

Bill No. 1768-04

No. 52-04-RE

## RESOLUTION

A Resolution of the Allegheny County Council providing certification that comparable replacement housing is not physically available and not available within the normal supplemental limits: \$22,500.00 for owners and \$5,250.00 for tenants, for the S.R. 0079, Section A18, project in the Townships of South Fayette and Collier and the Borough of Bridgeville.

**Whereas**, the Pennsylvania Department of Transportation intends to acquire property (ies) for the improvement of S.R. 0079, Section A18, project in the Townships of South Fayette and Collier and the Borough of Bridgeville; and

**Whereas**, under the Pennsylvania Housing Replacement Authorization Act of 1972, 35 P.S. § 1525, and Article VI-A of the Eminent Domain Code of 1964, *as amended*, 26 P.S. §1-601A *et seq.*, if comparable replacement housing exceeds the statutory replacement limit of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) for residential owners and Five Thousand Two Hundred Fifty Dollars (\$5,250.00) for tenants, the Board of Commissioners, of the appropriate County, must approve housing of last resort; and

**Whereas**, at the election held on May 19, 1998, the voters of Allegheny County approved the Home Rule Charter of Allegheny County, in which Article III, Section 1 states, "The government of Allegheny County shall include an elected County Council, an elected Chief Executive and an appointed professional Manager" and Section 2 states, "The office of County Commissioner is abolished upon the swearing in of the County Council Members and the Chief Executive"; and

**Whereas**, the Pennsylvania Department of Transportation has investigated the availability of comparable replacement housing in the subject municipality and has determined that comparable housing exceeds the statutory limits; and

**Whereas**, it is necessary that the Council and Chief Executive of Allegheny County approve last resort housing so that the Pennsylvania Department of Transportation will be permitted to make payments to affected property owners that will exceed the statutory limits set forth above; and

**Whereas**, the Pennsylvania Department of Transportation will assume total responsibility for the funding of the last resort housing supplements.

***The Council of the County of Allegheny hereby resolves as follows:***

***Section 1. Incorporation of Preamble.***

The provisions set forth in the preamble to this Resolution are incorporated by reference in their entirety herein.

***Section 2. Approval of Housing of Last Resort.***

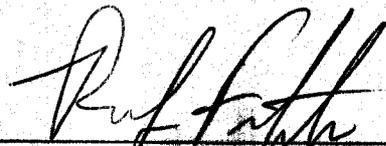
The County Council of the County of Allegheny, recognizes and accepts research by the Pennsylvania Department of Transportation to determine whether comparable replacement housing exceeds the statutory supplemental limits allowed by law, and hereby approves housing of last resort, according to applicable laws, for the improvement of S.R. 0079, Section A18 in the Townships of South Fayette and Collier and the Borough of Bridgeville.

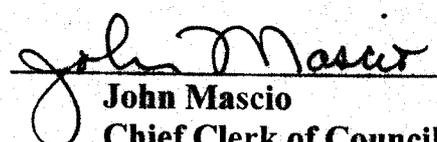
***Section 3. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.***

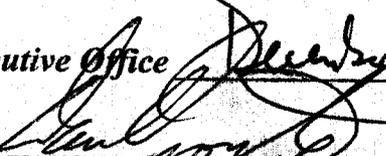
***Section 4. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.***

Enacted in Council, this 6<sup>th</sup> day of December, 2004.

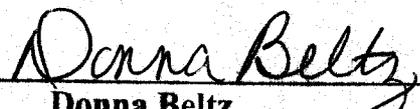
Council Agenda No. 1768-04.

  
\_\_\_\_\_  
Rich Fitzgerald  
President of Council

Attest:   
\_\_\_\_\_  
John Mascio  
Chief Clerk of Council

Chief Executive Office  \_\_\_\_\_ 15, 2004.

Approved:   
\_\_\_\_\_  
Dan Onorato  
Chief Executive

Attest:   
\_\_\_\_\_  
Donna Beltz  
Executive Secretary

## SUMMARY

The attached resolution of housing of last resort permits property owners and tenants to receive the maximum supplemental payment permitted under the Pennsylvania Eminent Domain Code in connection with the highway project identified herein.

**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

FROM: James M. Flynn, Jr.   
County Manager

DATE: November 10, 2004

RE: Proposed Resolution

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Attached is a Proposed Resolution providing certification that comparable replacement housing is not physically available and not available within the normal supplemental limits: \$22,500.00 for owners and \$5,250.00 for tenants, for the S.R. 0079, Section A18, project in the Townships of South Fayette and Collier and the Borough of Bridgeville..

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.

Office of the Chief Clerk  
Allegheny County Council

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RECEIVED