



Allegheny County Council

County of Allegheny
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Legislation Text

File #: 10790-18, **Version:** 1

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from the eleven remaining parcels required to reconstruct Kenmawr Bridge carrying Kenmawr Ave/South Braddock Ave over Norfolk Southern Railway in the Boroughs of Rankin and Swissvale, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Whereas, Kenmawr Bridge, which carries Kenmawr Avenue in Rankin Borough and South Braddock Avenue in Swissvale Borough over the Norfolk Southern Railway, has come into a state of disrepair, is now structurally deficient with a posted weight limit of 6 tons and sound engineering practice dictates that replacement of the bridge is required to insure continued public use and safety; and

Whereas, pedestrians must now walk on a former motor vehicle lane behind a temporary barrier, which has reduced the 12-foot vehicle lanes to 9 ½ feet wide because the deteriorated and unsafe sidewalk has been removed; and

Whereas, the Department of Public Works has acquired and continues to attempt to amicably acquire the property of the parties hereinafter identified for reconstruction of the bridge; and,

Whereas, in certain instances, the parties hereinafter identified have made excessive counter-offers that are not supported by accepted appraisal practices while other property owners are awaiting offers for the fair market value of their properties based on appraisals that have not been completed; and,

Whereas, due to the urgent need to replace the failing structure to protect the public and secure project funding, it is necessary to authorize the acquisition of the required properties through eminent domain following exhaustion of good faith efforts to amicably acquire said properties; and

Whereas, the County Council of Allegheny County deems it advisable to acquire certain right-of-way and easement areas, within Swissvale Borough and Rankin Borough, County of Allegheny and Commonwealth of Pennsylvania for the purpose of reconstructing the Kenmawr Bridge, Project No. NS01-0301, (the "Project"); said properties being identified as:

1. Parcel #19: 297 square feet of slope easement, 557 square feet of private access easement and 1,915 square feet of temporary construction easement from a parcel of land of Monica L. Lampkin, married;
2. Parcel #20: 30 square feet of right-of-way, 235 square feet of slope easement and 404 square feet of temporary construction easement from a parcel of land of Donya M. Parker, unmarried;
3. Parcel #21: 30 square feet of right-of-way, 203 square feet of slope easement and 425

square feet of temporary construction easement from a parcel of land of Bernard Masa and Josephine F. Masa, married;

4. Parcel #22: 30 square feet of right-of-way, 170 square feet of slope easement and 458 square feet of temporary construction easement from a parcel of land of Mary Carpenter, unmarried;

5. Parcel #25: 305 square feet of right-of-way, 68 square feet of slope easement and 452 square feet of temporary construction easement from a parcel of land of Asad Iqbal, unmarried;

6. Parcel #27: 1,890 square feet of required right-of-way and 8,317 square feet of temporary construction easement from a parcel of land of EKA 578107 LLC, a New York limited liability company;

7. Parcel #30: 386 square feet of right-of-way and 2,262 square feet of temporary construction easement from a parcel of land of Mohsin Iqbal, married;

8. Parcel #35: 220 square feet of right-of-way and 119 square feet of temporary construction easement from a parcel of land of Mark F. Haak d/b/a Alexander Thomas Company;

9. Parcel #37: 95 square feet of temporary construction easement from a parcel of land of Vera Palangio, unmarried.

Whereas, the Right-of-Way Drawings for said Project were recorded November 22, 2017 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Book 173, Page 56; and will be reauthorized with certain revisions to be re-recorded prior to November 22, 2018; and

Whereas, the County Manager authorized the Law Department to clear the right of way for said Project by his Executive Action approved September 12, 2017, No. 6559-17; 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 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 in easement for the slope, private access and temporary construction easements, as necessary for the Project:

PARCEL NO	RECORD OWNERS	TAX PARCEL BLOCK & LOT NO.
19	20 Monica L. Lampkin, married Donya M.	235-P-204
22	25 Asad Iqbal, unmarried EKA 578107 LLC	200 235-P-198 235-P-192
30	35 Thomas Company Vera Palangio, unmar	235-P-222; 235-P-224; 235-P-226; 235-P-228 235-P-069 235-P-310; 236-P-318 236-B-279

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.*