Allegheny County Council

County of Allegheny
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Legislation Details (With Text)

File #:	10958-19	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Enacted
File created:	2/1/2019			**In control:**	Chief Clerk
On agenda:	2/5/2019			**Final action:**	2/19/2019
Title:	An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from a parcel required to stabilize the slope supporting Elizabeth Street southeast of Scott Drive in Dravosburg Borough, 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. 10958-19 Elizabeth Street Condemnation - Exhibit A.pdf, 2. 07-19-OR 10958-19.pdf				

Date	Ver.	Action By	Action	Result
2/21/2019	1	Chief Executive	Signed by Chief Executive	
2/19/2019	1	County Council	Passed for Chief Executive Signature	Pass
2/12/2019	1	Committee on Public Works	Affirmatively Recommended	Pass
2/5/2019	1	County Council	Referred by Chair	

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from a parcel required to stabilize the slope supporting Elizabeth Street southeast of Scott Drive in Dravosburg Borough, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, on or before February 16, 2018, a landslide occurred on Elizabeth Street at a location southeast of Scott Drive in Dravosburg Borough that reduced the width of the roadway to one lane; and,

Whereas, the Allegheny County Council deems it advisable to acquire certain right-of-way and easement areas, being: 4,164 square feet of right-of-way and 3,692 square feet of temporary construction easement, required from a parcel of land of Herbert Palkovitz, Cheryl Lynn Hepfer and Wayne Allen Palkovitz, within Dravosburg Borough, County of Allegheny and Commonwealth of Pennsylvania (the "Parcel") for the purpose of stabilizing the slope supporting Elizabeth Street south of Scott Drive, (the "Project"); and,

Whereas, the Right-of-Way Drawings for said Project were recorded September 24, 2018 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 176, Page 75; and,

Whereas, Herbert Palkovitz, Cheryl Lynn Hepfer and Wayne Allen Palkovitz acquired the Parcel by their deed dated June 30, 1972 and recorded December 6, 1972 in Allegheny County Real Estate Department in Deed Book Volume 5162, Page 577; and,

Whereas, unsatisfied real estate tax liens for the Parcel were found going back to 1995; and,

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Whereas, after conducting a diligent search, none of the owners can be located; and,

Whereas, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action approved September 23, 2018, Executive Action No. 6733-18; and,

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

Whereas, the Allegheny County Council, is satisfied that all means have been exhausted to amicably acquire the property, 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 as set forth 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.
1	Herbert Palkovitz, Cheryl Lynn Hepfer and Wayne Allen Palkovitz (right-of-way and temporary construction easement)	384-C-30

Said property is 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.

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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.

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