



# Allegheny County Council

County of Allegheny  
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## Legislation Text

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**File #:** 11323-19, **Version:** 1

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An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acquisition of certain rights-of-way and temporary easements to facilitate the replacement of the existing structure of the McRobert's Run Bridge No. 2 located in the Borough of Jefferson Hills, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Whereas**, the County of Allegheny (the "County") intends to replace the existing bridge structure carrying County Road No. 4081-01 (Coal Valley Road No. 1) over McRobert's Run, known as the McRobert's Run Bridge No. 2, located in the Borough of Jefferson Hills, County of Allegheny, Commonwealth of Pennsylvania with a precast concrete box culvert structure along with certain safety upgrades (the "Project"); and

**Whereas**, the Project, has been depicted in the Right-of-Way Drawing, recorded on October 10, 2019 in the Allegheny County Department of Real Estate in Plans - Miscellaneous Vol. 181, Page 66, and marked as "Exhibit A", attached hereto and made a part hereof; and

**Whereas**, the Project requires the acquisition of a temporary construction easement of 302 square feet and a right-of-way of 119 square feet from the property identified in the Allegheny County Department of Real Estate as Block and Lot 559-P-199 ("Parcel 2"); a temporary construction easement of 186 square feet and a right-of-way of 337 square feet from the property identified in the Allegheny County Department of Real Estate as Block and Lot 559-P-104 ("Parcel 10"); and a temporary construction easement of 4,356 square feet and a right of way in fee of 52 square feet from the property identified in the Allegheny County Department of Real Estate as Block and Lot 559-P-100 ("Parcel 11"); and

**Whereas**, Parcel 2 was devised under the Last Will and Testament of Fannie Scott dated March 13, 1922 effective upon the occurrence of her death on March 28, 1922, said Will being filed of record on April 19, 1922 in Will Book 174, Page 152, No. 80, identifying the devisees as "my four sons and one daughter, viz. David Scott, Thomas Scott, William Scott, Hugh Scott and Elizabeth Scott, to be divided like and like amount to each"; and

**Whereas**, Parcel 10 was transferred by deed dated May 12, 2006, and recorded May 17, 2006 in the Allegheny County Department of Real Estate in Deed Book Volume 12846 at Page 210, identifying the Grantees as Deborah Kunz and Jason Kunz, wife and husband; and

**Whereas**, Parcel 11 was transferred by deed dated October 16, 1931, and recorded in the Allegheny County Department of Real Estate in Deed Book Volume 2464 at Page 243 identifying the Grantees as O. B. Smith, George Suss, Harry Maxwell, Porter Stokes, Florence Decker, Trustees of the Coal Valley Athletic Club, an unincorporated association; and

**Whereas**, the Allegheny County Department of Public Works has undertaken a diligent but unsuccessful effort to locate the named devisees of Parcel 2 and named grantees of Parcel 11, including their heirs, successors and assigns; and

**Whereas**, the Allegheny County Department of Public Works has located the grantees of Parcel 10; however, because they are no longer living at the site and are currently involved in a divorce action, the County has been unable to reach an agreement regarding a temporary construction easement and right-of-way in fee; and

**Whereas**, in accordance with Section 701.02 C of the County Administrative Code the approval of the County Council is required in any action wherein the County acquires real property necessary for carrying out any of its functions; and

**Whereas**, in accordance with Section 701.02 E of the County Administrative Code, the County Manager has authorized the clearance of certain rights-of-way for the Project by Executive Action No. 5425-19 approved March 19, 2019; and

**Whereas**, the County Council of Allegheny County deems it advisable to acquire by condemnation the rights-of-way and temporary easements as described hereinabove, located in the Borough of Jefferson Hills, County of Allegheny and Commonwealth of Pennsylvania for the purpose of the Project including replacing the existing structure of the McRobert's Run Bridge No. 2; and

**Whereas**, the Project constitutes a valid public purpose serving the interests of the residents of the County.

***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 Counsel deems it advisable and necessary to authorize the Law Department, in conjunction with the Department of Public Works, to , 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 Counsel deems it advisable and necessary to acquire required right-of-way in fee 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 rights-of-way in fee simple and temporary construction easements, as necessary for the Project:

**Parcel No.    Record Owners**

**Tax Parcel Block & Lot No.**

2	David Scott, Thomas Scott, William Scott, Huge Scott and Elizabeth Scott	559-P-199
10	Jason Kunz and Deborah Kunz, Husband and Wife	559-P-104
11	O. B. Smith, George Suss, Harry Maxwell, Peter Stokes, Florence Decker, Trustees of the Coal Valley Athletic Club, an unincorporated association	559-P-100

**SECTION 4.                    Notice to Interested Parties.**

That Counsel 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 Counsel 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.***