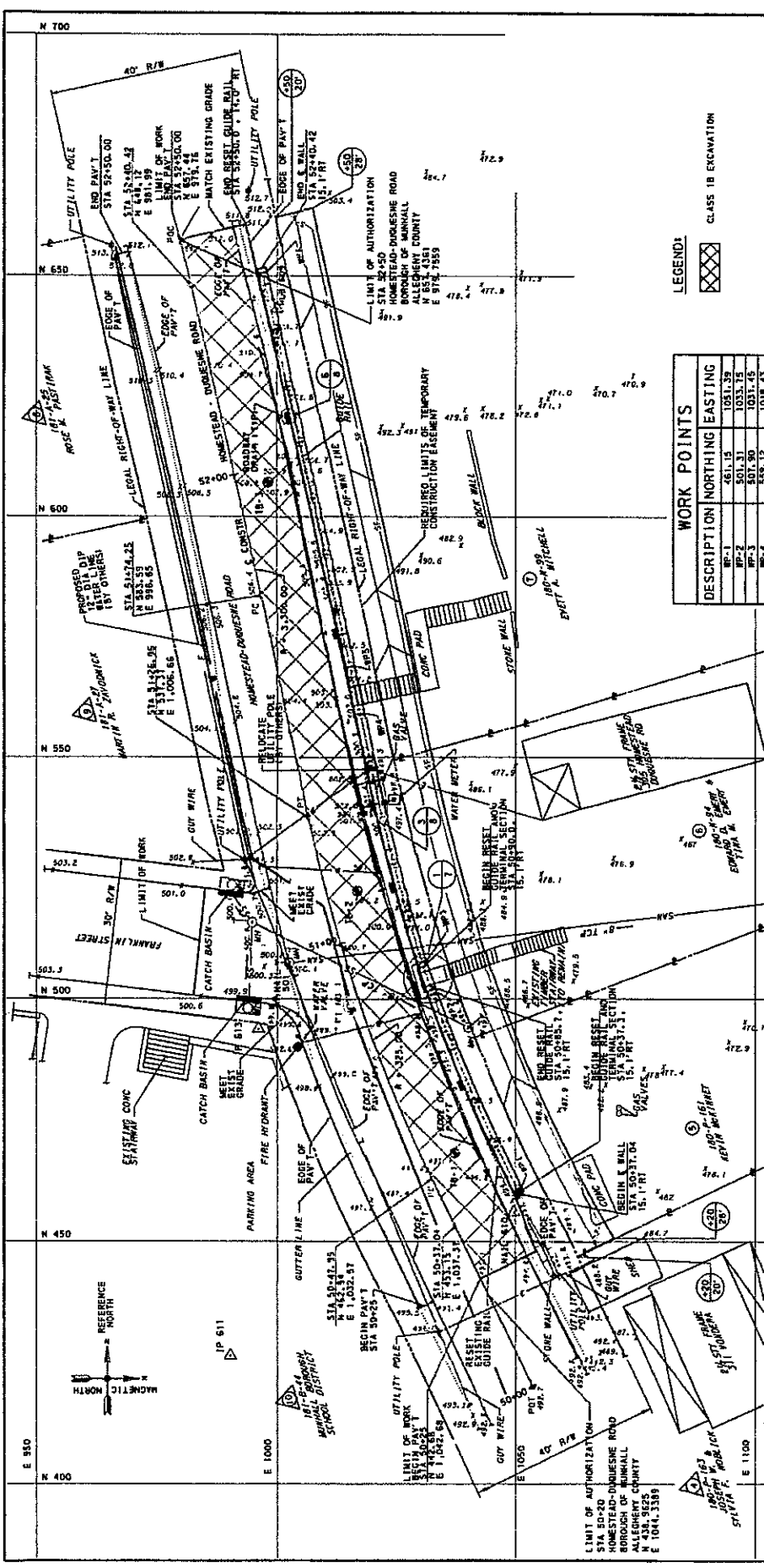
Sonya Dietz
Executive's Secretary

SUMMARY PAGE
DRAFT ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION
PARCELS
180-P-161 KEVIN MCKINNEY
180-N-94 EDWARD D. EMERY AND TINA M. EMERY
180-N-99 EVETT M. MITCHELL
TO CONSTRUCT LATERAL SUPPORT FOR HOMEVILLE-DUQUESNE ROAD
December 22, 2014

