



Allegheny County Council

County of Allegheny
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Legislation Details (With Text)

File #: 12505-22 **Version:** 1 **Name:**
Type: Ordinance **Status:** Enacted
File created: 11/4/2022 **In control:** Chief Clerk
On agenda: **Final action:** 11/22/2022

Title: An Ordinance authorizing the County of Allegheny, through the Department of Public Works and the Law Department, to acquire by condemnation a permanent right-of-way, a slope easement and a temporary construction easement from one (1) parcel of land located at 3222 Mount Troy Road, Reserve Township, Allegheny County, required for the stabilization of Mount Troy Road (County Road No. 2312-02) 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. 12505-22 Exhibit A - Mt. Troy ROW 2312-0204.pdf, 2. 12505-22 Summary of Legislation.docx, 3. 36-22-OR 12505-22.pdf

Date	Ver.	Action By	Action	Result
11/28/2022	1	Chief Executive	Signed by Chief Executive	
11/22/2022	1	County Council	Passed for Chief Executive Signature	Pass
11/15/2022	1	Committee on Public Works	Affirmatively Recommended	Pass
11/9/2022	1	County Council	Referred by Chair	

An Ordinance authorizing the County of Allegheny, through the Department of Public Works and the Law Department, to acquire by condemnation a permanent right-of-way, a slope easement and a temporary construction easement from one (1) parcel of land located at 3222 Mount Troy Road, Reserve Township, Allegheny County, required for the stabilization of Mount Troy Road (County Road No. 2312-02) 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 one (1) parcel of land located at 3222 Mount Troy Road, Reserve Township, Allegheny County, identified as Block & Lot No. 117-P-6, required for the stabilization of Mount Troy Road (County Road No. 2312-02) (the “Project”); and

Whereas, the Project has been depicted in the Right-of-Way Drawings identified as 2809-RW for the stabilization of Mount Troy Road (County Road No. 2312-02) located in Reserve Township, Allegheny County, County Project No. 2312-0204, approved September 26, 2022, recorded September 27, 2022 in the Allegheny County Department of Real Estate, Plans-Miscellaneous Book 314, Page 116, and marked as Exhibit A” attached hereto and made a part hereof; and

Whereas, the Department of Public Works has determined that the record owners of Block & Lot 117-P-6 are Leonard R. Jesteadt and Gracie K. Jesteadt, husband and wife (collectively the “Property Owner”); and

Whereas, despite reasonable efforts, concessions and accommodations made by the Department of Public Works over a period of several years, the County has been unable to reach an agreement with the Property Owner to amicably acquire the property identified on the Right-of Way Drawings marked as Exhibit “A” leaving no choice but to take such property through the exercise of eminent domain; 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.

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

Parcel 1 - Leonard R. Jesteadt and Gracie K. Jesteadt, husband & wife

Lot/Block: #0117-P-00006-0000-00

Property: Required Right of Way measuring 846 square feet,
Slope Easement measuring 1,243 square feet,
Drainage Easement measuring 4,967 square feet, and
Temporary Construction Easement (TCE) measuring
10,176 square feet

Estimated Just Compensation: \$6,600.00, including TCE

SECTION 3. Notice to Interested Parties.

Council directs that the Department of Public Works in conjunction with the Law Department 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.

Council requests that the Law Department 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 same affects this Ordinance.*

SECTION 7. Effective Date. *This Ordinance shall enter effect immediately upon its approval.*