

No. 07-22-OR

AN ORDINANCE

An Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, a permanent right-of-way in fee and a temporary construction easement from one (1) parcel of land required for the Montour Run Bridge No. 15 transportation improvement project (MT15-0601), North Fayette Township, Allegheny County 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 Council of Allegheny County (the “Council”) deems it advisable to acquire by condemnation a permanent right-of-way and a temporary construction easement (the “Property”) from one (1) parcel of land described hereinbelow that is required for the Montour Run Bridge No. 15 transportation improvement project (MT15-0601), North Fayette Township, Allegheny County (the “Project”); and

Whereas, the Project, has been depicted in that certain right-of-way plan identified as RW 26179-R/W entitled Right-of-Way Drawing for the Montour Run Bridge No. 15 (MT 15) over Unt-Montour Run, MT15-0601 approved on July 6, 2021, recorded July 6, 2021 in the Allegheny County Department of Real Estate, Plans-Miscellaneous, Book 187, Page39 and marked as “Exhibit A” attached hereto and made a part hereof; and

Whereas, due to the passage of time it is now necessary to authorize the acquisition of the Property through condemnation proceedings following exhaustion of reasonable, good faith efforts to identify and to amicably acquire said property; 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 Property by Condemnation.

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

Parcel 1 – Nancy Wall

Lot/Block #692-R-22

Property: Right of Way in fee simple 0.040 acres and Temporary Construction
 Easement 0.003 acres

Estimated Just Compensation: \$900.00

SECTION 3. 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 4. 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 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.

Enacted in Council, this 22nd day of February, 2022

Council Agenda No. 12186-22



Patrick J. Catena
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

County Executive Office February 23rd, 2022

Approved: 

Rich Fitzgerald
County Executive

Attest: 

Jennifer M. Liptak
Chief of Staff

Summary

Authorization to commence one (1) condemnation actions (Parcel 1) in connection with the Montour Run Bridge No. 15 transportation improvement project (MT15-0601), North Fayette Township, Allegheny County.

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

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: February 3, 2022

RE: Proposed Ordinance

Attached is an Ordinance authorizing the County of Allegheny in conjunction with the Department of Public Works and the Law Department to acquire by condemnation, a permanent right-of-way in fee and a temporary construction easement from one (1) parcel of land required for the Montour Run Bridge No. 15 transportation improvement project (MT15-0601), North Fayette Township, Allegheny County and to take such further action as may be necessary under applicable law, including but not limited to the Eminent Domain Code.

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.

COUNTY OF ALLEGHENY



DEPARTMENT OF PUBLIC WORKS

DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY

FOR
CLIFF MINE ROAD (COUNTY ROAD NO. 6293-02)
IN NORTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PA
FROM STA 11+00.00 TO STA 14+50.00 LENGTH 350.00 FT. = 0.066 MI.

THIS PLAN PREPARED PURSUANT TO SECTION 20031(a) OF THE ADMINISTRATIVE CODE, AS AMENDED, 71 P.S. SECTION 513(a), AND SECTION 302(b) (3) OF THE EMINENT DOMAIN CODE, 26 P.A.C.S. SECTION 302(b)(3), AND PURSUANT TO THE SECOND CLASS COUNTY CODE, ACT OF JULY 28, 1953, P.L. 723, AS AMENDED AND PURSUANT TO THE ALLEGHENY COUNTY HOME RULE CHARTER LAW AND ALLEGHENY COUNTY ADMINISTRATIVE CODE.



DESIGN DESIGNATION

ROADWAY TOPOLOGY - N/A
HIGHWAY CLASSIFICATION = MAJOR COLLECTOR
DESIGN SPEED = 15 MPH LINES
SAFETY WIDTH = 1'-1/2" TO 8'-8" (VARIES)
MEDIAN WIDTH = N/A

TRAFFIC DATA

CURRENT A.D.T. = 13,683 (2021)
DESIGN YEAR A.D.T. = 14,020 (2041)

RECORDED IN THE ALLEGHENY COUNTY
DEPARTMENT OF REAL ESTATE IN

ALLEGHENY COUNTY, PA.
IN PLANS-BKS. BOOK 187, PAGE 39

WITNESS MY HAND AND SEAL OF OFFICE



MANAGER

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY
BEFORE ME, A NOTARY PUBLIC, PERSONALLY
CAME,
TO ME OR SATISFACTORILY PROVEN TO BE THE
PERSON WHO HAS BEEN AUTHORIZED BY WRITTEN
POWER OF ATTORNEY, THE NOTARY PUBLIC, COUNTY
MANAGER, ON PLANS AUTHORIZING ACQUISITION
OF RIGHT-OF-WAY BY THE COUNTY OF
ALLEGHENY, AND ACKNOWLEDGED THE WITHIN
REPRESENTATIVE AND ACKNOWLEDGED THE WITHIN
OFFICIAL PLAN OF THE COUNTY OF ALLEGHENY
AND DESIRED THAT THE SAME BE RECORDED AS
SUCH.