Existing retaining walls have deteriorated on Homestead-Duquesne Road at Franklin Street. Facilities are required to be constructed to stabilize the slope and provide lateral support for the road. Temporary construction easements on portions of the three subject parcels are required to construct the project.

After numerous attempts, the property owners have not responded to our offer or have not been located. We, regrettably, need to resort to the County's power of Eminent Domain to acquire the three temporary construction easements required for construction. The estimated just compensations were determined to be \$100.00 for Kevin McKinney, \$100.00 for Edward D. and Tina M. Emery and \$100.00 for Evett A. Mitchell.

We seek authorization by County Council, as soon as possible, to file Declaration of Taking, as required by the County Administrative Code. We will continue to attempt to settle with the claimants.



County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works
RIGHT-OF-WAY DRAWING
HOMESTEAD-DUQUESNE ROAD
AT FRANKLIN STREET
 BOROUGH OF MUNHALL
 HOMESTEAD - DUQUESNE ROAD
 SITE 1 - ROADWAY STABILIZATION
 PLAN
 COUNTY PROJECT NO. 5147-0207

DATE 05/13 SCALE 1"=40' SHEET 1 OF 2 2754 RW

REVISIONS

PREPARED BY
DLK
 CONSULTING ENGINEERS, INC.
 1000 WEST 10TH AVENUE, SUITE 101
 PITTSBURGH, PA 15224

WORK POINTS

DESCRIPTION	NORTHING	EASTING
WP-1	461.15	1051.59
WP-2	501.31	1035.75
WP-3	507.90	1031.45
WP-4	559.72	1028.45
WP-5	550.87	1029.39
WP-6	551.88	1031.88

SURVEY CONTROL POINTS

DESCRIPTION	NORTHING	EASTING	ELEV
MAIL 301	500.00	1,000.00	500.00
MAIL 310	486.11	1,049.69	485.43
MAIL 609	643.29	1,000.00	610.39
IRON PTH 611	456.225	990.278	504.17
IRON PTH 612	516.889	831.440	513.21
IRON PTH 613	493.917	958.199	508.84

NOTES:

1. PLAN IS BASED ON A SURVEY THAT WAS COMPLETED ON 02-02-2011. ELEVATIONS ARE BASED ON AN ASSUMED PROJECT DATUM. COORDINATES ARE PROJECT SPECIFIC.
2. REMOVE PROPOSED LIMITS AND NOTES FROM BEING EXISTING TOGETHER WITH LIMITED FIELD DATA. TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.
3. TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION UNTIL THE CONSTRUCTION OF WORK INDICATED BY THE PLAN IS COMPLETED. UNLESS SOONER RELINQUISHED IN WRITING BY THE COUNTY.
4. STATIONS ARE PROJECT SPECIFIC.
5. EXISTING ITEMS IN *GREEN* TEXT.
6. PROPOSED ITEMS IN *RED* TEXT.

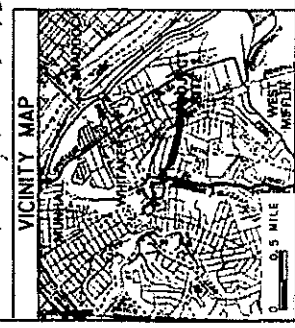


EXHIBIT "A"

