



# Allegheny County Council

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

## Legislation Text

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**File #:** 10536-18, **Version:** 1

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An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to reconstruct Jacks Run Bridge No. 4 carrying Jacks Run Road over Jacks Run in Ross Township, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, the Allegheny County Council deems it advisable to acquire certain right-of-way and easement areas, being: 2,900 square feet of right-of-way and 2,443 square feet of temporary construction easement, required from a parcel of land of Paul Murray and Jeanette Murray, husband and wife, identified as Parcel 2 in the project hereinafter defined within Ross Township, County of Allegheny and Commonwealth of Pennsylvania for the purpose of reconstructing Jacks Run Bridge No. 4, located on Jacks Run Road just north of its intersection with Balsam Street Project No. JA04-0109, (the "Project"); and

**Whereas**, the Right-of-Way Drawings for said Project were recorded January 26, 2018 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Volume 174, Page 12; and

**Whereas**, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action approved 10/6/2017, No. 6715-17; and

**Whereas**, said Project constitutes a valid public purpose serving the interests of the residents of the County of Allegheny; and

**Whereas**, the Allegheny County Council is satisfied that all means have been exhausted to amicably acquire the property and now 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 required right-of-way and temporary construction easements 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 simple for right-of-way and an easement for the temporary construction easements, as necessary for the Project:

PARCEL NO.	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
2	Paul Murray and Jeanette Murray, husband and wife	161-A-277

Said property is 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.***