

October 20, 2021

Ms. Kim Lucas
Acting Director
Department of Mobility & Infrastructure
414 Grant Street, 215 B
Pittsburgh, PA 15219

**Dear Acting Director Lucas:** 

I am writing to request a vacation of a right-of-way ("ROW") consisting of that portion of Bobby Way located between Block 116-G, Lot 44, on the west, and Block 116-H, Lot 1, on the east. We provide evidence that there are no adverse impacts to the public interest and that necessary coordination with utility providers and applicable City departments are complete via the DOMI Street Vacation Application that this letter accompanies.

We request this vacation to convey this to-be-vacated area to Debra and Charles Rupert as a Side Yard for their adjoining home, located at 223 Bernardi Drive. As a Side Yard sale, our deed to the Rupert will have special covenants prohibiting any material improvements on the land outside of its maintenance as greenspace.

Please let us know if you have any questions or need any additional information.

Thank you in advance for your consideration of this request.

Sincerely,

Paul Martinchich

**Project Engineering Manager** 



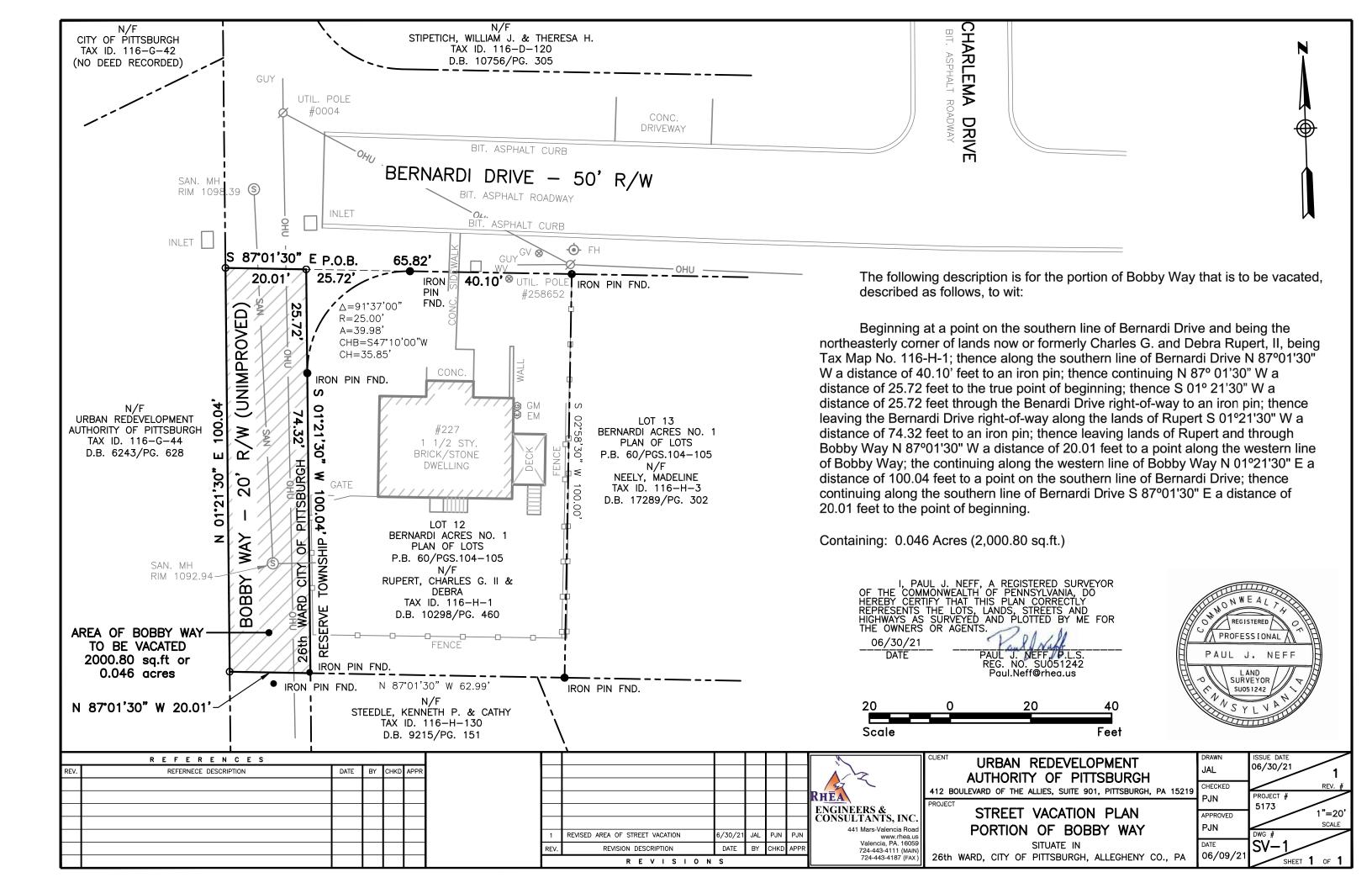
## CITY OF PITTSBURGH

# DEPARTMENT OF MOBILITY & INFRASTRUCTURE

CITY- COUNTY BUILDING

# STREET VACATION APPLICATION PACKET

Date: November , 2021
Applicant Name: Paul Martinchich
Property Owner's Name (if different from Applicant): Urban Redevelopment Authority of Pittsburgh
Address: 412 Boulevard of Allies, Suite 901, Pittsburgh, PA 15219
Phone Number: 412. 412.255.6417 Office Alternate Phone Number:
Email Address: pmartinchich@ura.org
Location of Proposed Vacation: Portion of Bobby Way
Ward: 26 Council District: 1 Lot and Block:
What is the properties zoning district code?(Zoning office 255-2241)
Is the proposed vacation developed? Yes 🔲 No 🔀
Width of Existing Right-of-Way (sidewalk or street): N/A (Before vacation)
Length of Existing Right-of-Way (sidewalk or street): N/A (Before vacation)
