

Bill No. 3967-08

No. 18-08-02

AN ORDINANCE

An Ordinance authorizing the County of Allegheny to convey excess real estate located on the Montour Trail to adjacent landowners

Whereas, Allegheny County acquired portions of the Montour Railroad corridor within Allegheny County from Moon Township, Robinson Township, Findlay Township, North Fayette Township, the Municipality of Bethel Park and South Park Township by deed dated December 23, 1991 and recorded in Deed Book Volume 8684, Page 571 (the "Property") to develop the Montour Trail; and

Whereas, said Property contains several areas of excess real estate along the edges of the corridor not needed for development, operation and maintenance of the Montour Trail; and

Whereas, the excess real estate within the Property authorized to be conveyed herein were used by adjacent landowners before Allegheny County acquired the Property; and

Whereas, the County Manager approved Executive Action No. 6107-07 dated 8/27/2007 authorizing the County to file subdivision plans and enter into property agreements with Jack T. Duncan and Jeffrey E. Duncan and with Anthony J. Koonse and Sharon Ann Koonse to convey and acquire properties to develop the Montour Trail in South Park Township; and

Whereas, at their meeting March 10, 2008, the South Park Township Board of Supervisors approved the Montour Trail and Duncan Plan of Subdivision, the Montour Trail and Koonse Plan of Subdivision and the Montour Trail, Phase 8E Land Development Plan; and

Whereas, in its letter dated October 6, 2003, the Pennsylvania Department of Conservation and Natural Resources approved conveyance of certain land obtained with financial assistance from the RIRA program, which contains restrictions on the change of use and sale of the property to develop the Montour Trail; and

Whereas, County Council deems it to be in the public interest to convey excess real estate to develop the Montour Trail, to reduce liability risk and convert tax-exempt property to taxable property.

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 Convey Excess Montour Trail Real Estate to Adjacent Property Owners for Property Consideration.

Subject to approval of the County Manager, Council hereby authorizes the conveyance of excess real estate within the Montour Trail corridor to adjacent property owners Jack T. Duncan and Jeffrey E. Duncan and Anthony J. Koonse and Sharon Ann Koonse (collectively the "Adjacent Owners") , in South Park Township, in consideration of receipt of property of equal or greater area and/or value required to develop the Montour Trail The Director of Public Works, or his designee, is authorized to execute in the name of the County such instruments of conveyance and other documents, including subdivision plans, which may be necessary to accomplish the conveyance and acquisition of the properties.

Section 3. Authorization to Convey Excess Montour Trail Real Estate to Adjacent Property Owners with said Property Owners responsible for all associated costs.

Subject to the approval of the County Manager, Council further grants authority to convey excess real estate on the Montour Trail to the Adjacent Owners for consideration of One Dollar (\$1.00) and other valuable consideration, with said grantees being responsible for all costs required for said conveyances, in order to reduce County liability risks and convert tax exempt real estate into taxable real estate,. The Director of Public Works, or his designee, is authorized to execute in the name of the County such instruments of conveyance and other documents, including subdivision plans, which may be necessary to accomplish the conveyance and transfer of the properties.

Section 4. 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 5. 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.

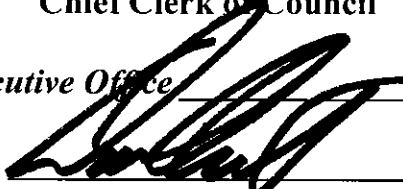
Enacted in Council, this 20th day of May, 2008,

Council Agenda No. 3967-08

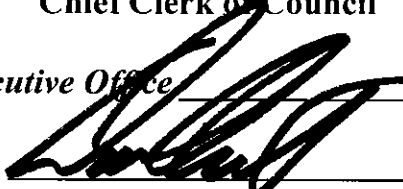

Rich Fitzgerald
President of Council

Attest:

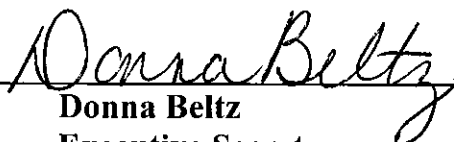

John Mascio
Chief Clerk of Council

Chief Executive Office  May 28, 2008

Approved:


Dan Onorato
Chief Executive

Attest:


Donna Beltz
Executive Secretary

SUMMARY OF LEGISLATION

This Ordinance will authorize the County to convey excess real estate along the side of the Montour Trail in exchange for acquiring areas of equal or greater area/value needed to develop the Trail at two locations.