WITNESS MY HAND AND NOTARIAL SEAL

Sharon A. White
Notary Public
My Comm. Expires 12/31/2025
My Comm. No. 111111

WITNESS MY HAND AND SEAL OF OFFICE

ALLEGHENY COUNTY
DEPARTMENT OF PUBLIC WORKS
PROJECT MANAGER



DATE 3/19/2021
TIME 3:42 PM
COUNTY 2487-54-R
JUL 2021

APPROVED
BY THE COUNTY, EXECUTED THROUGH THE
MANAGER OF ALLEGHENY COUNTY, THIS PROJECT
WAS AUTHORIZED FOR PROPERTY ACQUISITION BY
THE ALLEGHENY COUNTY MANAGER.

COUNTY MANAGER
DATE 7-6-21

RECOMMENDED
ALLEGHENY COUNTY
DEPARTMENT OF PUBLIC WORKS
PROJECT MANAGER

DATE 3/19/2021

CHIEF BRIDGE ENGINEER
DATE 3/19/21

ASSISTANT DEPUTY DIRECTOR
DATE 3/19/2021

DIRECTOR
DATE 3/19/2021

County of Allegheny



Department of Public Works

RIGHT-OF-WAY PLAN

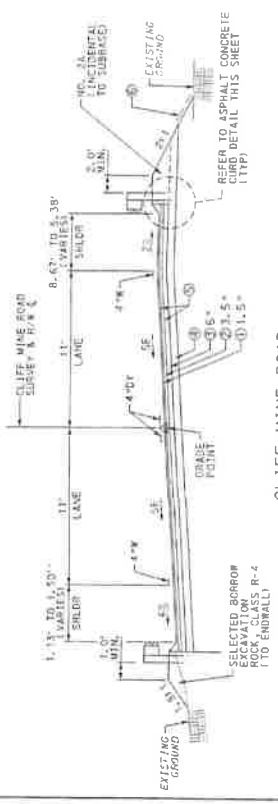
FOR
REPLACEMENT
OF

MONTEUR RUN BRIDGE NO. 15 (MT15)
over UNT-MONTEUR RUN

MTIS-0601
NORTH FAYETTE TOWNSHIP, PA

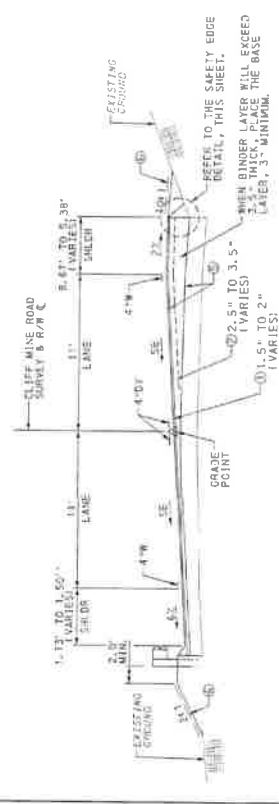
DATE 3/8/21
SCALE AS SHOWN
SHEET 1 OF 6
26197-RW

