

No. _____

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the extinguishment of an existing easement and the grant of a new easement to the Monroeville Municipal Authority to place additional water treatment structures and utility lines within a portion of the County's Boyce Park.

Whereas, the County is owner of approximately nine hundred forty-nine (949) acres of real property in Plum Borough identified as Block and Lot Number 975-L-380 and known generally as Boyce Park; and

Whereas, the Monroeville Municipal Authority (the "Authority") is a governmental entity located in Allegheny County that provides water service for County residents living near Boyce Park as well as some facilities within Boyce Park; and

Whereas, in 1963, the County granted an easement to the Authority (the "1963 Easement") to place a ten-million-gallon water storage structure and some ancillary structures and lines on 2.458 acres of land in Boyce Park near the intersection of Old Frankstown Road and Center Road (the "Authority Facilities"); and

Whereas, the Authority wishes to make certain improvements to the Authority Facilities consisting of the erection of a water treatment structure and underground utility lines to operate in conjunction with the existing water storage tank; and

Whereas, to facilitate its improvements to the Authority Facilities, the Authority has proposed to the County's Parks Department that the 1963 Easement be mutually extinguished and that the County grant the Authority a new easement located in the same area of Boyce Park as the 1963 Easement but having slightly different dimensions: the original 2.458 acres granted in the 1963 Easement less a 0.128 acre portion no longer needed by the Authority as well as an additional 1.095 acres, all as shown on the site drawing attached hereto as Exhibit "B;" and

Whereas, the County's Parks Department has reviewed the Authority's proposal and recommends its approval; and

Whereas, County Council recognizes that the granting of the new easement to the Authority will inure to the benefit of the citizens of Allegheny County through providing proper water processing for nearby residents and for County facilities in Boyce Park; and

Whereas, Article IV, Section 2(k) of the Allegheny County Home Rule Charter vests County Council with the power to permit the use of County real property.

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 Permit the Use of County Real Property.

- A. In conjunction with the Authority, Allegheny County Council hereby approves the mutual extinguishment of the 1963 Easement granted by the County to the Authority permitting the Authority to use 2.458 acres of land in Boyce Park near the intersection of Old Frankstown Road and Center Road to place on this land a ten-million-gallon water storage structure and some ancillary structures as described in the greater detail in the agreement between the County and the Authority dated April 2, 1963, which is incorporated by reference in its entirety and attached hereto as Exhibit "A."
- B. Simultaneously with the action described in Section B above, Allegheny County Council hereby authorizes the grant of a new easement to the Authority located in the same area of Boyce Park as the 1963 Easement but having slightly different dimensions: to wit, the original 2.458 acres granted in the 1963 Easement less a 0.128 acre portion no longer needed by the Authority as well as an additional 1.095 acres, all as shown on the site drawing incorporated by reference herein and attached hereto as Exhibit "B."
- C. The proper officers of the County are hereby authorized to execute all documents necessary to effectuate the authorization granted by this legislation.

SECTION 3. Effective Date.

The Ordinance shall become effective as June 1, 2023 and shall be perpetual.

SECTION 4. 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 5. 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.

Enacted in Council, this _____ day of _____, 2023.

Council Agenda No. _____

Patrick Catena
President of Council

Attest: _____

Jared Barker
Chief Clerk of Council

Chief Executive Office _____, 2023

Approved: _____

Rich Fitzgerald
County Executive

Attest: _____

Jennifer Liptak
County Manager/Chief of Staff

SUMMARY OF LEGISLATION

In 1963, the County entered into an agreement with the Monroeville Municipal Authority (the "Authority"), a municipal authority that provides water service for County residents living near Boyce Park as well as some Boyce Park facilities, to grant an easement to enable the Authority to place a ten-million-gallon water storage structure and some ancillary structures and lines on 2.458 acres of land in the County's Boyce Park near the intersection of Old Frankstown Road and Center Road (the "1963 Easement").

The Authority now wishes to make certain improvements to its facilities installed and located in Boyce Park pursuant to the 1963 Easement. These improvements would consist of the erection of a water treatment structure and underground utility lines to operate in conjunction with the existing water storage tank within Boyce Park property subject to the 1963 Easement.

To facilitate these improvements to the Authority Facilities, the Authority has proposed to the County Park's Department that the 1963 Easement be mutually extinguished and that the County grant the Authority a new easement located in the same area of Boyce Park as the 1963 Easement but having slightly different dimensions: the original 2.458 acres granted in the 1963 Easement less a 0.128 acre portion no longer needed by the Authority as well as an additional 1.095 acres, all as shown on the site drawing attached hereto as Exhibit B. The Parks Department recommends approval of the Authority's proposal.

