

No. 04-22-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements from two (2) parcels required for the reconstruction of Mount Troy Road, County Road No. 2312-02 (Project No. 2312-0206) located in Reserve Township and the City of Pittsburgh, Allegheny County and to take such further action as may be necessary under applicable law, including but not limited to the Eminent Domain Code.

Whereas, the County Council of Allegheny County (the “Council”) deems it advisable to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements (the “Property”) from two (2) parcels described hereinbelow for the purpose of reconstructing Mount Troy Road, County Road No. 2312-02 (Project No. 2312-0206) located in Reserve Township and the City of Pittsburgh, Allegheny County (the “Project”); and

Whereas, the Project, has been depicted in the Right-of-Way Drawings identified as RW 2801-RW for the reconstruction of Mount Troy Road, County Road No. 2312-02 (Project No. 2312-0206) located in Reserve Township and the City of Pittsburgh, Allegheny County. County Project No. 2312-0206, approved April 9, 2021, recorded April 9, 2021, in the Allegheny County Department of Real Estate, Plans-Miscellaneous, Book 186, Page 73, and marked as Exhibit “A” attached hereto and made a part hereof; and

Whereas, the Department of Public Works has determined that the owner of Parcel 1, Charles Beckert was born on September 2, 1845, and died on April 3, 1930; the conveyance deed is dated January 9, 1888; his death certificate describes him as a “widower”; and all efforts to locate any living heirs have been unsuccessful; and

Whereas, the Department of Public Works has determined that the owners of Parcel 2, David R. Grabowski and Joseph W. Grabowski, brothers, are both deceased, died intestate; and the location of any living heirs has been unsuccessful; and

Whereas, due to the passage of time it is now necessary to authorize the acquisition of the Property through condemnation proceedings following exhaustion of reasonable, good faith efforts to identify and locate the owners of the two parcels and amicably acquire said property; and

Whereas, the Project constitutes a valid public purpose serving the interests of the residents of the County.

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 as set forth in their entirety herein.

SECTION 2. Authorization to Acquire Property by Condemnation.

That Council deems it advisable and necessary to acquire by condemnation, under the power of eminent domain, certain property necessary for the Project described more particularly as follows:

Parcel 1 – Heirs of Charles Beckert, deceased

Lot/Block #78-L-330 and 78-S-220

Property: Right of Way in fee simple 0.034 acres; Drainage Easement 0.032 acres;
 and Temporary Construction Easement 0.009 acres

FMV: \$400.00

Parcel 2 – Heirs of David R. Grabowski and Joseph W. Grabowski, deceased

Lot/Block #78-L-115, -150, -190, -197, and -212; and 78-R-34

Property: Right of Way in fee simple 0.044 acres; and
 Temporary Construction Easement 0.022 acres.

FMV: \$400.00

SECTION 3. Notice to Interested Parties.

That Council directs the Department of Public Works in conjunction with the Law Department to notify interested parties as required by law of the adoption of this Ordinance with respect to property taken under the power of eminent domain.

SECTION 4. 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 5. 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 6. Repealer.

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

Enacted in Council, this 8th day of February, 2022

Council Agenda No. 12168-22


~~Patrick J. Catena~~ John Palmiere
Vice President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief County Executive Office February 10th, 2022

