

*No.* \_\_\_\_\_

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2022*

*Council Agenda No. \_\_\_\_\_*

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**Patrick J. Catena**  
**President of Council**

*Attest:* \_\_\_\_\_

**Jared Barker**  
**Chief Clerk of Council**

*County Executive Office \_\_\_\_\_, 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.