The proposed Ordinance authorizes the appropriate County officers and officials to take such action as would be necessary to carry out the purposes of the authorization granted in the legislation.

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: Jennifer M. Liptak
County Manager

DATE: June 1, 2023

RE: Proposed Ordinance

Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the extinguishment of an existing easement and the grant of a new easement to the Monroeville Municipal Authority to place additional water treatment structures and utility lines within a portion of the County's Boyce Park.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

EXHIBIT "A"

THIS AGREEMENT, made and entered into this 2nd day of April 1963 ~~February, 1962~~, by and between the COUNTY OF ALLEGHENY, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called "County",

a
n
d

MONROEVILLE WATER AUTHORITY, duly created under the laws of the Commonwealth of Pennsylvania, hereinafter called "Authority",

W I T N E S S E T H

WHEREAS, the Authority proposes to construct a multi-million gallon water storage tank on Allegheny County Regional Park Site No. 3, located in Plum Borough, Allegheny County, Pennsylvania, which site is more particularly described as follows:

BEGINNING at a point N. 1° 00' 00" W. 275' of a point on the center line of Old Frankstown Rd. (L.R. 02213). Said point on center line being 771.30' along said center line East of the intersection of Old Frankstown and Center Rds. Thence from said point of beginning S. 89° 00' 00" W. 150' to a point, thence N. 1° 00' 00" W. 300' to a point, thence N. 89° 00' 00" E. 300' to a point, thence S. 1° E. 300' to a point, thence S. 89° 00' 00" West 150' to the point of beginning.

DESCRIBED plot containing 2.07 acres more or less,

and;

WHEREAS, in connection therewith the Authority proposes to install

Road, above described being the center line of a 30' r/w containing 0.39 acres more or less,

and;

WHEREAS, in connection therewith, the Authority proposes to install a 12" water line by right-of-way in Allegheny County Regional Park Site No. 3 located in Plum Borough, Allegheny County, Pennsylvania, said right-of-way to run from the proposed tank site in a southeasterly direction to Old Frankstown Road, as is more particularly set forth on Plot Plan attached hereto and made part hereof,

and;

WHEREAS, in connection therewith the Authority proposes to install a tank overflow and drain line from the said tank site and running in a southeasterly direction parallel to the aforesaid 12" water line heretofore described and more particularly set forth in the Plot Plan attached hereto and made part hereof,

and;

WHEREAS, the County finds that the construction and installation of the multi-million gallon water storage tank may be installed and maintained in conformity with the park purposes and uses for which the park site has been acquired as well as to provide emergency connections for providing emergency water service for the park site,

NOW, THEREFORE, in consideration of the premises, County does hereby grant to the Authority and its successors permission and license to install the multi-million gallon water storage tank, 24/30 inch water line, and 12" water line and tank overflow and drain line at the locations hereinabove described and in the manner set forth in Exhibits hereinafter identified,

3. Provide a water connection consisting of a meter pit and installation of a meter at the sole cost of the Authority. In the event that Plum Township Water Authority requests water service from the Monroeville Water Authority for use of the County in connection with the Park Site No. 3, then the Plum Township Water Authority shall pay the Monroeville Water Authority for water so furnished.

4. Decorate the water storage tank site in accordance with the plans and directions of the County and provide walkways, bicycle tracks and similar recreational facilities so that the area will be available and used for such park purposes. Tank site to be maintained by the Authority.

5. Build and pave with black-top a park road from Old Frankstown Road to the tank site, utilizing the present roadway and extending the same to the tank site. Said road shall be constructed and maintained by the Authority in accordance with County Park specifications, but said maintenance shall not include snow removal, salting or chisdering. Said roadway shall be landscaped in accordance with the plans of the County.

6. Excavate for the 24/30 inch water line in the area hereinabove described and install said 24/30 inch water line and refill the area, taking away the excess earth and top soil to a location or locations in Allegheny County Regional Park Site No. 3 designated by the County and landscaping said right-of-way area in accordance with the plans of the County.

7. The Monroeville Water Authority shall at all times have the right of ingress and egress to the tank site and rights-of-ways for the purposes of maintenance, repair and replacement of pipe lines and tank facilities, and shall comply with provisions as to refilling and landscaping such

months from the date of the expiration of the ten (10) year period, either party may notify the other, in writing, of its desire to renegotiate the amount of annual payment to be made by the Authority to the County.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the day and year first above written.