COUNTY	TOWNSHIP	BRIDGE	COUNTY ROAD	CLIFF MINE ROAD	SHEET
ALLEGHENY	NORTH FAYETTE			16293-02	6



CLIFF MINE ROAD
SUPERELEVATION SECTION - FULL DEPTH RECONSTRUCTION

STA. 12+42.00 TO STA. 12+84.00



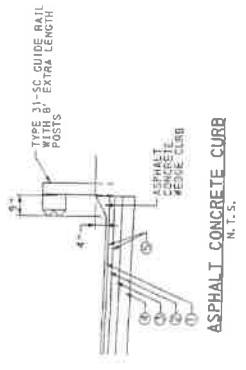
CLIFF MINE ROAD
SUPER ELEVATION SECTION - MILLING AND OVERLAY

STA. 12+84.00 TO STA. 14+25.00

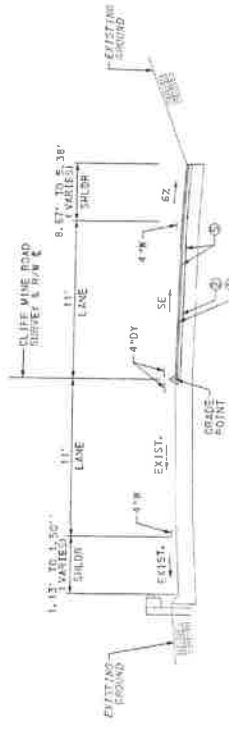
CLIFF MINE ROAD SUPERELEVATION TRANSITION NOTES

LEFT LANE	RIGHT LANE
STA. 10+75.00 -2.23% (EXIST.)	STA. 10+75.00 -3.20% (EXIST.)
STA. 11+25.00 -1.71% (EXIST.)	STA. 11+25.00 -0.52% (EXIST.)
STA. 12+10.00 -6.00% (EXIST.)	STA. 12+10.00 3.78% (EXIST.)
STA. 12+53.00 -6.00% (EXIST.)	STA. 12+53.00 6.00% (EXIST.)
STA. 13+10.00 -6.00% (EXIST.)	STA. 13+10.00 6.00% (EXIST.)
STA. 13+45.00 -6.00% (EXIST.)	STA. 13+45.00 3.78% (EXIST.)
STA. 14+25.00 -3.46% (EXIST.)	STA. 14+25.00 1.22% (EXIST.)
STA. 14+65.00 -3.08% (EXIST.)	STA. 14+65.00 -1.80% (EXIST.)

NOTE:
ROTATION IS ALONG THE CENTERLINE, A NEGATIVE SLOPE
INDICATES A DOWNWARD SLOPE FROM CENTERLINE.



ASPHALT CONCRETE CURB
N.T.S.



CLIFF MINE ROAD
TYPICAL SECTION - MILLING AND OVERLAY

STA. 10+75.00 TO STA. 11+25.00
STA. 14+25.00 TO STA. 14+65.00

LEGEND

- ① SUPERPAVE ASPHALT MIXTURE DESIGN, WEARING COURSE, PG 645-22, 10 TO < 30 MILLION ESALS, 12.5 MM MIX, SR-N
- ② SUPERPAVE ASPHALT MIXTURE DESIGN, BINDER COURSE, PG 645-22, 10 TO < 30 MILLION ESALS, 19.0 MM MIX
- ③ SUPERPAVE ASPHALT MIXTURE DESIGN, BASE COURSE, PG 645-22, 10 TO < 30 MILLION ESALS, 25.0 MM MIX
- ④ SUBBASE B" DEPTH (NO.2A)
- ⑤ ASPHALT TACK COAT (NT/CNT)
- ⑥ SEEDING AND SOIL SUPPLEMENTS - FORMULA B, INCLUDING MULCH
- ⑦ 4" WHITE HOT THERMOPLASTIC PAVEMENT MARKINGS
- ⑧ 4" DOUBLE YELLOW HOT THERMOPLASTIC PAVEMENT MARKINGS

NOTES

1. ALL PAVEMENT JOINTS SHALL BE SEALED WITH PG 645-22, 4" WIDTH AND SHALL BE INCIDENTAL TO THE WEARING COURSE.
2. ALL STRUCTURES AND TRENCHES UNDER THE ROAD SHALL BE BACKFILLED WITH NO. 2A COARSE AGGREGATE.
3. ALL EXISTING STRUCTURES UNDER THE ROAD SHALL BE BACKFILLED WITH PAVEMENT LAYERS TO INCREASE THE SUPERELEVATION. THE NUMBER OF LAYERS SHALL BE DETERMINED BY THE DEPTH OF BUILDUP AT EACH SECTION.

