

*No. 29-22-OR*

**AN ORDINANCE**

An Ordinance authorizing the County of Allegheny ("County"), in conjunction with the Department of Public Works and the Law Department, to convey by quit claim deed, one parcel of County-owned land identified as Block and Lot 15-C-202 to the Commonwealth of Pennsylvania, Department of Transportation (PennDOT).

**Whereas**, the County is the owner of a parcel of land located in the Eighteenth Ward, City of Pittsburgh, Allegheny County, Commonwealth of Pennsylvania, identified as Block and Lot 15-C-202 (the "Property"); and

**Whereas**, the Property has a ventilation fan house located thereon servicing a pair of tunnels known as the Liberty Tunnels connecting the South Hills area of Allegheny County to the City of Pittsburgh beneath Mount Washington; and

**Whereas**, pursuant to Act 615 of 1961, 36 P.S. Section 1758-101 (the "Act"), the Commonwealth of Pennsylvania through its Department of Transportation assumed ownership and maintenance responsibility for the Liberty Tunnels and Liberty Bridge including the surface parcel with the ventilation fan house; and

**Whereas**, the PennDOT filed a Plan authorizing the acquisition of right-of-way of State Route 3069 (the "Plan") which was recorded on June 16, 2016 in the Allegheny County Department of Real Estate in Plan Book 169 at Page 62, which contained the following relevant General Note:

BY THE ACT 615 OF 1961, 36 P.S. SECTION 1758-101, THE DEPARTMENT OF TRANSPORTATION WAS AUTHORIZED TO ADOPT AS PART OF THE STATE HIGHWAY SYSTEM, ROUTE 02270 (NOW SR 3069), BEGINNING AT THE INTERSECTION OF THE LIBERTY TUNNEL AND BRIDGE AND FORBES STREET, THENCE OVER AND THROUGH SUCH BRIDGE AND TUNNEL TO THEIR INTERSECTION WITH SAWMILL RUN BOULEVARD. SINCE THAT TIME THE DEPARTMENT HAS ASSUMED OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR THE SAID TUNNEL AND BRIDGE AS PART OF THE STATE HIGHWAY SYSTEM, INCLUDING THE FAN HOUSE REFERENCED IN THIS PLAN AND SITUATED ON LOT AND BLOCK 15-C-202. PURSUANT TO THIS PLAN, **THE DEPARTMENT WILL ACCEPT A QUIT CLAIM DEED FROM THE COUNTY OF ALLEGHENY TO CONFIRM THE DEPARTMENT'S OWNERSHIP OF THE LEGAL RIGHT-OF-WAY FOR LOT AND BLOCK 15-C-202, AS EVIDENCED BY A QUIT CLAIM DEED TO BE HEREINAFTER**

**RECORDED IN THE OFFICE FOR THE DEPARTMENT OF REAL ESTATE  
FOR ALLEGHENY COUNTY. (Emphasis Added); and**

**Whereas**, following the Plan's recording, apparently through simple oversight, the quit claim conveyance was never made by the County to the PennDOT; and

**Whereas**, Article IV, Section 2(k) of the Allegheny County Home Rule Charter vests County Council with the power to authorize the conveyance of County of real property by ordinance; and

**Whereas**, it is recommended by the County's Department of Public Works and Law Department that the quit claim conveyance contemplated by the Act and the aforementioned Plan should now be made to the Commonwealth of Pennsylvania, Department of Transportation; and

**Whereas**, County Council wishes to comply with the requirements of the Act and the Plan as recommended.

***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 though set forth in their entirety herein.

***SECTION 2. Authorization to Convey the Property***

Allegheny County Council hereby authorizes the conveyance of the County property identified as Block and Lot 15-C-202 (the Property) to the Commonwealth of Pennsylvania, Department of Transportation for a nominal consideration of One (\$1.00) Dollar by a quit claim deed. The proper officers of the County are hereby authorized to execute all documents necessary to effectuate the authorization granted by this ordinance.

***SECTION 3. 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 to be in full force and effect.

***SECTION 4. 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.


***SECTION 5. Effective Date.***

***This Ordinance shall enter effect immediately upon its approval.***

Enacted in Council, this 11<sup>th</sup> day of October, 2022

Council Agenda No. 12442-22

  
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Patrick J. Catena  
President of Council

Attest:   
\_\_\_\_\_  
Jared Barker  
Chief Clerk of Council

County Executive Office October 12<sup>th</sup>, 2022

Approved:   
\_\_\_\_\_  
Rich Fitzgerald  
County Executive

Attest:   
\_\_\_\_\_  
Jennifer M. Liptak  
Chief of Staff

### **Summary for Proposed Ordinance – Donation of Liberty Tunnel Fan Ventilation Parcel**

- This proposed ordinance authorizes the conveyance of one parcel (Lot and Block 15-C-202) of County-owned land to the Commonwealth of Pennsylvania by quit claim deed.
- This parcel is included in a Right of Way Acquisition Plan prepared by PennDOT as part of the State Highway System for SR 3069 Section A21. The Plan was recorded June 16, 2016 in the Allegheny County Department of Real Estate. Language contained in the Recorded Plan is included in the Ordinance.
- This particular parcel was used as the location for the ventilation fan house when the County constructed the Liberty Tunnels. As part of Act 615 of 1961 (Act 615), the Liberty Bridge and Tunnels were turned over to PennDOT. Following passage of Act 615 PennDOT has assumed ownership of the Bridge and Tunnel, including maintenance of the ventilation fan house.
- Public Works was asked to convey this parcel to confirm PennDOT's ownership of the ventilation fan house and to reduce, where possible, the County's responsibility for payment of stormwater fees. In that regard, PennDOT will accept a quit claim deed from the County.
- The County no longer needs this parcel because PennDOT is responsible for the facilities on this parcel and PennDOT will be responsible for any stormwater fees or any other issues related to this parcel.
- The Law Department has advised Public Works that an Ordinance was needed to transfer this parcel by quitclaim deed.

**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: September 8, 2022

RE: Proposed Ordinance

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Attached is an Ordinance authorizing the County of Allegheny ("County"), in conjunction with the Department of Public Works and the Law Department, to convey by quit claim deed, one parcel of County-owned land identified as Block and Lot 15-C-202 to the Commonwealth of Pennsylvania, Department of Transportation (PennDOT).

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.