Approved: 
Rich Fitzgerald
County Executive

Attest: 
Jennifer M. Liptak
Chief of Staff

Summary

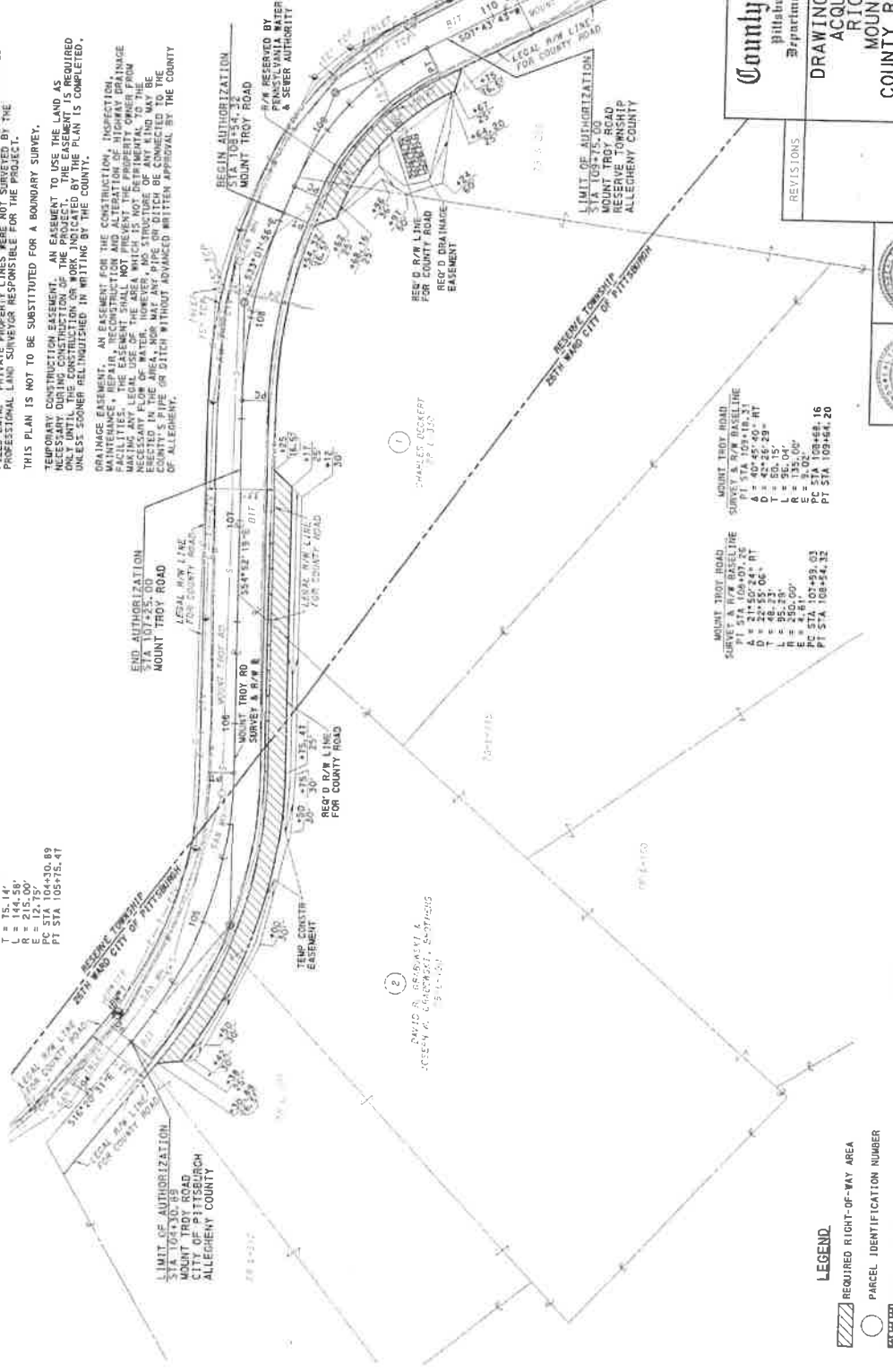
Authorization to commence two (2) condemnation actions (Parcels 1 and Parcel 2) in connection with the reconstruction of Mount Troy Road, County Road No. 2312-02 (Project No. 2312-0206) located in Reserve Township and the City of Pittsburgh, Allegheny County.

