Allegheny County Council

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Legislation Details (With Text)

File #:	12442-22	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Enacted
File created:	9/9/2022			**In control:**	Chief Clerk
On agenda:	9/13/2022			**Final action:**	10/11/2022
Title:	An Ordinance authorizing the County of Allegheny ("County"), in conjunction with the Department of Public Works and the Law Department, to convey by quit claim deed, one parcel of County-owned land identified as Block and Lot 15-C-202 to the Commonwealth of Pennsylvania, Department of Transportation (PennDOT).				
Sponsors:	Chief Executive				
Indexes:					
Code sections:					
Attachments:	1. 12442-22 Summary of Proposed Ordinance.docx, 2. 29-22-OR 12442-22.pdf				

Date	Ver.	Action By	Action	Result
10/12/2022	1	Chief Executive	Signed by Chief Executive	
10/11/2022	1	County Council	Passed for Chief Executive Signature	Pass
9/29/2022	1	Committee on Public Works	Affirmatively Recommended	Pass
9/13/2022	1	County Council	Referred by Chair	

An Ordinance authorizing the County of Allegheny ("County"), in conjunction with the Department of Public Works and the Law Department, to convey by quit claim deed, one parcel of County-owned land identified as Block and Lot 15-C-202 to the Commonwealth of Pennsylvania, Department of Transportation (PennDOT).

Whereas, the County is the owner of a parcel of land located in the Eighteenth Ward, City of Pittsburgh, Allegheny County, Commonwealth of Pennsylvania, identified as Block and Lot 15-C-202 (the "Property"); and

Whereas, the Property has a ventilation fan house located thereon servicing a pair of tunnels known as the Liberty Tunnels connecting the South Hills area of Allegheny County to the City of Pittsburgh beneath Mount Washington; and

Whereas, pursuant to Act 615 of 1961, 36 P.S. Section 1758-101 (the "Act"), the Commonwealth of Pennsylvania through its Department of Transportation assumed ownership and maintenance responsibility for the Liberty Tunnels and Liberty Bridge including the surface parcel with the ventilation fan house; and

Whereas, the PennDOT filed a Plan authorizing the acquisition of right-of-way of State Route 3069 (the "Plan") which was recorded on June 16, 2016 in the Allegheny County Department of Real Estate in Plan Book 169 at Page 62, which contained the following relevant General Note:

> BY THE ACT 615 OF 1961, 36 P.S. SECTION 1758-101, THE DEPARTMENT OF TRANSPORTATION WAS AUTHORIZED TO ADOPT AS PART OF THE STATE HIGHWAY SYSTEM, ROUTE 02270 (NOW SR 3069), BEGINNING AT THE INTERSECTION OF THE LIBERTY TUNNEL AND BRIDGE AND FORBES STREET, THENCE OVER AND THROUGH

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SUCH BRIDGE AND TUNNEL TO THEIR INTERSECTION WITH SAWMILL RUN BOULEVARD. SINCE THAT TIME THE DEPARTMENT HAS ASSUMED OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR THE SAID TUNNEL AND BRIDGE AS PART OF THE STATE HIGHWAY STYSTEM, INCLUDING THE FAN HOUSE REFERENCED IN THIS PLAN AND SITUATED ON LOT AND BLOCK 15-C-202. PURSUANT TO THIS PLAN, **THE DEPARTMENT WILL ACCEPT A QUIT CLAIM DEED FROM THE COUNTY OF ALLEGHENY TO CONFIRM THE DEPARTMENT'S OWNERSHIP OF THE LEGAL RIGHT-OF-WAY FOR LOT AND BLOCK 15-C-202, AS EVIDENCED BY A QUIT CLAIM DEED TO BE HEREINAFTER RECORDED IN THE OFFICE FOR THE DEPARTMENT OF REAL ESTATE FOR ALLEGHENY COUNTY.** (Emphasis Added); and

Whereas, following the Plan's recording, apparently through simple oversight, the quit claim conveyance was never made by the County to the PennDOT; and

Whereas, Article IV, Section 2(k) of the Allegheny County Home Rule Charter vests County Council with the power to authorize the conveyance of County of real property by ordinance; and

Whereas, it is recommended by the County's Department of Public Works and Law Department that the quit claim conveyance contemplated by the Act and the aforementioned Plan should now be made to the Commonwealth of Pennsylvania, Department of Transpiration; and

Whereas, County Council wishes to comply with the requirements of the Act and the Plan as recommended.

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 though set forth in their entirety herein.

SECTION 2. Authorization to Convey the Property

Allegheny County Council hereby authorizes the conveyance of the County property identified as Block and Lot 15-C-202 (the Property) to the Commonwealth of Pennsylvania, Department of Transportation for a nominal consideration of One ($1.00) Dollar by a quit claim deed. The proper officers of the County are hereby authorized to execute all documents necessary to effectuate the authorization granted by this ordinance.

SECTION 3. 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 continue to be in full force and effect.

SECTION 4. 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 5. Effective Date.

This Ordinance shall enter effect immediately upon its approval.

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