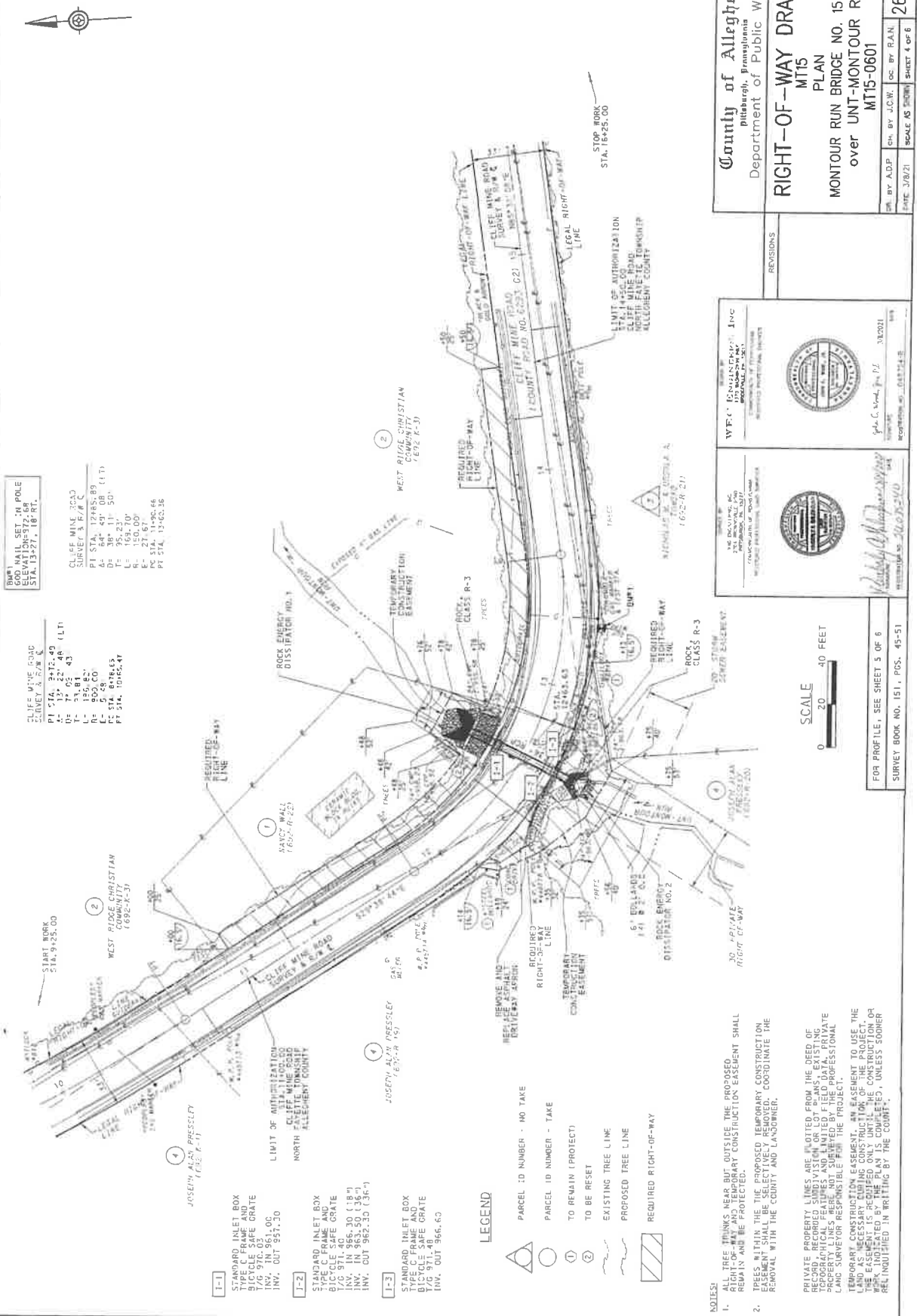
County of Allegheny
Pittsburgh, Pennsylvania
Department of Public Works

RIGHT-OF-WAY DRAWING
MT15
TYPICAL SECTIONS
MONTGOMERY RUN BRIDGE NO. 15 (MT15)
over UNT-MONTGOMERY RUN
MT15-0601

DATE: 3/8/71
SCALE: AS SHOWN
SHEET: 3 OF 6

WEC Incorporated
1000 10th Avenue
Pittsburgh, PA 15222
Professional Engineer
No. 12345
Exp. 12/31/2021

