

Bill No. 3315-07  
No. 40-07-OR

## AN ORDINANCE

Authorizing the County of Allegheny to clear the right-of-way for reconstruction of Scotia Run Bridge No. 1, Project No. XC01-0403, in the Borough of Jefferson Hills, and to acquire by condemnation certain parcels of land for this project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, *as amended*.

**Whereas**, the County Council of Allegheny deems it advisable to clear the right-of-way for the reconstruction of Scotia Run Bridge No. 1, Project No. XC01-0403, in the Borough of Jefferson Hills within the County of Allegheny and Commonwealth of Pennsylvania (the "Project"), and

**Whereas**, the County Council of Allegheny County deems it advisable to acquire by condemnation, certain land hereinafter described, as necessary, for additional right-of-way and easements 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 Clear Right-of-Way.***

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 required rights-of-way and easements, 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 in clearing the right-of-way, for the Project.

**Section 3. Authorization to Acquire Property by Condemnation.**

That Council deems it advisable and necessary to take under the right of eminent domain the property of the following persons or corporations and to acquire title thereto in fee simple, as necessary to reconstruct the Project:

PROJECT PARCEL NO.	RECORD OWNER	TAX PARCEL BLOCK & LOT NO.
1	Fred Kuenzli, trading as Elizabeth Packing Company Described in Deed Book Volume 3160, Page 541 (1/2 interest), Deed Book Volume 4137, Page 487 (1/2 interest) and Disclaimer recorded in Deed Book Volume 8016, Page 101	1134-G-84

Said property is identified on a Right-of-Way 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 Law Department to provide immediate notice of this Ordinance to the record owners of the parcel to be taken.

**Section 5. Application to Court.**

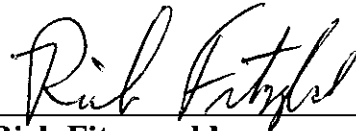
That Council directs the Law Department to make immediate application to the Court of Common Pleas of Allegheny County for the purpose of having the value of said property legally ascertained.

**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.***

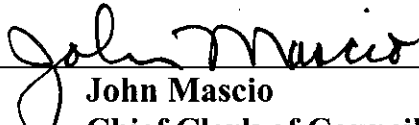
**Section 7. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***

Enacted in Council, this 23<sup>rd</sup> day of October, 2007.

Council Agenda No. 3315-07.

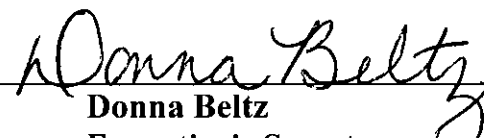


Rich Fitzgerald  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Chief Executive Office October 29, 2007.

Approved:   
Dan Onorato  
Chief Executive

Attest:   
Donna Beltz  
Executive's Secretary

SUMMARY PAGE  
DRAFT ORDINANCE TO CLEAR THE RIGHT-OF-WAY  
AND ACQUIRE BY CONDEMNATION  
SCOTIA RUN BRIDGE NO. 1 (XC01-0403  
June 22, 2007

The Scotia Run Bridge No. 1 carrying Scotia Hollow Road in Jefferson Hills Borough needs to be replaced. We may, regrettably, need to resort to the County's power of Eminent Domain to acquire one of the parcels required for the project. The parcel had been used to operate a meat packing plant known as Elizabeth Packing Company. The owner, Fred Kuenzli, died May 28, 1967 leaving as his sole heirs at law, his wife Agnes Elizabeth Kuenzli and his two children Frederick Anthony Kuenzli and Dolores Catherine Yates. Agnes Elizabeth Kuenzli died on June 23, 1988 leaving all her property to her children. On May 17, 1989, her children filed a Disclaimer to disclaim any and all interest in the subject property, recorded in Deed Book Volume 8016, Page 101. Frederick Kuenzli and his lawyer, Lewis Chomas, Esq., have said on the telephone that they have no interest in the property. Jefferson Borough filed a tax lien on March 24, 2000, DTD-00-103728. West Jefferson Hills School District filed a tax lien October 5, 2001, DTD-01-105362 with arbitration filed October 9, 2001, AR-01-006337.

We seek approval by County Council as soon as possible to file a Declaration of Taking, as required by the County Administrative Code. The Executive Action to clear right-of-way for this project was approved 7/13/2006, Agenda No. 821-06.



DISCLAIMER

1134 684 ✓

1134-6-84  
BLOCK & LOT NO.  
DEED REGISTRY  
George J. Yates  
Custodian  
DATE 5-19-89 273

WHEREAS, FRED KUENZLI, by virtue of a deed dated March 10, 1952 being recorded in Deed Book Volume 3160, page 541 and a deed dated August 1, 1962 being recorded in Deed Book Volume 4137, page 487 became the sole owner of a parcel of property located in Jefferson Borough, Allegheny County, Pennsylvania which is more completely described on the Schedule A which is attached hereto and incorporated herein by reference thereto; and;

WHEREAS, the said FRED KUENZLI being seized thereof died intestate on the 28th day of May 1967 leaving as his sole heirs at law, his wife Agnes Elizabeth Kuenzli and his two children Frederick Anthony Kuenzli and Dolores Catherine Yates;

WHEREAS, the said Agnes Elizabeth Kuenzli died on the 23rd day of June, 1988 and her will was admitted to probate by the Register of Wills for Allegheny County, Pennsylvania at No4359 of 1988;

WHEREAS, Paragraph SECOND of her will provided as follows:

I hereby give, devise and bequeath all of my property whether it be real, personal or mixed to my two children:

- a. Dolores Catherine Kuenzli Yates  
253 Stewart Street  
Elizabeth, PA 15037
- b. Frederick Anthony Kuenzli  
Box 22  
Scotia Hollow Road  
Jefferson Borough

in equal shares, share and share alike;

WHEREAS, both Frederick Anthony Kuenzli and Dolores Catherine Yates wish to exercise their right under section 6201 et seq of the Probate, Estates and Fiduciaries Code, 42P.S. section 6201 et seq to disclaim any and all interest in the property described in Schedule A;

NOW THEREFORE, in consideration of the benefit which they will derive therefrom, Frederick Anthony Kuenzli and Dolores Catherine Yates disclaim all right, title and interest which could have devolved upon them by virtue of the deaths of their parents, Fred Kuenzli or Agnes Elizabeth Kuenzli.