ATTEST:

Walter L. Rupp
Secretary

MONROEVILLE WATER AGENCY

BY T. P. Cameron
Chairman

ATTEST:

Mr. W. S. [unclear]
Chief Clerk

COUNTY OF ALLEGHENY

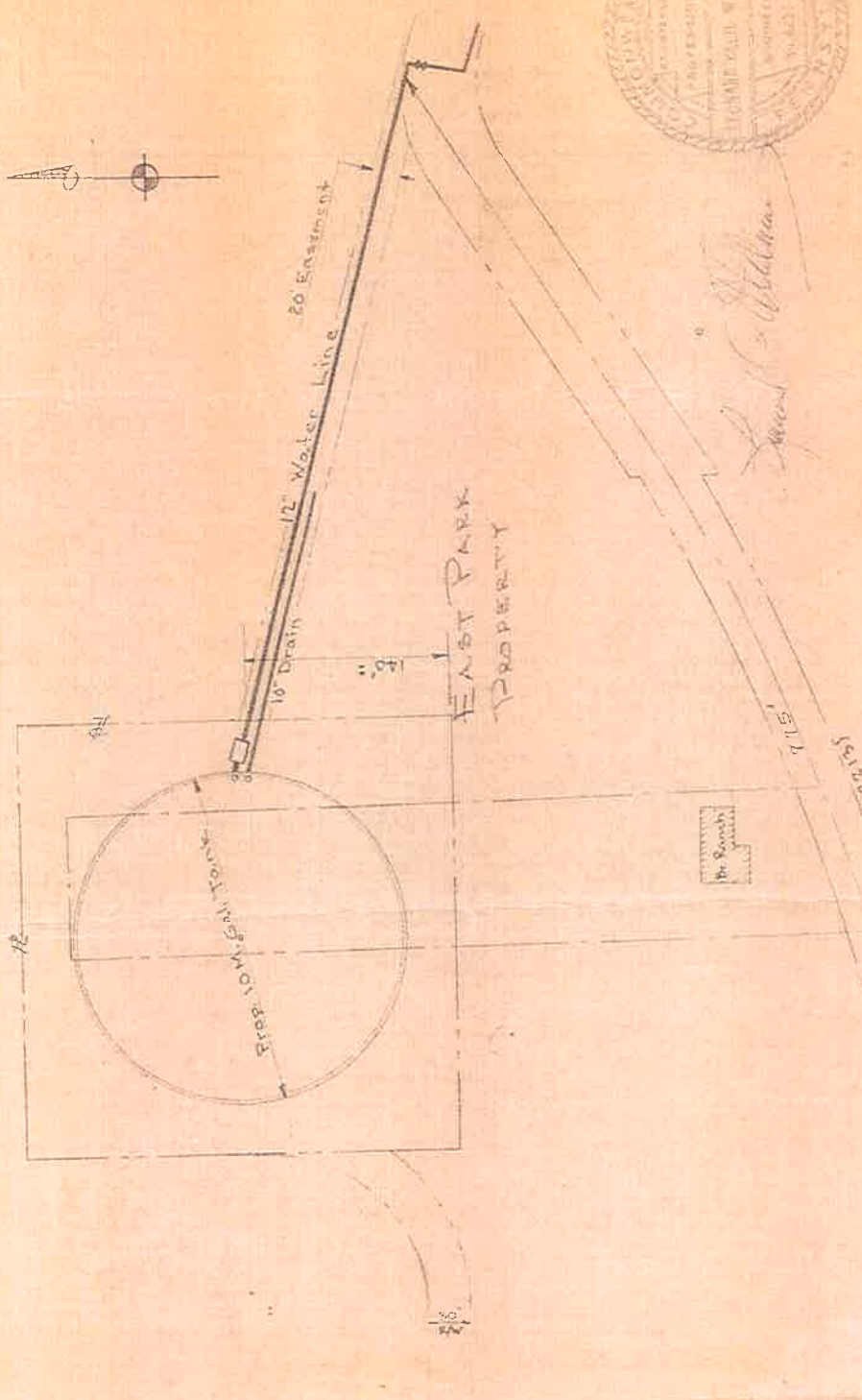
BY Emd. M. McClelland
John E. McEneaney
[Signature]
Board of County Commissioners

APPROVED:

George E. [unclear]
Director, Department of Regional Parks

APPROVED AS TO FORM:

Maurice Louch
County Solicitor
Harold [unclear]
Assistant County Solicitor

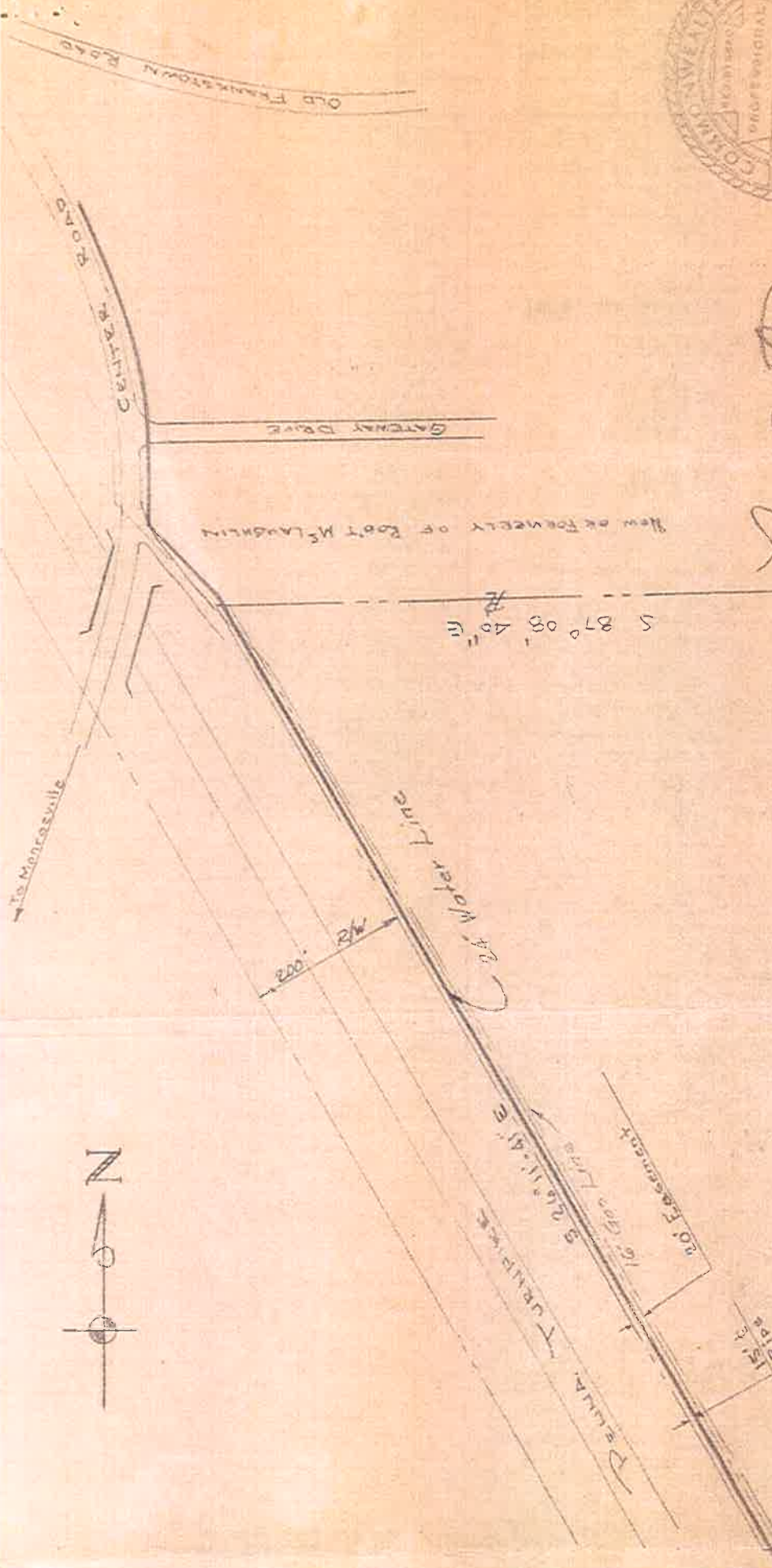


Thomas Willard

MONROEVILLE WATER AUTHORITY
 EAST PARK 10 M.G. TANK SITE
 LOCATION OF
 12" WATER AND 10" DRAIN LINES
 5" DRAIN AND PLUM BOUQUET
 ALLEGHENY COUNTY, PENNSYLVANIA

500' to live of Center Road
 Old Frankstown Road
 175'
 12
 20' Easement
 12" Water Line
 10" Drain
 10 M.G. Tank
 Dr. Smith's Pond
 EAST PARK PROPERTY

10/20/60



Leonard C. Whitmore

MONROEVILLE WATER AUTHORITY
 EAST PARK PROPERTY
 LOCATION OF
 24" WATER LINE
 SITUATE IN MONROEVILLE BOROUGH
 ALLEGHENY COUNTY, PENNSYLVANIA

EAST PARK
 PROPERTY
 (FORMERLY ROBERT N HALL
 PROPERTY)

NOT A FORMERLY OF T. DEAN P. NO. 08-08-53 W

