



Allegheny County Council

County of Allegheny
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Legislation Text

File #: 9505-16, **Version:** 1

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain easement areas from four parcels required to stabilize slope supporting Campbell's Run Road at Highland Avenue, in Carnegie Borough (Project No. 6072-0902), and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, the County Council of Allegheny deems it advisable to acquire certain easement areas, being: 658.2 square feet of temporary construction easement, required from a parcel of land of Joseph S. Dlugos, Parcel 1; 1,114.9 square feet of temporary construction easement from a parcel of land of James G. Moran, Parcel 4; 810.1 square feet of temporary construction easement required from a parcel of land of the Estate of Barbara J. Morris, Parcel 9 and 684.3 square feet of underground anchor easement required from a parcel of land of Gregory S. Troup, Parcel 17, all within Carnegie Borough, County of Allegheny and Commonwealth of Pennsylvania for the purpose of stabilizing slope supporting Campbell's Run Road at Highland Avenue, Project No. 6072-0902, (the "Project"); and

Whereas, the Right-of-Way Drawings for said Project were recorded February 19, 2016 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 168, Page 52; and

Whereas, the County Executive authorized the Law Department to clear the right of way for said Project by his Executive Action approved October 28, 2015, No. 6747-15; 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, in easement, required underground anchor easement 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 in easement, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
1	Joseph S. Dlugos	103-F-136
4	James G. Moran	103-F-142
9	Estate of Barbara J. Morris	103-F-152
17	Gregory S. Troup	103-F-264

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.*