John C. Smith, P.E.
3/8/2021
Registration No. 0148754-B



County of Allegheny Pittsburgh, Pennsylvania Department of Public Works	RIGHT-OF-WAY DRAWING MT15 PLAN MONTOUR RUN BRIDGE NO. 15 (MT15) over UNT-MONTOUR RUN MT15-0601	DATE: 3/2/21 CH. BY: J.C.W. OC. BY: R.A.N.	SCALE: AS SHOWN SHEET 4 of 6	26179-RW
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THE RECEIVING AG. 215 UNIVERSITY AVE. UNIVERSITY OF MICHIGAN ANN ARBOR, MICH. 48106-0001 RECEIVED DATE: 11/11/84		THE SENDING AG. 1015 UNIVERSITY AVE. ANN ARBOR, MICH. 48106-0001 COMMUNICATIONS SECTION RECEIVED DATE: 11/11/84		11/11/84 RECEIVED DATE: 11/11/84 COMMUNICATIONS SECTION
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SCALE

0 20 40 FEET

FOR PROFILE, SEE SHEET 5 OF 6

SURVEY BOOK NO. 151, PGS. 45-51

1. ALL TREE THINKS NEAR BUT OUTSIDE THE PROPOSED RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT SHALL BE MAINTAINED AND PROTECTED.
2. PRIOR WITHIN THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT, THE CONTRACTOR SHALL COORDINATE THE REMOVAL WITH THE COUNTY AND LANDOWNER.

PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED SIMILATION, OR LOT PLANS. EXISTING PROPERTY LINES NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

TEMPORARY CONSTRUCTION EASEMENT TO USE THE TRAIL AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE TRAIL SHALL BE RELOCATED TO THE ORIGINAL POSITION OR WORKS INDICATED BY THE PLAN IS COMPLETED, UNLESS OTHERWISE REINQUISHED IN WRITING BY THE COUNTY.



MT15
PROFILE
MONTEUR RUN BRIDGE NO. 15 (MT15)
over UNT-MONTEUR RUN
MT15-0601

PROPERTY OWNER(S) FANCY WALL
GRANTOR(S) CLARENCE A. GRAY JR.

AREAS		SP
DEED	12.5	
CALCULATED		
ADVERTISE		
LEGAL R/W	1.45	
EFFECTIVE	11.0	
TOTAL R/O'D R/W	1.8	
TOTAL RESIDUE	9.2	
RESIDUE LT	9.2	
RESIDUE RT		

TEMPORARY CONSTRUCTION EASEMENT, AN EASEMENT TO USE THE LAND AND CONVEYOR RESPONSIBLE FOR THE PROJECT, AND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS REQUIRED ONLY UNTIL THE CONSTRUCTION OF THE PROJECT IS COMPLETED, UNLESS SOONER INDICATED IN WRITING BY THE DEPARTMENT.

THIS RIGHT-OF-WAY CLAIM INFORMATION IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

COUNTY OF ALLEGHENY

PARCEL NO. 2
PROPERTY OWNER(S) WEST RIDGE CHRISTIAN COMMUNITY
GRANTOR(S) ANDREW HATCHER ACT PAID A TEACHER HIS WIFE

AREAS		AREA
DECO	0.7	0.7
CALCULATED	0.4	0.4
ADJUSTED	0.4	0.4
LEGAL R/W	12.4	12.4
EFFECTIVE	2.0	2.0
TOTAL REQ'D R/W	12.3	12.3
TOTAL RESIDUE	12.3	12.3
RESIDUE LT		
RESIDUE RT		

THIS RIGHT-OF-WAY CLAIM INFORMATION IS NOT TO BE SUBSTITUTED FOR A SECONDARY SURVEY.

PARCEL NO. 4
PROPERTY OWNER(S) JOSEPH ALAN PRESSLEY
GRANTOR(S) JOSEPH A. PRESSLEY, ADMINISTRATOR
GRANTOR(S) THE ESTATE OF THELMA M. WALL
GRANTOR(S) NANCY ELIZABETH BORDEN, UNLAWFUL

AREAS D	ACRES
CULATED	6.179
ERSES	0.177
AL R/W	6.002
EFFECTIVE	0.024
AL REQ'D R/W	5.970
AL RESIDUE	
DUCE LT	
DUCE RT	5.970

TEVEORY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS REQUIRED ONLY UNTIL THE CONSTRUCTION OR WORK INDICATED BY THE PLAN IS COMPLETED, UNLESS SOONER REQUISINUED IN WRITING BY THE DEPARTMENT.

THIS RIGHT-OF-WAY CLAIM INFORMATION IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

Department of Public Works
Pittsburgh, Pennsylvania

MT15

MT15-0601

LCW	cc BY RAN
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ALL RIGHTS RESERVED



22 April