

***No. 07-23-OR***

## **AN ORDINANCE**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the continued use of a BMX bicycle facility in the County's South Park by South Park BMX, Inc.

**WHEREAS**, the County of Allegheny is the owner of real property on E. Park Drive in the County's South Park known as the South Park BMX Track; and

**WHEREAS**, South Park BMX, Inc. is a bicycle organization that has conducted youth bicycle activities and hosted special events at the South Park BMX Track for more than forty years; and

**WHEREAS**, South Park BMX previously has been granted permission to have preferred use, provide structural upgrades, and perform routine maintenance at the South Park BMX Track; and

**WHEREAS**, the County's Department of Parks has recommended that South Park BMX, Inc. be granted permission to continue to have preferred use, conduct activities, host special events, provide structural upgrades, and perform routine maintenance at the South Park BMX Track in the County's South Park without interruption; and

**WHEREAS**, County Council believes that permitting South Park BMX Inc. to continue to use the designated area for such purposes will inure to the benefit of the citizens of Allegheny County through the promotion of youth athletic and social activities; and

**WHEREAS**, Article IV, Section 2(k) of the Allegheny County Home Rule Charter vests County Council with the power and duty by ordinance to lease or 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. Allegheny County Council hereby approves the continued use of a facility on East

Park Drive in the County's South Park by South Park BMX, Inc. for purposes of conducting BMX bicycle activities described above for a period beginning February 1, 2023, and ending January 31, 2026; provided however, that the proper officials of the County, with the consent of South Park BMX, Inc, are authorized to extend South Park BMX, Inc.'s use of the property for the purposes of conducting BMX bicycle activities for an additional two (2) years until January 31, 2028.

- B. The proper officers of the County are hereby authorized to execute any and all documents necessary to effectuate the authorization granted by this legislation.

**SECTION 3.**            **Effective Date.** *This Ordinance shall enter into effect as of February 1, 2023.*

**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 Resolution.*

Enacted in Council, this 4<sup>th</sup> day of April, 2023.

Council Agenda No. 12630-23

  
Patrick Catena  
President of Council

Attest:   
Jared Barker  
Chief Clerk of Council

Chief Executive Office April 8<sup>th</sup>, 2023

Approved:   
Rich Fitzgerald  
County Executive

Attest:   
Jennifer Liptak  
County Manager

**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: March 16, 2023

RE: Proposed Ordinance

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Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the continued use of a BMX bicycle facility in the County's South Park by South Park BMX, Inc.

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.

### **SUMMARY OF LEGISLATION**

The attached legislation would permit South Park BMX, Inc. to continue to use certain Allegheny County-owned real property in the County's South Park known as the South Park BMX Track as a venue to conduct BMX bicycle activities, host special events, provide structural upgrades, and perform routine maintenance, as they have for more than forty years. The authorization begins on February 1, 2023 and continues through January 31, 2026. The authorization may be extended for two (2) additional years by mutual consent of the proper County officials and South Park BMX Inc. The appropriate County officers and officials would be authorized to take such action as would be necessary to carry out the purposes of the authorization granted in the legislation.