Jack T. and Jeffrey E. Duncan own land on both sides of the trail that they are using for a storage and equipment garage and a material and equipment storage yard for their topsoil supply and excavating contractor businesses. Relocating the trail to run around this activity along Piney Fork Run on the south edge of these properties, instead of on the original County-owned railroad corridor through the middle, will improve trail safety by avoiding vehicle crossings and increase the value and tax income from the property. Pennsylvania Department of Conservation and Natural Resources, which partially funded the County acquisition of the Montour Railroad, approved this land swap October 6, 2003.

Before its acquisition by the County, the Montour Railroad connected with the B&O Railroad in South Park Township. This line remains active, being owned by CSX Transportation, Inc. and operated by the Allegheny Valley Railroad. In order to construct a connection with Piney Fork Road and continue the trail eastward, the County must acquire two slivers of land from Anthony J. and Sharon Ann Koonse. Mr. and Mrs. Koonse have expressed an interest in swapping the needed slivers for a strip of land owned by the County that had been intended to be used for a railroad line that was never built. By swapping the land, the County can get a trail connection to Piney Fork Road and Mr. and Mrs. Koonse can get a developable parcel.

At a third location, Kieth Schragel has occupied a portion of the unbuilt railroad strip since before the County purchased the property. He has indicated a willingness to pay the appraised value for this parcel. We seek approval to convey this parcel.

South Park Township Board of Supervisors approved two subdivision plans that create the parcels necessary for these conveyances and the associated land development plan (copy attached).

At a fourth location, several business and residences in Imperial, Findlay Township, have been encroaching on a former Montour Railroad spur since before the County acquired the Montour Railroad. We seek approval to convey land they are using if the grantees pay the costs of the conveyances. This action will reduce the County's liability risk and enable the County to collect real estate taxes.

MONTOUR TRAIL COUNCIL TO RELINQUISH OVERLAP AREA OF N/2 JEFFREY E. DUNCAN TO JEFFREY E. DUNCAN, REDUCING ITS PARCEL AREA FROM 629 ACRES TO 516 ACRES.

JACK T. AND JEFFREY E. DUNCAN TO CONVEY PARCEL A, TRACT 2, LOT 1 (1.71 ACRES) TO JEFFREY E. DUNCAN, TO BE COMBINED WITH PARCELS 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

ALLEGHENY COUNTY TO CONVEY PARCEL 629, TRACT 2, LOT 1 (1.71 ACRES) TO JEFFREY E. DUNCAN, TO BE COMBINED WITH PARCELS 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

JACK T. AND JEFFREY E. DUNCAN TO RELINQUISH OVERLAP AREA (1004 ACRES) TO GEORGE AND MABEL PELESKY, CLEARING TITLE TO GEORGE AND MABEL PELESKY.

JACK T. AND JEFFREY E. DUNCAN TO RELINQUISH ANY RIGHTS IN PARCELS 629, TRACT 2, LOT 1 (1.71 ACRES) AND PARCEL A, TRACT 2, LOT 1 (1.71 ACRES) WITHIN THEIR DEED AREA.

ZONING DISTRICT INFORMATION:

R-2 - MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

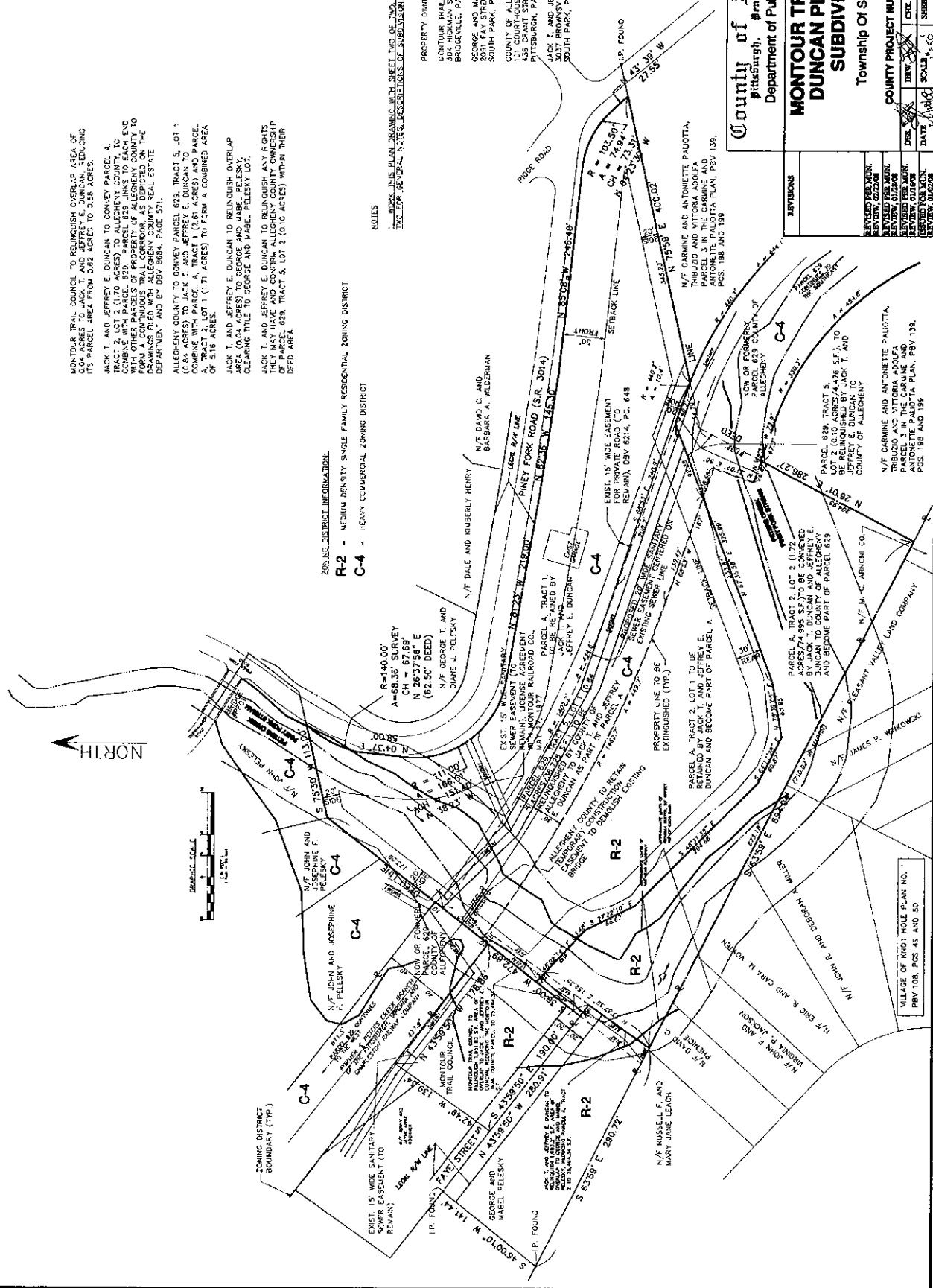
C-4 - HEAVY COMMERCIAL ZONING DISTRICT

NOTES

1. MONTOUR TRAIL COUNCIL TO RELINQUISH OVERLAP AREA OF N/2 JEFFREY E. DUNCAN TO JEFFREY E. DUNCAN, REDUCING ITS PARCEL AREA FROM 629 ACRES TO 516 ACRES.

PROPERTY OWNERS' ADDRESSES:

MONTOUR TRAIL COUNCIL
515 MONTOUR TRAIL
BROOKVILLE, PA 15007
GEORGE AND MABEL PELESKY
2001 FAY STREET
SOUTH PARK, PA 15129
COUNTY OF ALLEGHENY
101 COURTHOUSE
435 GRANT STREET
PITTSBURGH, PA 15219
JACK T. AND JEFFREY E. DUNCAN
2001 FAY STREET
SOUTH PARK, PA 15129



