



Allegheny County Council

County of Allegheny
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Legislation Details (With Text)

File #: 11574-20 **Version:** 1 **Name:**

Type: Ordinance **Status:** Enacted

File created: 8/14/2020 **In control:** Chief Clerk

On agenda: 8/18/2020 **Final action:** 9/8/2020

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 real property located within one of the parcels included in the Campbell’s Run Road Bridge No. 6 Project located in the Township of Robinson and the Township of Collier 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. 11574-20 ExA_Campbells Run Bridge Odinance (Robinson Express).pdf, 2. 20-20-OR 11574-20.pdf

Date	Ver.	Action By	Action	Result
9/9/2020	1	Chief Executive	Signed by Chief Executive	
9/8/2020	1	County Council	Passed for Chief Executive Signature	Pass
9/1/2020	1	Committee on Public Works	Affirmatively Recommended	Pass
8/18/2020	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 real property located within one of the parcels included in the Campbell’s Run Road Bridge No. 6 Project located in the Township of Robinson and the Township of Collier 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 (“**Council**”) deems it advisable to acquire certain property located within the parcel more fully described in **Section 3** hereinbelow for the purpose of reconstructing Campbell’s Run Bridge No. 6 carrying Campbell’s Run Road over Campbell’s Run east of Keiner’s Lane in the Township of Robinson and the Township of Collier (the “**Project**”); and

Whereas, the Project has been depicted in the Right-of-Way Drawings, which were recorded on April 21, 2020 in the Allegheny County Department of Real Estate in Plans - Miscellaneous Volume 183, Page 37; and

Whereas, in accordance with Section 701.02 of the Administrative Code of Allegheny County, the County Manager authorized the Public Works and Law Departments to clear the right-of-way for the Project by his Executive Action No. 7239-19 approved December 24, 2019, and as amended by his Executive Action No. 5909-20 approved June 15, 2020; and

Whereas, the Department of Public Works, through its employees and through its consultant, Interstate Acquisition Service, has made good faith efforts to amicably acquire the property hereafter described, but the

owner has refused to engage in purposeful negotiations with the County including refusal to attend scheduled meetings on multiple occurrences as well as unreturned telephone calls and emails; and,

Whereas, due to the urgent need to carry out the Project to protect the public and secure funding, it is necessary to authorize the acquisition of the property hereafter described through the use of eminent domain following exhaustion of good faith efforts to amicably acquire said property; and

Whereas, Council deems it advisable to acquire by condemnation a portion of the property herein described and as depicted on the drawing attached and marked "Exhibit A" for use as a permanent right-of-way, a temporary construction easement and a substitute right-of-way needed for the Project; and

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

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 Acquire Property.

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 property, to prepare the necessary petitions, resolutions and all other documents, including but not limited to a Declaration of Taking, a Petition to Deposit Estimated Just Compensation into Court and a Petition for Appointment of Viewers, all or some of which may be required for the Project.

SECTION 3. 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 for the Project as is more particularly described as follows:

Property Parcel:	No. 4
Owner:	4317 Campbell's Run Road, LLC, formerly named ROBINSONExpress, LLC
Deed:	Deed Book Volume 17905, Page 206 (Confirmatory Deed recorded on January 15, 2020 for the stated purpose of declaring that the named Grantor, ROBINSONExpress, LLC and the named Grantee, 4317 Campbell's Run Road, LLC are one and the same entity that has changed its name while maintaining the same managing member, the same identity number issued by the Pennsylvania Department of State and the same Federal and State Tax Identification Number.)
Lot/Block:	203-S-23
Property:	Permanent right-of-way of 0.014 acres/616 square feet; Temporary construction easement of 0.020 acres/874 square feet; and Substitute right-of-way of 0.012 acres/540 square feet

Said property is identified as Parcel No. 4 on the property drawing 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 the Project.

SECTION 4. 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 authorized to be taken under the power of eminent domain.

SECTION 5. Application to Court.

That Council directs the Department of Public Works in conjunction with the Law Department to commence a condemnation action in the Court of Common Pleas of Allegheny County for the purpose of acquiring the property for the Project.

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 be in full force and effect.*

SECTION 7. 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.*