BM#1 ELEV 1072.43'
 MOUNT TROY RD. SURVEY A R/W BASELINE
 14+1.57 STATION
 MAG SPIKE IN EP#178

MOUNT TROY ROAD
 SURVEY A R/W BASELINE
 PI STA 105+06.03
 Δ = 38°31'48" LT
 T = 75.14' 51"
 L = 144.58'
 E = 12.50'
 PC STA 104+30.89
 PT STA 105+75.47

THE LEGAL RIGHT-OF-WAY ON MOUNT TROY ROAD, COUNTY ROAD NO. 2312-02, FROM
 BEGINNER PLAN, RECORDED OCTOBER 27, 1975, IS 33 FEET, BASED ON THE JACOB
 RECORDER OF DEEDS OFFICE IN PLAN BOOK VOLUME 24 PAGE 186.
 PRIVATE PROPERTY LINES ARE PLOTTED FROM THE BEST AVAILABLE RECORDED,
 SUBDIVISION OR LOT PLANS. EXISTING TOPOGRAPHICAL FEATURES AND LIMITED
 PAVED, DIRT, PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE
 PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.
 THIS PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.
 TEMPORARY CONSTRUCTION EASEMENT AN EASEMENT TO USE THE LAND AS
 NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS CONSIDERED
 UNLESS SOONER REFINISHED IN WRITING BY THE COUNTY.
 DRAINAGE EASEMENT, AN EASEMENT FOR THE CONSTRUCTION, INSPECTION,
 MAINTENANCE, REPAIR, REPLACEMENT AND ALTERATION OF HIGHWAY DRAINAGE
 FACILITIES. THE EASEMENT CONVEYS TO THE COUNTY THE RIGHT TO USE THE
 MAKING ANY LEGAL USE OF THE AREA WHICH IS NOT RETRIEVED FROM
 ERECTED IN THE FUTURE. HOWEVER, NO STRUCTURE OF ANY KIND MAY BE
 COUNTY'S PIPE OR DITCH WITHOUT ADVANCED WRITTEN APPROVAL BY THE COUNTY
 OF ALIGNMENT.

BM#2 ELEV 1053.37'
 MOUNT TROY RD. SURVEY A R/W BASELINE
 14+1.57 STATION
 MAG SPIKE IN EP#18299



(2)
 CHARLES ACKERT
 REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 12345

MOUNT TROY ROAD
 SURVEY A R/W BASELINE
 PI STA 105+06.03
 Δ = 38°31'48" LT
 T = 75.14' 51"
 L = 144.58'
 E = 12.50'
 PC STA 104+30.89
 PT STA 105+75.47

MOUNT TROY ROAD
 SURVEY A R/W BASELINE
 PI STA 103+54.22
 Δ = 21°50'24" RT
 T = 22'55" 06"
 L = 95.73'
 R = 450.00'
 PC STA 103+24.03
 PT STA 103+24.32

- LEGEND**
- REQUIRED RIGHT-OF-WAY AREA
 - PARCEL IDENTIFICATION NUMBER
 - R-T ROCK APRON



DESIGN BY: MS
 DRAWN BY: RSH
 CHECKED BY: EST

REFERENCE DRAWINGS
 CLAIM BLOCK INFORMATION

SHEET 3
 SURVEY BOOK NO. 1

County of Allegheny
 Pittsburgh, Pennsylvania
 Department of Public Works

**DRAWINGS AUTHORIZING
 ACQUISITION OF
 RIGHT-OF-WAY**
 MOUNT TROY ROAD
 COUNTY ROAD NO. 2312-02

DETAIL PLAN SHEET
 (2312-0206)

REVISIONS

DATE BY: RSH
 CHECKED BY: EST
 DATE: 07/22/2023
 SHEET 3 OF 3

2801-RW

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

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: January 20, 2022

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, certain permanent rights-of-way and easements, including but not limited to, property in fee for permanent rights-of-way and temporary construction easements from two (2) parcels required for the reconstruction of Mount Troy Road, County Road No. 2312-02 (Project No. 2312-0206) located in Reserve Township and the City of Pittsburgh, Allegheny County and to take such further action as may be necessary under applicable law, including but not limited to the Eminent Domain Code.

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

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.