RIGHT-OF-WAY CLAIM INFORMATION

COUNTY ROAD 5147
 PARCEL NO. 5
 SECT. NO. 180-P-161
 BLOCK LOT NO. 180-P-161
 COUNTY OF ALLEGHENY CLAIM NO. _____

PROPERTY OWNER(S) LEVIN, MARGARET A. SINGLEMAN
 GRANTOR(S) ESTATE OF ELLIOT M. WALKINS BY VIOLETT L. HECKE, EXECUTRIX

AREAS		ACRE(S)	REQUIRED AREA	ACRE(S)
DEED BOOK	9313		RIGHT OF WAY	
DATE OF DEED	4/2/1987	0.253	CHANNEL	
DATE OF RECORD	4/2/1987		SLOPE EASEMENT	
CONSIDERATION	\$13,800.00	0.253	TEMP CONTR EASEM'T	0.002L
			EFFECTIVE O R/W	0.253
			TOTAL RESIDUE	0.253
			RESIDUE LT	
			RESIDUE RT	0.253

VERIFICATION DATE 4/20/2014

NOTES:
 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 RIGHT-OF-WAY CLAIM INFORMATION IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

RIGHT-OF-WAY CLAIM INFORMATION

COUNTY ROAD 5147
 PARCEL NO. 6
 SECT. NO. 180-P-161
 BLOCK LOT NO. 180-P-161
 COUNTY OF ALLEGHENY CLAIM NO. _____

PROPERTY OWNER(S) EDWARD D. EMERY & TINA M. EMERY
 GRANTOR(S) DAVID YANCEY, SR.

AREAS		ACRE(S)	REQUIRED AREA	ACRE(S)
DEED BOOK	8154		RIGHT OF WAY	
DATE OF DEED	1/22/1991	0.140	CHANNEL EASEMENT	
DATE OF RECORD	1/22/1991		SLOPE EASEMENT	
CONSIDERATION	\$5,000.00	0.140	TEMP CONTR EASEM'T	0.01L
			EFFECTIVE O R/W	0.140
			TOTAL RESIDUE	0.140
			RESIDUE LT	
			RESIDUE RT	0.140

VERIFICATION DATE 2/20/2014

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RIGHT-OF-WAY CLAIM INFORMATION

COUNTY ROAD 5147
 PARCEL NO. 102
 SECT. NO. 180-P-161
 BLOCK LOT NO. 180-P-161
 COUNTY OF ALLEGHENY CLAIM NO. _____

PROPERTY OWNER(S) EMMETT A. MITCHELL
 GRANTOR(S) AUGUSTA PARIS GAZCO AUGUSTA PATTERSON

AREAS		ACRE(S)	REQUIRED AREA	ACRE(S)
DEED BOOK	8008		RIGHT OF WAY	
DATE OF DEED	8/23/1971	0.112	CHANNEL	
DATE OF RECORD	10/23/1971		SLOPE EASEMENT	
CONSIDERATION	\$1.00	0.112	TEMP CONTR EASEM'T	0.022L
			EFFECTIVE O R/W	0.112
			TOTAL RESIDUE	0.112
			RESIDUE LT	
			RESIDUE RT	0.112

VERIFICATION DATE 4/20/2014

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County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

RIGHT-OF-WAY DRAWING
 HOMESTEAD-DUQUESNE ROAD
 AT FRANKLIN STREET
 BOROUGH OF MURRAY
 HOMESTEAD - DUQUESNE ROAD
 SITE 1 - ROADWAY STABILIZATION
 RIGHT-OF-WAY CLAIM INFORMATION
 COUNTY PROJECT NO. 5147-0207

DATE: 04/27/14
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: AS SHOWN
 SHEET 7 OF 2
 2754 RW

PREPARED BY: **CSLK**
 CONSULTING ENGINEERS, INC.
 1000 W. MARKET STREET, SUITE 1114
 PITTSBURGH, PA 15222

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: January 14, 2015

RE: Proposed Ordinance

Attached is an Ordinance to acquire by condemnation certain temporary construction easement areas from three parcels required to construct lateral support facilities for Homestead-Duquesne Road at Franklin Street in Munhall Borough (5147-0207), 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.

JAN 15 10:32 AM
ALLEGHENY COUNTY
COUNCIL