



Allegheny County Council

County of Allegheny
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Legislation Text

File #: 9736-16, **Version:** 1

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from three parcels required to realign Thoms Run Road, also known as Thoms Run - Oakdale Road, in Collier Township (6306-0201), 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 right-of-way and easement areas, being 3,790 square feet of right-of-way, required from a parcel of land of Joseph F. Hickman Heirs, Parcel 1; 5,307 square feet of right-of-way and 8,957 square feet of slope easement required from a parcel of land of William E. Johnson Heirs, Parcel 8 and 1,546 square feet of slope easement and 3,660 square feet of temporary construction easement required from a parcel of land of Albert Ross, widow (deceased), and Jean Schultz, as joint tenants with right of survivorship and not as tenants in common, Parcel 9, all within Collier Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of realigning Thoms Run Road, Project No. 6306-0201, (the "Project"); and

Whereas, the Right-of-Way Drawings for said Project were recorded December 7, 2015 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 168, Page 1; 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, in fee, required right-of-way and, in easement, slope 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 fee and in easement, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
1	Joseph F. Hickman (deceased)	Not assessed
8	William E. Johnson (deceased)	328-G-5 & 326 -G-6
9	Albert Ross, widow (deceased), and Jean Schultz, as joint tenants with right of survivorship, and not as tenants in common	328-G-45

Said properties are identified on property drawings 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.*