Width of Proposed Vacation: 20 ft
Length of Proposed Vacation: 100 ft
Number of square feet of the proposed vacation: 2,000.80 sq ft
<b>Description of vacation:</b> : See legal description dated June 30, 2021, signed and stamped by Paul Neff, P.L.S.
Reason for application:
The Urban Redevelopment Authority of Pittsburgh (URA) is petitioning to vacate a portion of Bobby Way, a paper
street in the Summer Hill neighborhood, for conveyance to an adjoining private residence as a Side Yard.



# Description for Street Vacation for portion of Bobby Way

26th Ward, City of Pittsburgh, Allegheny County, Pennsylvania

The following description is for the portion of Bobby Way that is to be vacated, described as follows, to wit:

Beginning at a point on the southern line of Bernardi Drive and being the northeasterly corner of lands now or formerly Charles G. and Debra Rupert, II, being Tax Map No. 116-H-1; thence along the southern line of Bernardi Drive N 87°01'30" W a distance of 40.10' feet to an iron pin; thence continuing N 87° 01'30" W a distance of 25.72 feet to the true point of beginning; thence S 01° 21'30" W a distance of 25.72 feet through the Benardi Drive right-of-way to an iron pin; thence leaving the Bernardi Drive right-of-way along the lands of Rupert S 01°21'30" W a distance of 74.32 feet to an iron pin; thence leaving lands of Rupert and through Bobby Way N 87°01'30" W a distance of 20.01 feet to a point along the western line of Bobby Way; the continuing along the western line of Bobby Way N 01°21'30" E a distance of 100.04 feet to a point on the southern line of Bernardi Drive; thence continuing along the southern line of Bernardi Drive S 87°01'30" E a distance of 20.01 feet to the point of beginning.

Containing: 0.046 Acres (2,000.80 sq.ft.)

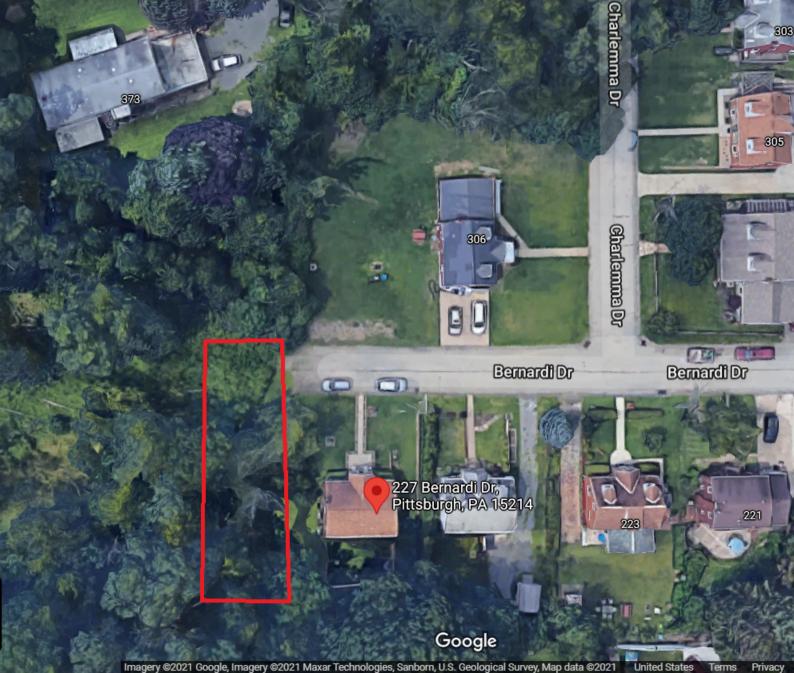
This description prepared by Paul Neff, P.L.S., of Rhea Engineers & Consultants, Inc. from Street Vacation Plan, dated June 4, 2021.

