



Allegheny County Council

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

Legislation Text

File #: 11326-19, **Version:** 1

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acceptance of ownership of the Kenmawr Bridge following its reconstruction and authorizing the transfer of certain right-of-way and easement areas and facilities, to be constructed by Pennsylvania Department of Transportation, along South Braddock Avenue to Swissvale Borough and to accept and maintain a portion of Kenmawr Avenue from Rankin Borough and to transfer certain right-of-way and easement areas on Jackson Street and on the relocated Sixth Avenue and such facilities to be constructed by PennDOT to Rankin Borough.

Whereas, Pennsylvania Department of Transportation (“PennDOT”) has obtained permission from the Pennsylvania Utility Commission (“PUC”) to replace the Kenmawr Bridge, which carries Kenmawr Avenue, within Rankin Borough and South Braddock Avenue, within Swissvale Borough, over the tracks of the Norfolk Southern Railway (the “Project”); and

Whereas, the County of Allegheny by its Agreement No. 198003, authorized by Executive Action No. 5831-16, with PennDOT agreed to own and maintain the new Kenmawr Bridge; and

Whereas, the County of Allegheny is willing to acquire and maintain the portion of South Braddock Avenue that will become located within the limits of maintenance for the new Kenmawr Bridge; and

Whereas, Rankin Borough has indicated its willingness to maintain the remaining portion of Kenmawr Avenue and to accept ownership and maintain any additional right-of-way and easement areas acquired by the County of Allegheny on behalf of the Borough and any facilities to be constructed by PennDOT on Jackson Street and Relocated Sixth Avenue required for the Project, as depicted in the Road Transfer Plan marked as “Exhibit A”, attached hereto and made a part hereof.

Whereas, Swissvale Borough has indicated its willingness to maintain the remaining portion of South Braddock Avenue outside the new Kenmawr Bridge maintenance limits, and to accept ownership and maintain any additional right-of-way and easement areas acquired by the County of Allegheny on behalf of the Borough and any facilities to be constructed by PennDOT along South Braddock Avenue that may be required for the Project, as depicted in the Road Transfer Plan marked as “Exhibit B”, attached hereto and made a part hereof; and

Whereas, the County of Allegheny is willing to acquire and maintain the portion of Kenmawr Avenue between the northern end of the approach road to the Rankin Bridge, County Road No. 3352-00 and the Kenmawr Bridge after its reconstruction; and

Whereas, the County of Allegheny, Swissvale Borough and Rankin Borough deem the Project to be in the public interest; and

Whereas, Sections 2(j) and 2 (k) of the Allegheny County Home Rule Charter authorizes County Council to accept grants or donations of real property and to convey or permit the use of County real estate by

adoption of an appropriate ordinance; and

Whereas, in accordance with Section 703.06 of the County Administrative Code authorizing the Chief Executive to enter into intergovernmental cooperation agreements, the County Manager has authorized the Kenmawr Avenue Transfer Agreement with Rankin Borough by Executive Action No. 5935-19 approved 06/07/2019 and a South Braddock Avenue Transfer Agreement with Swissvale Township by Executive Action No. 5934-19 approved 06/07/2019.

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 Transfer Ownership to a portion of Jackson Street and Relocated Sixth Avenue

Authorization to transfer ownership to Rankin Borough, certain right-of-way and easement areas acquired by the County of Allegheny on behalf of the Borough and any facilities to be constructed by PennDOT on Jackson Street and Relocated Sixth Avenue required for the Project as depicted on Exhibit "A", for One Dollar (\$1.00) and other valuable consideration.

SECTION 3. Authorization to Transfer Ownership to a portion of South Braddock Avenue approaching the Kenmawr Bridge

Authorization to transfer ownership to Swissvale Borough, certain any right-of-way and easement areas acquired by the County of Allegheny on behalf of the borough and any facilities to be constructed by PennDOT along South Braddock Avenue that may be required for the Project as depicted on Exhibit "B", for One Dollar (\$1.00) and other valuable consideration.

SECTION 4. Authorization to Accept Ownership to a portion of Kenmawr Avenue and a portion of South Braddock Avenue required to reconstruct the New Kenmawr Bridge

Authorization to accept transfer of a portion of South Braddock Avenue from Swissvale Borough and to accept transfer of a portion of Kenmawr Avenue from Rankin Borough required to own and maintain the new Kenmawr Bridge after PennDOT completes its construction.

SECTION 5. 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 6. 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.