



Allegheny County Council

County of Allegheny
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Legislation Details (With Text)

File #: 10495-18 **Version:** 1 **Name:**

Type: Ordinance **Status:** Enacted

File created: 2/2/2018 **In control:** Chief Clerk

On agenda: 2/6/2018 **Final action:** 2/20/2018

Title: An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from five parcels required to reconstruct Kenmawr Bridge carrying Kenmawr Ave/South Braddock Ave over Norfolk Southern Railway in the Boroughs of Rankin and Swissvale, 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. 10495-18 Exhibit A.pdf, 2. 06-18-OR 10495-18.pdf

Date	Ver.	Action By	Action	Result
2/22/2018	1	Chief Executive	Signed by Chief Executive	
2/20/2018	1	County Council	Passed for Chief Executive Signature	Pass
2/14/2018	1	Committee on Public Works	Affirmatively Recommended	Pass
2/6/2018	1	County Council	Referred by Chair	

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from five parcels required to reconstruct Kenmawr Bridge carrying Kenmawr Ave/South Braddock Ave over Norfolk Southern Railway in the Boroughs of Rankin and Swissvale, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, Kenmawr Bridge, which carries Kenmawr Avenue in Rankin Borough and South Braddock Avenue in Swissvale Borough over the Norfolk Southern Railway, has come into a state of disrepair, is now structurally deficient with a posted weight limit of 6 tons and sound engineering practice dictates that replacement of the bridge is required to insure continued public use and safety; and

Whereas, because the deteriorated and unsafe sidewalk has been removed, pedestrians must now walk on a former motor vehicle lane behind a temporary barrier, which has reduced the 12' vehicle lanes to 9 ½ feet wide; and

Whereas, the Department of Public Works has attempted to amicably acquire the property of the parties hereinafter identified for reconstruction of the bridge and said parties have either failed to respond to the County's offers or made counter-offers that are not supported by accepted appraisal practices; and

Whereas, the County Council of Allegheny County deems it advisable to acquire certain right-of-way and easement areas, within Rankin Borough and Swissvale Borough, County of Allegheny and Commonwealth of Pennsylvania for the purpose of reconstructing the Kenmawr Bridge, Project No. NS01-

0301, (the “Project”); and being:

Parcel 10: 4,647 square feet of right-of-way required from a parcel of land of Donald Dais and Alice Paylor Dais, husband and wife, within Rankin Borough;

Parcel 16: 2,156 square feet of right-of-way from a parcel of land of Edie J. Mainiero, unmarried, within Swissvale Borough;

Parcel 17: 2,342 square feet of right-of-way from a parcel of land of Robert Dillard, unmarried, within Swissvale Borough;

Parcel 43: 1,696 square feet of temporary construction easement from a parcel of land of Charles M. King and Estelle V. King, husband and wife, within the Borough of Rankin;

Parcel 44: 1,517square feet of temporary construction easement required from a parcel of land of John Bushak, Sr. and Anna Bushak, husband and wife, within the Borough of Rankin.

Whereas, the Right-of-Way Drawings for said Project were recorded November 22, 2017 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Book 173, Page 56; and

Whereas, the County Executive authorized the Law Department to clear the right of way for said Project by his Executive Action approved September 12, 2017, No. 6559-17; and

Whereas, said Project constitutes a valid public purpose serving the interests of the residents of the County of Allegheny; and

Whereas, the County Council of Allegheny County deems it advisable to acquire by condemnation, certain land hereinafter described, as necessary, for the Project.

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 in their entirety herein.

SECTION 2. Authorization to Acquire Parcels.

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 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 Council deems it advisable and necessary to acquire required right-of-way and temporary construction easements and take under the power of eminent domain part of the property of the

following persons or corporations and to acquire title thereto in fee simple for right-of-way and an easement for the temporary construction easements, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
10	Donald Dais and Alice Paylor Dais, husband and wife,	236-B-194 & 236-B-198
15 16 17	Robert Dillard, unmarried Edie J. Mainiero, unmarried Robert	235-P-212
43 44	Dillard, unmarried Charles M. King and Estelle V. King, husband and wife John Bushak Sr. and Anna Bushak, husband and wife	235-P-210 235 -P-208 236-B-287 236-B-288

Said properties are identified on a 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 taken under the power of eminent domain.

SECTION 5. 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 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.*