

Bill No. 1089-03

No. 11-03-OR

## ORDINANCE

Authorizing the County of Allegheny to clear the right-of-way for reconstruction of four small bridges and a wall in various municipalities and to acquire by condemnation certain parcels of land for these projects, 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 the following four small bridges and a wall within the County of Allegheny and Commonwealth of Pennsylvania, authorized by the County Executive to clear the right-of-way by the noted Executive Actions:

Girty's Run Bridge No. 14 (GI14-0205) on West View Road in Township of Ross, authorized 8/20/02 by Agenda No. 1317-02;

Homeville Creek Bridge No. 7 (HV07-0505) on Homestead-Duquesne Road in Boroughs of Munhall and West Mifflin, authorized 8/20/02 by Agenda No. 1316-02;

Homeville Creek Bridge No. 10 (HV10-0502) on Ravine Street in the Borough of Munhall, authorized 8/20/02 by Agenda No. 1315-02;

Horning Road Wall (5152-0002) on Horning Road in the Borough of Baldwin, authorized 11/25/02 by Agenda No. 1681-02;

Jack's Run Bridge No. 3 (JA03-0101) on Brighton Road in the Township of Ross and Borough of Bellevue, authorized 1/25/02 by Agenda No. 139-02, hereinafter called the "Projects"; 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 Projects.

*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 Projects.

**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 Projects:

PROJECT PARCEL NO.	RECORD OWNER	TAX PARCEL BLOCK & LOT NO.
<b>Homeville Creek Bridge No. 7</b>		
4	Joseph P. Enos, Jr. and Maureen Enos	181-P-160
6	Bellwood Land Company	181-P-170
7	First Christian Church of Homestead	181-P-235
8	Borough of West Mifflin	181-P-167
9	Gerald R. Irons and Yvonne M. Irons	181-P-40
10	First Christian Church of Homestead	181-P-235
11	James M. Quinn and Elaine Quinn	181-K-40
12	Borough of West Mifflin and Bellwood Land Company (deed overlap)	181-P-167 181-P-170
<b>Homeville Creek Bridge No. 10</b>		
3	Stanley W. Mozick and Dorothy A. Mozick	180-J-118
4	Laura J. Hudson	180-J-120
6	Estate of Louis Heincz	179-N-25
<b>Horning Road Wall</b>		
2	John Boden	390-P-216
4	Paul R. Mastandrea & Kathleen A. Mastandrea	390-P-222

Said properties are identified on drawings 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 the Projects.

**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 6. SEVERABILITY**

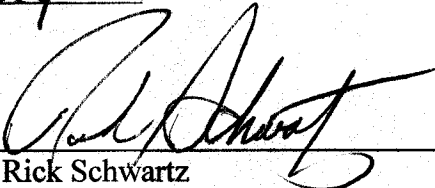
*If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall continue in full force and effect.*

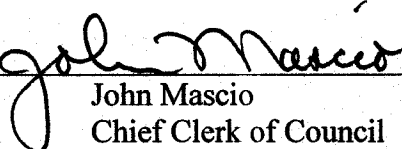
**SECTION 7. REPEALER**

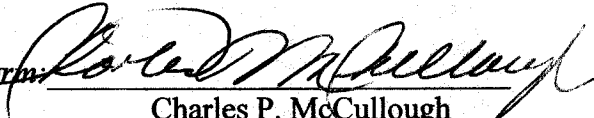
*Any ordinance or any part of an Ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extend of such conflict.*

Enacted in Council, this 6<sup>th</sup> day of May, 2003.

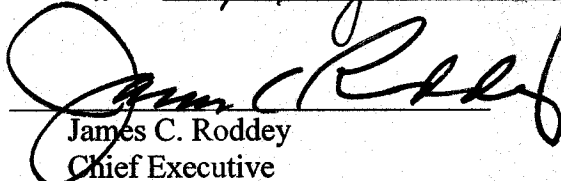
Council Agenda No. 1089-03.

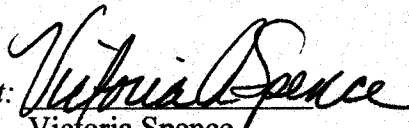
  
Rick Schwartz  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Approved as to form:   
Charles P. McCullough  
County Solicitor

Chief Executive Office May 14, 2003.

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 \_\_\_\_\_, 2003,  
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 \_\_\_\_\_,  
2003.

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

**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

FROM: Robert B. Webb *RWB*  
County Manager

DATE: February 21, 2003

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 four small bridges and a wall in various municipalities and to acquire by condemnation certain parcels of land for these projects, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, *as amended*. This request is submitted by the Department of Public Works.

Please put on the next agenda for County Council approval.

Thank you.

According to the "Rules of Council" [Article II, Sec. 6, Para. 1]

- (1) I make a motion to bring Bill #1089-03, to the floor for second reading and consideration tonight.

"An Ordinance Authorizing the County of Allegheny to clear the right-of-way for reconstruction of four small bridges and a wall in various municipalities and to acquire by condemnation certain parcels of land for these projects, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, *as amended*.

This bill had its first reading on March 4, 2003 and was referred to the Committee on Public Works.

- **Vote to move to the floor for consideration tonight.**

- (2) I make a motion to approve Bill #1089-03.

- **Discussion of bill #1089-03**
- **Vote**