



Allegheny County Council

County of Allegheny
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Legislation Details (With Text)

File #: 12168-22 **Version:** 1 **Name:**
Type: Ordinance **Status:** Enacted
File created: 1/21/2022 **In control:** Chief Clerk
On agenda: 1/25/2022 **Final action:** 2/8/2022

Title: 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.

Sponsors: Chief Executive

Indexes:

Code sections:

Attachments: 1. 12168-22 Exhibit A Mt. Troy-1.pdf, 2. 04-22-OR 12168-22.pdf

Date	Ver.	Action By	Action	Result
2/10/2022	1	Chief Executive	Signed by Chief Executive	
2/8/2022	1	County Council	Passed for Chief Executive Signature	Pass
2/2/2022	1	Committee on Public Works	Affirmatively Recommended	Pass
1/25/2022	1	County Council	Referred by Chair	

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.