

Bill No. 0825-02

No. 43-02

## ORDINANCE

Authorizing the County of Allegheny to clear the right-of-way for reconstruction of Licks Run Bridge No. 10 in the Township of South Park and to acquire by condemnation a certain parcel of land, Parcel No. 8, Harry A. Thomas Heirs, 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* (Project No. LC10-0504).

WHEREAS, the County Council of Allegheny deems it advisable to clear the right-of-way for the reconstruction of Licks Run Bridge No. 10 on Old Brownsville Road (Curry Road) (County Road No. 5050-04) at its intersection with Thomas Avenue in the Township of South Park, County of Allegheny and Commonwealth of Pennsylvania (Project No. LC10-0504); and

WHEREAS, the County Council of Allegheny County deems it advisable to acquire by condemnation, certain land hereinafter described for additional right-of-way and easements for said 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 reconstruction of the Licks Run Bridge No. 10 on Old Brownsville Road (Curry Road) (County Road No. 5050-04) at its intersection with Thomas Avenue in the Township of South Park, County of Allegheny and Commonwealth of Pennsylvania (Project No. LC10-0504).

### **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:

| PARCEL NO. | RECORD OWNER          | BLOCK & LOT NO. |
|------------|-----------------------|-----------------|
| 8          | Harry A. Thomas Heirs | n/a             |

Said property is identified on a 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 reconstructing Licks Run Bridge No. 10 on Old Brownsville Road (Curry Road) (County Road No. 5050-04) at its intersection with Thomas Avenue in the Township of South Park, County of Allegheny and Commonwealth of Pennsylvania (Project No. LC10-0504).

### **SECTION 4. NOTICE TO INTERESTED PARTIES**

That immediate notice of this Ordinance be given to parties interested therein.

### **SECTION 5. APPLICATION TO COURT**

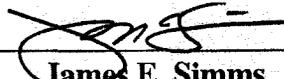
The Law Department is hereby directed to make application immediately to the Court of Common Pleas of said County for the purpose of having the value of said property legally ascertained.

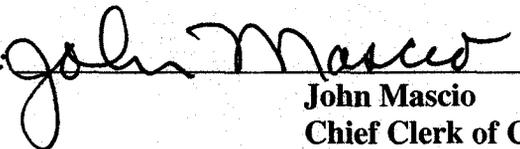
**SECTION**            *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

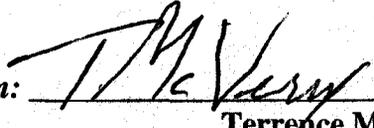
**SECTION**            *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 10<sup>th</sup> day of September, 20 02

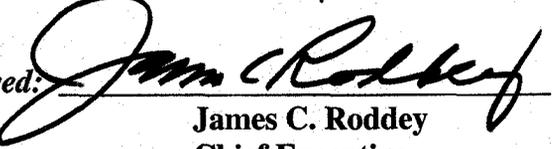
Council Agenda No. 0825-02

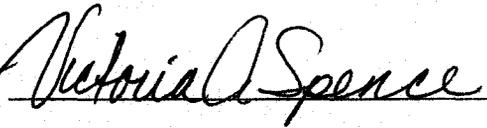
  
\_\_\_\_\_  
James E. Simms  
President of Council

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

Approved as to form:   
\_\_\_\_\_  
Terrence McVerry  
County Solicitor

Chief Executive Office September 16, 20 02.

Approved:   
\_\_\_\_\_  
James C. Roddey  
Chief Executive

Attest:   
\_\_\_\_\_  
Victoria Spence  
Executive's Secretary

**CERTIFICATE**

I, JOHN MASICO, Chief Clerk of the Council of the County of Allegheny,  
Pennsylvania, do hereby certify the foregoing to be a true and correct copy of Ordinance No. \_\_\_\_\_  
duly enacted by County Council at a regular meeting thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2002,  
as the same appears in the Minutes of said meeting duly recorded in the Office of County Council.

WITNESS my hand and seal hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_,  
2001.

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

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**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

FROM: Robert B. Webb   
County Manager

DATE: August 12, 2002

RE: Requesting County Council Approval

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Attached is an Ordinance authorizing the County of Allegheny to clear the right-of-way for reconstruction of Licks Run Bridge No. 10 in the Township of South Park and to acquire by condemnation a certain parcel of land, Parcel No. 8, Harry A. Thomas Heirs, 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* (Project No. LC10-0504). This request is submitted by the Department of Public Works.

Please put on the next agenda for County Council approval.

Thank you.