



# Allegheny County Council

County of Allegheny  
436 Grant Street  
Pittsburgh, PA 15219  
Phone (412) 350-6490  
Fax (412) 350-6499

## Legislation Details (With Text)

**File #:** 11044-19      **Version:** 1      **Name:**

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

**File created:** 4/19/2019      **In control:** Chief Clerk

**On agenda:** 4/23/2019      **Final action:** 5/7/2019

**Title:** An Ordinance authorizing the County of Allegheny to acquire by condemnation certain easement areas required to stabilize slope supporting McCoy Road, at Dunn Street, in Stowe 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. 11044-19 McCoy Rd Slope Stabilization Exhibit A.pdf, 2. 11-19-OR 11044-19.pdf

Date	Ver.	Action By	Action	Result
5/8/2019	1	Chief Executive	Signed by Chief Executive	
5/7/2019	1	County Council	Passed for Chief Executive Signature	Pass
4/30/2019	1	Committee on Public Works	Affirmatively Recommended	Pass
4/23/2019	1	County Council	Referred by Chair	

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain easement areas required to stabilize slope supporting McCoy Road, at Dunn Street, in Stowe Township, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, a land slide has occurred on the slope supporting McCoy Road at Dunn Street in Stowe Township, closing one lane of traffic on this two-lane highway; and

**Whereas**, traffic from one direction must allow oncoming traffic from the other direction to pass before proceeding and additional sliding may occur requiring the closure of the entire road; and

**Whereas**, acquisition of certain easements is required to stabilize the slope to fully open the road and insure continued public use and safety; and

**Whereas**, the Department of Public Works found four of the required five parcels (two of the parcels are owned by one person) are encumbered by real estate tax liens and that the tax records do not show current addresses for the owners of said real estate; and

**Whereas**, the Department of Public Works has made a diligent search, but has been unable to find the record owners of Parcels 2, 3, 4 and 5 and must use condemnation procedure as a last resort to obtain possession of the required areas that are necessary to stabilize the slope and reopen the road to traffic; and

**Whereas**, the Department of Public Works will continue its good faith efforts to amicably acquire the properties of the parties hereinafter identified but, due to the urgent need to stabilize the

slope supporting McCoy Road for protection of the public, it is necessary to authorize the acquisition of such properties through eminent domain; and

**Whereas**, the County Council of Allegheny County deems it advisable to acquire the required easement areas, within Stowe Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of stabilizing the slope supporting McCoy Road at Dunn Street in Stowe Township, Project No. 6196-0201, (the “Project”); said properties being identified as:

1. Parcel #1; 2,056 square feet of slope easement, 1,204 square feet of substitute utility easement and 2,369 square feet of temporary construction easement from tax parcel 73-L-395 and 9,958 square feet of slope easement, 1,100 square feet of substitute utility easement and 8,195 square feet of temporary construction easement from tax parcel no. 73-L-382 of land of Anita Macias;
2. Parcel #2; 1,097 square feet of substitute utility easement from tax parcel 73-L-126 of land of Violet W. West;
3. Parcel #3; 1,077 square feet of substitute utility easement from tax parcel 73-L-128 of land of Alexander Nichol;
4. Parcel #4; 1,088 square feet of substitute utility easement from tax parcel 73-L-130 from land of Anna C. Nichol and Helen Nichol;
5. Parcel # 5; 1,131 square feet of substitute utility easement from tax parcel 73-L-132 of land of Violet W. West.

**Whereas**, the Right-of-Way Drawings for said Project were recorded March 11, 2019 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Book 178, Page 43; and

**Whereas**, the County Executive authorized the Law Department to clear the right of way for said Project by his Executive Action approved March 7, 2019, Executive Action No. 5351-19; 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 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 temporary construction easements, slope easements and utility substitute easements and take under the power of eminent domain part of the property of the following persons or corporations and to acquire title thereto for such easement interests as set forth in the Recitals, as necessary for the Project:

PARCEL NRECORD OWNERS

TAX PARCEL  
BLOCK &  
LOT NO.

1	2	3	Anita Macias Violet W. West Alexande	73-L-395	73-L-382	73-L-126
						73-L-128
4	5		Anna C. Nichol and Helen Nichol Violet	73-L-130	73-L-132	

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.***