



Allegheny County Council

County of Allegheny
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Legislation Text

File #: 12784-23, **Version:** 1

An Ordinance authorizing the County of Allegheny, through the Department of Public Works and the Law Department, to acquire by condemnation a temporary construction easement over one (1) parcel of land identified by the Allegheny County Department of Real Estate as Block & Lot #1087-P-00310-0000-00 (the “Property”) required for the Bailey’s Run wall reconstruction project at station 166+25, located at Bailey’s Run Road (County Road No. 3093-00), East Deer Township, Allegheny County, a project included in the 2023 Capital Road Program, and to take such further action as may be necessary under applicable law, including, but not limited to, the Eminent Domain Code.

Whereas, the County’s Department of Public Works presently is engaged in the process of replacing a certain wall located along Bailey’s Run Road (County Road No. 3093-00), East Deer Township, Allegheny County as part of the County’s 2023 Capital Road Program (the “Project”); and

Whereas, the Project has been depicted in a right-of-way plan numbered 3093-0002 titled “Wall Reconstruction Plan at Station 166+25”, approved August 16, 2023, and recorded August 16, 2023 in the Allegheny County Department of Real Estate in Plans-Miscellaneous Book 194 at Page 59 (the “ROW Plan”), which is incorporated by reference herein and attached hereto as “Exhibit A;” and

Whereas, the ROW Plan identifies the Property as Parcel 8 owned by Orris Fuel, Inc., evidenced by indenture dated April 14, 2000 recorded in the Allegheny County Department of Real Estate at Deed Book Volume 10739, Page 318; and

Whereas, a search of the Pennsylvania Secretary of State’s internet site has revealed that Orris Fuel, Inc. is still an active Pennsylvania corporation; and

Whereas, the Department of Public Works has contacted representatives of the deceased President and Treasurer of Orris Fuels, Inc. and has been advised that the company is no longer actively engaged in business and will disavow any interest in the Property due to the existence of encumbering tax liens in excess of \$5,200.00; and

Whereas, the County Council of Allegheny County recognizes that the Project constitutes a valid public purpose serving the interests of the residents of Allegheny County by enhancing transportation facilities, safety, and commerce; and therefore, deems it advisable to acquire the needed Property by condemnation.

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 Property by Condemnation.

That Council deems it advisable and necessary to acquire by condemnation, under the County's power of eminent domain, certain property necessary for the Project described more particularly as follows:

Owner: **Orris Fuel Inc.**

Lot/Block: #1087-P-00310-0000-00

Property: Temporary Construction Easement consisting of 2,545 square feet

Estimated Just Compensation: \$1,600.00

SECTION 3. Notice to Interested Parties.

That Council requests 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 4. Application to Court.

That Council requests 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 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 some affects this Ordinance.

SECTION 7. Effective Date.

This Ordinance shall be effective immediately.