

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 from one (1) parcel of land required for the reconstruction of the Thompson Run Culverts No. 2 & No. 3, County Road No. 2303-00 – Thompson Run Road (TN02-0205 & TN03-0205) located in Ross 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 in fee from one (1) parcel of land required for the reconstruction of the Thompson Run Culverts No. 2 & No. 3, County Road No. 2303-00 – Thompson Run Road (TN02-0205 & TN03-0205) located in Ross Township, Allegheny County (the “Project”); and

Whereas, the Project, has been depicted in that certain right-of-way plan identified as RW 26055-RW entitled Right-of-Way Drawings for the Replacement of Thompson Run Culverts No. 2 & No. 3 (TN02-0205 & TN03-0205) approved on December 20, 2021, recorded December 20, 2021 in the Allegheny County Department of Real Estate, Plans-Miscellaneous, Book 189, Page 7 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 7 – The Heirs of Edwin Flaig and Mildred M. Oswald, Tenants in Common

Lot/Block # N/A - Not Assessed

Property: Required Right-of-Way – 0.025 acres

Estimated Just Compensation: \$500.00

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. _____

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 action involving Parcel 7 in connection with the reconstruction of the Thompson Run Culverts No. 2 & No. 3, County Road No. 2303-00 – Thompson Run Road (TN02-0205 & TN03-0205) located in Ross Township, Allegheny County.