



# Allegheny County Council

County of Allegheny  
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## Legislation Details (With Text)

**File #:** 11324-19      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Enacted

**File created:** 11/27/2019      **In control:** Chief Clerk

**On agenda:** 12/3/2019      **Final action:** 12/10/2019

**Title:** An Ordinance authorizing the County of Allegheny to acquire by condemnation a temporary construction easement on a parcel of vacant, not assessed, land situated along the southern side of Township Road 373 (Naylor Avenue) in order to facilitate the elimination of Gourdhead Run Bridge #1 located in Hampton Township, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Sponsors:** Chief Executive

**Indexes:**

**Code sections:**

**Attachments:** 1. 11324-19 Exhibit A.pdf, 2. 32-19-OR 11324-19.pdf

Date	Ver.	Action By	Action	Result
12/16/2019	1	Chief Executive	Signed by Chief Executive	
12/10/2019	1	County Council	Passed for Chief Executive Signature	Pass
12/5/2019	1	Committee on Public Works	Affirmatively Recommended	Pass
12/3/2019	1	County Council	Referred by Chair	

An Ordinance authorizing the County of Allegheny to acquire by condemnation a temporary construction easement on a parcel of vacant, not assessed, land situated along the southern side of Township Road 373 (Naylor Avenue) in order to facilitate the elimination of Gourdhead Run Bridge #1 located in Hampton Township, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, the County of Allegheny (the “County”) intends to eliminate the Gourdhead Run Bridge #1 including the removal of the existing open-grid deck, the structural steel bridge, and a portion of the block walls while allowing the bridge abutments to remain. A guide rail will be constructed as a permanent barrier on the west approach of the former bridge and the existing barrier will be relocated to close off the east approach to the bridge (the “Project”); and

**Whereas**, the Project has been depicted in the Right-of-Way Drawings, which were recorded on October 10, 2019 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 181, Page 73, and marked as “Exhibit A”, attached hereto and made a part hereof; and

**Whereas**, Parcel No. 4 was transferred by deed dated December 13, 1888 and recorded December 13, 1888 in the Allegheny County Department of Real Estate in Deed Book Volume 619 at Page 397; thereafter a 1/3 part of Parcel No. 4 was transferred by deed dated February 18, 1889 and recorded February 23, 1889 in the Allegheny County Department of Real Estate in Deed Book 629 at Page 539; and

**Whereas**, the subject deeds describe the owners as Charles E. Wood and W. E. Harmon owning an undivided 2/3rds interest and Clifford B. Harmon owning an undivided 1/3<sup>rd</sup> interest; and

**Whereas**, Allegheny County Department of Public Works has undertaken a diligent but unsuccessful effort to locate the named Grantees of Parcel 4, their heirs, successors and assigns and further, that Parcel 4 has not been assigned a Block and Lot number; and

**Whereas**, in accordance with Section 701.02 C of the County Administrative Code the approval of the County Council is required in any action wherein the County acquires real property necessary for carrying out any of its functions; and

**Whereas**, in accordance with Section 701.02 E of the County Administrative Code, the County Manager authorized the Law Department to clear the right-of-way for said Project by his Executive Action No. 5425-19 approved March 19, 2019; and

**Whereas**, the County Council of Allegheny County deems it advisable to acquire by condemnation a temporary construction easement on Parcel No. 4 described in Exhibit A, located within Hampton Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of the Project including the elimination of Gourdhead Run Bridge #1; 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 Parcels.**

That Counsel 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 parcels, to prepare the necessary petitions, resolutions and all other documents, including, but not limited to Declarations of Taking, Petitions to Deposit Estimated Just Compensation into Court and Petitions for Appointment of Viewers, all or some of which may be required for the Project.

**SECTION 3. Authorization to Acquire Property by Condemnation.**

That Counsel deems it advisable and necessary to acquire a temporary construction easement and take under the power of eminent domain part of the property of the following persons or corporations and to acquire title in the temporary construction easement, as necessary for the Project:

<b>Parcel No.</b>	<b>Record Owners</b>	<b>Tax Parcel Block &amp; Lot No.</b>
4	Charles E. Wood and W. E. Harmon and Clifford B. Harmon	None

**SECTION 4.                    Notice to Interested Parties.**

That Counsel 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 5.                    Application to Court.**

That Counsel 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 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.***