



# Allegheny County Council

County of Allegheny  
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## Legislation Text

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**File #:** 8957-15, **Version:** 1

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An Ordinance authorizing the County of Allegheny to acquire by condemnation a certain permanent bridge structure access easement and temporary construction easement required to reconstruct the South Tenth Street (Philip Murray) Bridge, Phase 2, carrying South Tenth Street over the Monongahela River in the 1<sup>st</sup> and 17<sup>th</sup> Wards of the City of Pittsburgh, (MA11-3511), and to take such further action as may be necessary under applicable law, including the Pennsylvania Eminent Domain Code.

**Whereas**, the elected County Council of Allegheny County ("**County Council**") deems it advisable to acquire an 0.464 acre permanent bridge structure access easement and an 0.011 acre temporary construction easement, required from a parcel of land of R & P Mistick Holdings LLC., within the 17<sup>th</sup> Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania for the purpose of reconstructing the South Tenth Street (Philip Murray) Bridge carrying South Tenth Street over the Monongahela River, Project No. MA11-3511, (the "**Project**"); and,

**Whereas**, said Project constitutes a valid public purpose serving the interests of the residents of Allegheny County, Pennsylvania ("**County**") by enhancing transportation facilities, safety and commerce; and,

**Whereas**, the County, through its Department of Public Works, with assistance and oversight by the Pennsylvania Department of Transportation, has attempted to amicably acquire the property hereinafter identified consistent with the Pennsylvania Eminent Domain Code and applicable law; and,

**Whereas**, County Council now deems it advisable and necessary to acquire by condemnation, the property and property interests hereinafter described, as essential, for completion of 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 Parcel.**

That County 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 both a permanent and 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 thereto as a permanent easement and temporary easement, as necessary for the Project:

PARCEL RECORD OWNERS  
NO.

TAX PARCEL  
BLOCK &  
LOT NO.

8 R & P Mistick Holdings LLC.

3-G-295

Said property and the interest to be acquired therein for the permanent and temporary easements is identified on the 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 filing a Declaration of Taking and 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.***