County of Allegheny
Pittsburgh, Pennsylvania
Department of Public Works

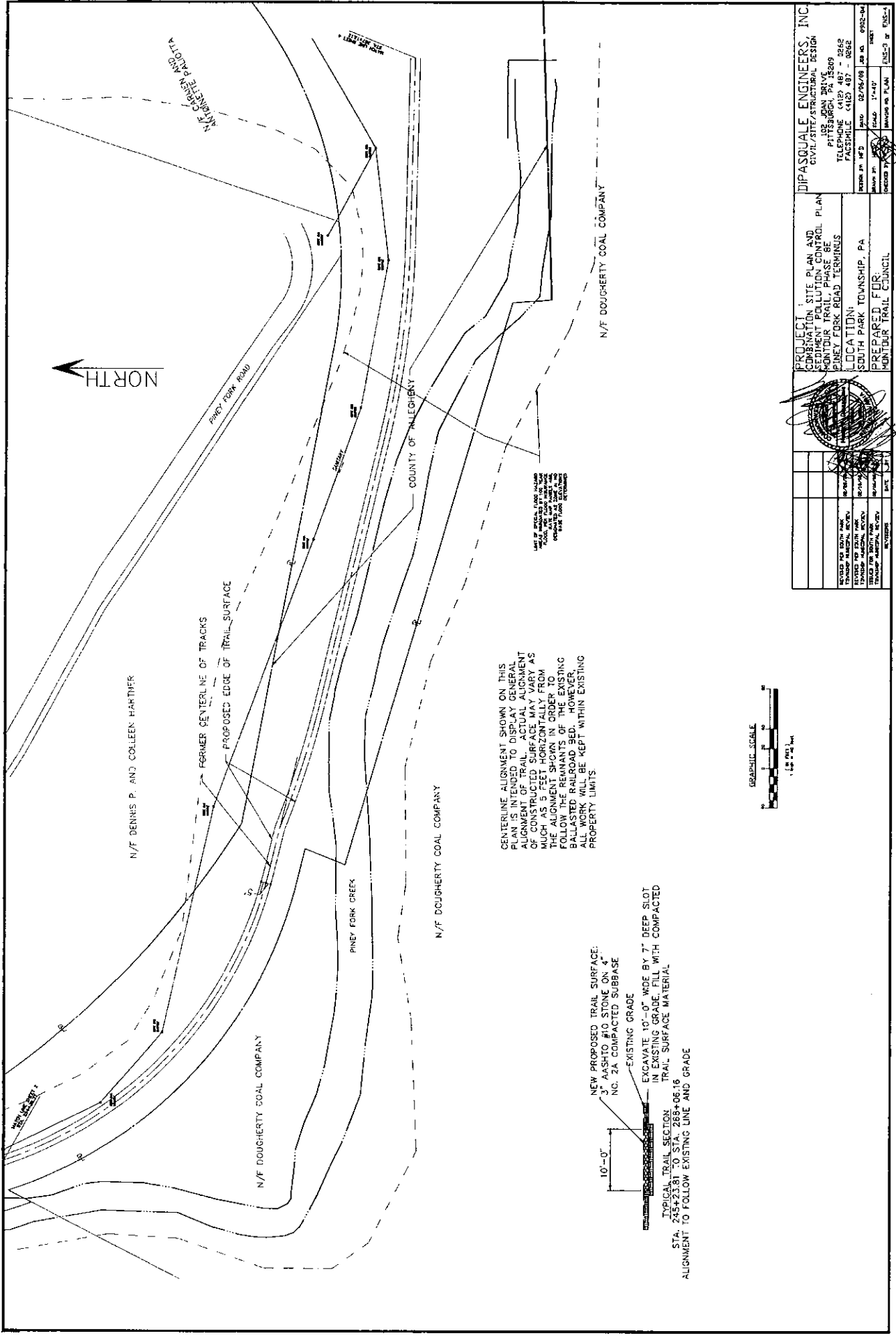
MONTOUR TRAIL AND DUNCAN PLAN OF SUBDIVISION

Township Of South Park

COUNTY PROJECT NUMBER Z191-7949R

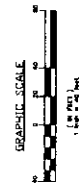
DATE	DRAWN	CHE	M-O-167
SCALE	SHEET 1 OF 2		

REVISIONS	DATE	BY	CHK
REVISED FOR PLAN, PGS. 138 AND 139	10/1/88	JL	JL
REVISED FOR PLAN, PGS. 138 AND 139	10/1/88	JL	JL
REVISED FOR PLAN, PGS. 138 AND 139	10/1/88	JL	JL
REVISED FOR PLAN, PGS. 138 AND 139	10/1/88	JL	JL



CENTERLINE ALIGNMENT SHOWN ON THIS PLAN IS INTENDED TO DISPLAY GENERAL ALIGNMENT OF TRAIL. ACTUAL ALIGNMENT OF CONFINED SURFACES SHALL BE AS SHOWN ON THE PLAN. THE ALIGNMENT SHOWN IN ORDER TO FOLLOW THE REMNANTS OF THE EXISTING BALLASTED RAILROAD BED. HOWEVER, ALL WORK WILL BE KEPT WITHIN EXISTING PROPERTY LIMITS.

NEW PROPOSED TRAIL SURFACE:
 3" AASHTO #10 STONE ON 4" NC. 2A COMPACTED SUBBASE
 EXISTING GRADE
 EXCAVATE 10'-0" WIDE BY 7" DEEP SLOT IN EXISTING GRADE FILL WITH COMPACTED TRAIL SURFACE MATERIAL
 TYPICAL TRAIL SECTION
 STA. 255+23.81 TO STA. 268+06.16
 ALIGNMENT TO FOLLOW EXISTING LINE AND GRADE



