

PROJECT NAME/ROUTE	Herndon Street Landslide Remediation
COUNTY	Allegheny
MUNICIPALITY	City of Pittsburgh
PARCEL NO.	19-D-003
CLAIMANT	John R. and Gayle A. Elstner

TEMPORARY EASEMENT FOR CONSTRUCTION

THIS INDENTURE is made this _____, by John R. and Gayle A. Elstner, owner(s) of the property identified as lot and block 19-D-003, their heirs, executors, administrators, successors and/or assigns ("OWNER") and City of Pittsburgh ("PURCHASER").

WITNESSETH:

WHEREAS, the PURCHASER City of Pittsburgh is authorized to condemn real property for transportation purposes, including in conjunction with the Herndon Street Landslide Remediation ("Project"); and

WHEREAS, the parties have agreed that, in lieu of condemnation, the OWNER will grant to the PURCHASER a temporary easement for construction purposes.

NOW, THEREFORE, in consideration of the sum of one dollar (\$1), the OWNER hereby grants to the PURCHASER a temporary easement for the area shown on the plot plan, attached hereto and made a part hereof as exhibit A, for the purpose of undertaking the Project.

The OWNER also hereby authorizes the entry and re-entry of employees, agents and contractors of the PURCHASER upon said area to do any and all work necessary for the completion of the Project, including the removal of any buildings and/or other structures located on the area covered by the easement; provided, however, that, upon completion of the Project, the PURCHASER shall be obligated to restore the area covered by the easement to a condition commensurate with that of the balance of the property of the OWNER. Such restoration includes removal of debris, filling of holes left by the removal of buildings or structures, draining, filling and/or capping of wells, cesspools and septic tanks and the grading and sowing of grass. The estimated completion date of the Project is one year from the commencement of construction. The temporary easement for construction area is 3740 square feet.

The OWNER does further remise, release, quitclaim and forever discharge the PURCHASER or any agency or political subdivision thereof or its or their employees or representatives of and from all suits, damages, claims and demands which the OWNER might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, 26 Pa.C.S. § 101 et seq., for or on account of this conveyance and any injury to or destruction of the aforesaid property of the OWNER through or by reason of the aforesaid construction or improvement.

The covenant, terms, and conditions of this Indenture shall be binding upon the OWNER, and the OWNER's heirs, executors, administrators, representatives, successors and assigns.

The OWNER hereby indemnifies the PURCHASER against any claim made by any successor in interest should the OWNER transfer the property to another prior to the completion of construction for which the temporary easement was given.

The City of Pittsburgh is authorized to enter into this indenture pursuant to Council Resolution ____ of 2025 effective _____. This indenture is subject to the Home Rule Charter of the City of Pittsburgh and the City's liability hereunder is limited to zero dollars.

IN WITNESS WHEREOF, the parties have executed or caused to be executed these presents, intending to be legally bound thereby.

INDIVIDUALS

ENTITIES*

OWNER:

(Name of Entity)

BY: _____

BY: _____

* Use this block for a corporation, partnership, LLC, government entity, school district, church, trust, club, association, POA, attorney-in-fact, executor, administrator or any other entity.

PURCHASER: CITY OF PITTSBURGH

BY: _____
Mayor

BY: _____
Director, Department of Mobility and Infrastructure

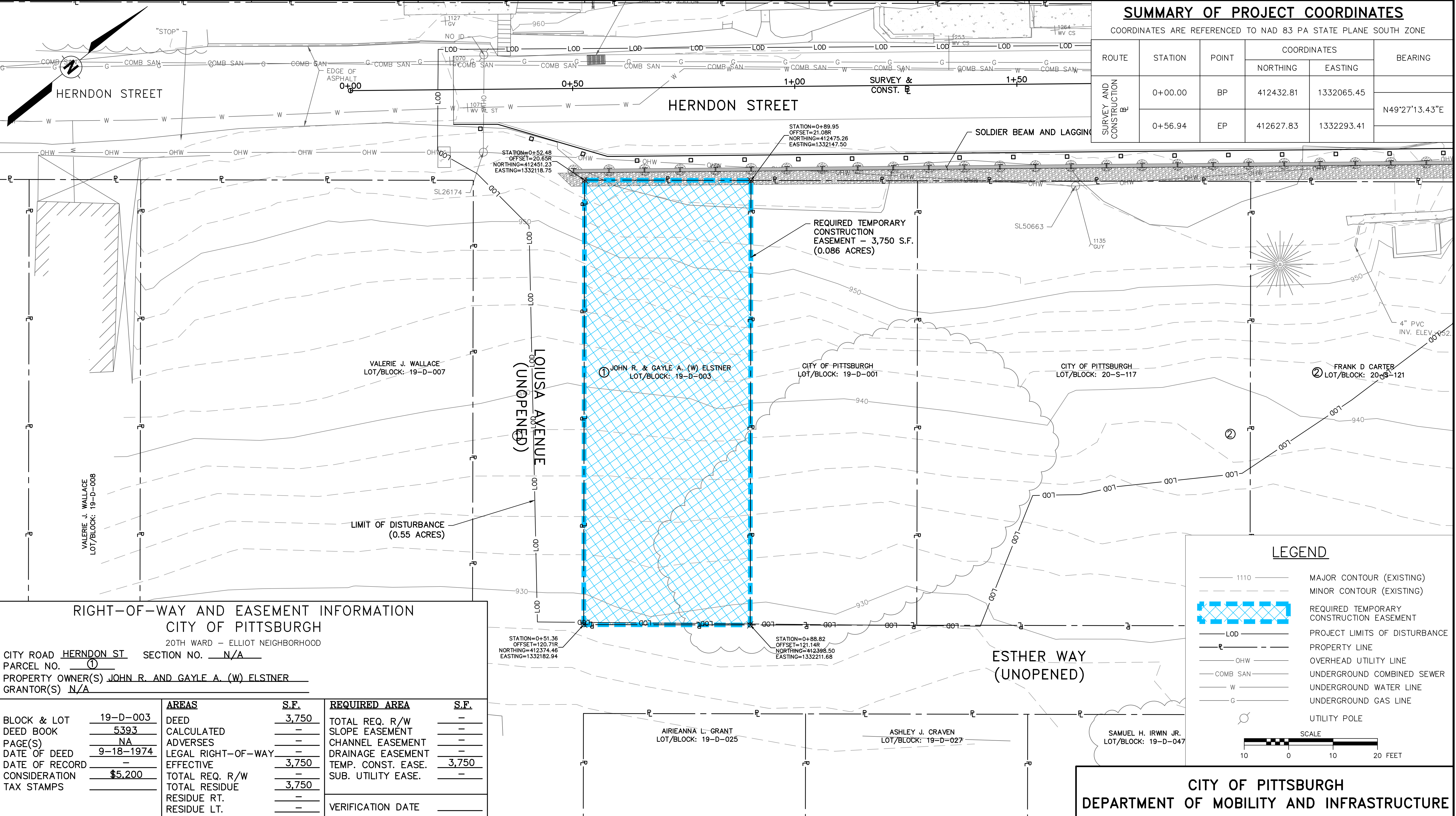
BY: _____
Director, Department of Finance