IN WITNESS WHEREOF, FREDERICK A. KUENZLI and DOLORES CATHERINE YATES have set their hands and seals to this Disclaimer thereby intending to be legally bound on this 15 day of MAY, 1989.

WITNESS:

Louis Chromas  
Joye Blid

Frederick A. Kuenzli (SEAL)  
FREDERICK A. KUENZLI

Dolores Catherine Yates (SEAL)  
DOLORES CATHERINE YATES

On this \_\_\_\_ day of \_\_\_\_\_, 1989, Before me, the undersigned authority, a notary public, personally appeared FREDERICK ANTHONY KUENZLI and DOLORES CATHERINE YATES who acknowledged the foregoing Disclaimer to be their act and deed, to the end that it may be recorded as such.

WITNESS my hand and notarial seal, the day and year aforesaid.

Robert F. McCabe, Jr. (SEAL)  
NOTARY PUBLIC  
PITTSBURGH, ALLEGHENY COUNTY, PA.

MY COMMISSION EXPIRES:

NOTARIAL SEAL  
ROBERT F. MCCABE, JR., Notary Public  
Pittsburgh, Allegheny County, PA.  
My Commission Expires April 17, 1991

CERTIFICATE OF RESIDENCE

Disclaimant hereby certifies that their precise residence is Box 22 Scotia Hollow Road, West Elizabeth, Pennsylvania 15088.  
Witness my hand this 15th day of MAY, 1989.

Frederick A. Kuenzli

SCHEDULE A

ALL that certain parcel of land, situate in Jefferson, Borough formerly Jefferson Township, Allegheny County, Pennsylvania, which is described as follows:

BEGINNING at a point marked by a pipe at a corner of land common to the land herein described, land of Leroy and Margaret E. Hood, and land of Albert and Edith Stevens, formerly of John Lewis heirs, thence by the line of said last mentioned land, North 33° 15' West, a distance of 170.92 feet to a pipe in line of other lands of Grantors; thence along said last mentioned land, North 50° 46' East a distance of 101.80 feet to an iron pin; thence continuing along the line of other land of the Grantors North 50° 46' East a distance of 48.28 feet to a pipe (being North 50° 46' East a total of 150.08 feet along the line of other land of the Grantors); thence along the line of land now or formerly of Thomas Bickerton South 50° 30' East a distance of 128.75 feet to an iron pin in the Township Road, being at the corner of land herein described and land now of Leroy and Margaret E. Hood; and thence along said last mentioned land South 38° 00' West a distance of 63.86 feet to a pipe; and thence continuing along the same, South 38° 00' West a distance of 134.14 feet (being South 38° 00' West a total distance of 198 feet along said land of Leroy and Margaret E. Hood), to the pipe at the point of beginning. Containing 0.5867 acre.

Also being known as Block No. 1134-G Lot 84 in the Allegheny County Deed Registry office.



RECORDER OF DEEDS  
ALLEGHENY COUNTY, PA  
MAY 17 1 38 PM '89

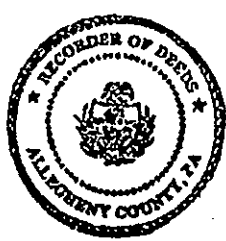
Mat 17 89 49821

<i>officer</i>	
DISCLAIMER OF REAL ESTATE located in JEFFERSON BOROUGH, ALLEGHENY COUNTY, PENNSYLVANIA	
(1) by FREDERICK ANTHONY KUENZLI and DOLORES CATHERINE YATES	
1652	103484
<b>EXEMPT DEED TRANSFER TAX</b>	
LAW OFFICE OF J. LOUIS CHOMAS ATTORNEY AT LAW 200 S. Main St. Bldg. 345 Fourth Avenue Pittsburgh, PA 15222 (412) 381-3145	

STATE OF PENNSYLVANIA )  
COUNTY OF ALLEGHENY ) **SS**

RECORDED IN THE OFFICE FOR THE RECORDING OF  
DEEDS, ETC. IN AND FOR THE SAID COUNTY, ON THE 17th  
DAY OF May A.D., 19 89 IN Deed  
BOOK VOL. 8016 PAGE 101 WITNESS MY HAND AND  
SEAL OF SAID OFFICE, THE DAY AND YEAR AFORESAID.

*Michael A. Della Vecchia*  
RECORDER



**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.  
County Manager

'07 JUN 28 AM 10:18



DATE: June 28, 2007

RE: Proposed Ordinance

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Attached is an Ordinance authorizing the County of Allegheny to clear the right-of-way for reconstruction of Scotia Run Bridge No. 1, Project No. XC01-0403, in the Borough of Jefferson Hills, and to acquire by condemnation certain parcels of land for this project, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, *as amended*.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.