PROJECT: CONVEYANCE SITE PLAN AND SEDIMENT POLLUTION CONTROL PLAN		DIPASQUALE ENGINEERS, INC.	
MONTGOMERY TRAIL, PHASE BE		CIVIL/STRUCTURAL DESIGN	
PINEY FORK ROAD TERMINUS		PITTSBURGH, PA 15209	
LOCATION:		TELEPHONE (412) 487 - 2242	
SOUTH PARK TOWNSHIP, PA		FACSIMILE (412) 487 - 0562	
PREPARED FOR:		DATE: 02/26/08	
MONTGOMERY TRAIL COUNCIL		DRAWN BY: J. H. J.	
		CHECKED BY: J. H. J.	
		DATE: 02/26/08	
		SCALE: 1"=40'	
		SHEET: 1 OF 1	

NEW PROPOSED RAIL SURFACE:
3" ASPHALT 0.0 STONE 2"
NO. 2A COMPACTED SUBBASE

EXISTING GRADE

EXCAVATE 10'-0" WIDE BY 1" DEEP SLOT
IN EXISTING GRADE, FILL WITH COMPACTED
TRAIL SURFACE MATERIAL

TYPICAL TRAIL SECTION

STA. 245+23.81 TO STA. 268+06.16

ALIGNMENT TO FOLLOW EXISTING LINE AND GRADE

HORIZONTAL RAILS (TYP.)

LINE POST (TYP.)

PROPOSED GRADE
SEE PLAN.

EXCAVATE 1'-0" x HOLE 1'-8"
DEEP, INSTALL POST VERTICAL
AND PLUMB, BACKFILL AROUND
POST WITH SITE-EXCAVATED
MATERIAL (TYP.)

TYPICAL SECTION - MONITOR TRAIL COUNCIL
R.O.W. FENCE TYPE TO

STA. 232+80 TO STA. 235+92 11'0" LT. RT.

STA. 237+21 TO STA. 246+43 11'0" TO 8'0" RT.

STA. 270+94 TO STA. 272+01 11'0" RT.

ALL MEMBERS: ROUGH CUT LOGSUIT WOOD

LINE OF RAILROAD RIGHT-OF-WAY
SHOWN FOR INFORMATION ONLY
AND IS NOT TO BE USED FOR
CONSTRUCTION PURPOSES

NORTH

N/F CARMINE AND ANTONIETTE PALIOTTA,
TRIBUZIO AND VITTORIA ADOLFA

FORMER CENTERLINE OF TRACKS
PROPOSED EDGE OF RAIL SURFACE

COUNTY OF ALLEGHENY

N/F CARMINE AND ANTONIETTE PALIOTTA,
TRIBUZIO AND VITTORIA ADOLFA

PINEY FORK CREEK

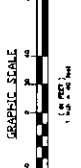
PINEY FORK ROAD

N/F M. C. ARNONI
CO.

N/F DENNIS P. AND COLLEEN HARTNER

N/F M. C. ARNONI CO.

CENTERLINE ALIGNMENT SHOWN ON THIS
PLAN IS INTENDED TO DISPLAY GENERAL
ALIGNMENT OF TRAIL. ACTUAL ALIGNMENT
OF CONSTRUCTED SURFACE MAY VARY AS
MUCH AS 5 FEET HORIZONTALLY FROM
THE ALIGNMENT SHOWN IN ORDER TO
FOLLOW THE REMNANTS OF THE EXISTING
BALLASTED RAILROAD BED. HOWEVER,
ALL WORK WILL BE KEPT WITHIN EXISTING
PROPERTY LIMITS.



		DIPASQUALE ENGINEERS, INC. CIVIL ENGINEERING DESIGN 1118 JONAS DRIVE PITTSBURGH, PA 15209 TELEPHONE (412) 487-0262 FACSIMILE (412) 487-0262
PROJECT: CONVEYANCE SITE PLAN AND SEDIMENT POLLUTION CONTROL PLAN MONITOR TRAIL, PHASE BE PINEY FORK ROAD TERMINUS		LOCATION: SOUTH PARK TOWNSHIP, PA PREPARED FOR: MONITOR TRAIL COUNCIL
REVIEWED FOR SOUTH PARK TOWNSHIP: [Signature] REVIEWED FOR STATE OF PA: THOMAS W. BROWN, JR. THOMAS W. BROWN, JR. THOMAS W. BROWN, JR.	DATE: 02/06/08 DRAWN BY: H.E.J. SCALE: 1"=40' SHEET: 0952-04 TOTAL SHEETS: 0952-04	PROJECT NO.: 0952-04 SHEET NO.: 0952-04

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr.
County Manager

'08 MAY 1 PM12:09

DATE: May 1, 2008

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny to convey excess real estate located on the Montour Trail to adjacent landowners.

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.