APPROVE AS TO FORM: _____
City Solicitor

EXAMINED: _____
Assistant City Solicitor

COUNTERSIGNED: _____
City Controller

R: 20231234243 - Herndon Street Side Report Drawings 0 - Final Design Easement Drawings Easement Acquisition Drawings.dwg Thursday, June 19, 2025 10:10:33 AM



RIGHT-OF-WAY AND EASEMENT INFORMATION				
CITY OF PITTSBURGH				
20TH WARD - ELLIOT NEIGHBORHOOD				
CITY ROAD <u>HERNDON ST</u>		SECTION NO. <u>N/A</u>		
PARCEL NO. <u>①</u>				
PROPERTY OWNER(S) <u>JOHN R. AND GAYLE A. (W) ELSTNER</u>				
GRANTOR(S) <u>N/A</u>				
BLOCK & LOT	19-D-003	AREAS	S.F.	REQUIRED AREA
DEED BOOK	5393	DEED	3,750	S.F.
PAGE(S)	NA	CALCULATED	-	-
DATE OF DEED	9-18-1974	ADVERSES	-	-
DATE OF RECORD	-	LEGAL RIGHT-OF-WAY	-	-
CONSIDERATION	\$5,200	EFFECTIVE	3,750	-
TAX STAMPS		TOTAL REQ. R/W	-	-
		TOTAL RESIDUE	3,750	-
		RESIDUE RT.	-	-
		RESIDUE LT.	-	-
		VERIFICATION DATE		

NOTES:

1) LOCATION OF UTILITIES ARE APPROXIMATE BASED ON SURVEY MEASUREMENTS OF PA ONE CALL MARKINGS AND VISUAL OBSERVATIONS. NOTIFY UTILITY COMPANIES AND DETERMINE PRECISE LOCATION OF UTILITIES PRIOR TO STARTING CONSTRUCTION. PROTECT EXISTING UTILITIES IN THE CONSTRUCTION AREA AS NECESSARY.

2) PRIVATE PROPERTY LINES ARE NOT PLOTTED FROM THE DEED OF RECORD. THE PROPERTY AND RIGHT-OF-WAY LINES AND ARE CONSIDERED APPROXIMATE. THIS PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.

3) TEMPORARY CONSTRUCTION EASEMENT. AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT. THE EASEMENT IS REQUIRED ONLY UNTIL THE CONSTRUCTION OF WORK INDICATED BY THE PLAN IS COMPLETED, UNLESS SOONER RELINQUISHED IN WRITING BY THE CITY OF PITTSBURGH.

SURVEY REFERENCE:

SURVEY PERFORMED BY LARSON DESIGN GROUP, INC. (ON BEHALF OF THE CITY OF PITTSBURGH DEPARTMENT OF MOBILITY AND INFRASTRUCTURE) ON MAY 11, 2023.

HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83). PA STATE PLANE SOUTH.

VERTICAL DATUM: NORTH AMERICAN DATUM OF 1988 (NAVD88).

FIELD DATA	DRAWN	SUPERV'SD	REVISIONS	
BY			CHARACTER	DATE
VOL.				
CHECKED	INSPECTED	CHK. CONST.		
CALC. BOOK	PG.			

CITY OF PITTSBURGH
DEPARTMENT OF MOBILITY AND INFRASTRUCTURE

HERNDON STREET LANDSLIDE REMEDIATION
20TH WARD - ELLIOT NEIGHBORHOOD, CITY OF PITTSBURGH
ALLEGHENY COUNTY, PENNSYLVANIA

EASEMENT ACQUISITION PLAN (ELSTNER 19-D-003)

DRAWN BY: RLM
DATE: 6/19/2025

SCALE
AS SHOWN

SHEET NO.
1 OF 1

ACCESSION NO.
CASE NO.