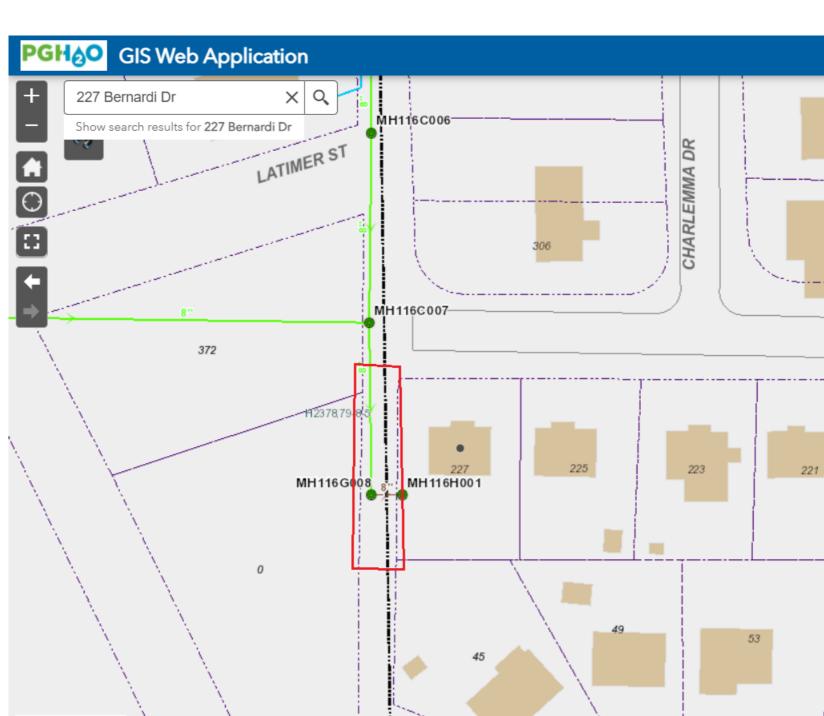
Paul Neff, P.L.S.

June 30, 2021

No. SU051242 Seal











To: Karina Ricks, Director of the Department of Mobility and Infrastructure

From: William J. Pickering, Chief Executive Officer of PWSA

Date: September 2, 2021

Subject: Proposed Vacation of portions of Putnam Street near Bobby Way

The following is in response to the attached 8/10/2021 request regarding the vacation of portions of Bobby Way in the 26th Ward of the City of Pittsburgh.

- 1. The Water Mapping indicates that there are no PWSA water infrastructure within the proposed street vacation location.
- 2. The Sewer Mapping indicates that there is a 6" PWSA sanitary sewer within the proposed street vacation. The existing sewerline must be retained and will require an easement.

PWSA has no objection to the vacation of said street. The property owner MUST grant an easement to PWSA for facility maintenance and operation by contacting Julie Asciolla at 412-606-1233.

Please add the following paragraph as part of the City of Pittsburgh, Department of Mobility and Infrastructure Proposed Street Vacation Resolution.

## PWSA Reserves the Right for a Utility Easement(s)

Be advised no fixed permanent structures (buildings, walls, fences etc.) will be permitted in the vacated right-of-way area that will impact or compromise daily operation and/or maintenance of existing or proposed new PWSA facilities. PWSA can accept conventional street/drive-way type paving (hardscape) and/or landscape areas except trees. Any hardscape or landscape will be the responsibility of the property owner to replace if damaged during repair or maintenance of PWSA facilities.

In order for PWSA to maintain accurate records in our mapping, we respectfully request confirmation of the Council approval or denial of this proposed vacation. If approved by Council, please include the final resolution complete with assigned resolution number.

Attachment

Zainab Al kafage 412 Blvd of the Allies, Suite 901 Pittsburgh, PA 15219

Re: Request Bobby Way vacation – 227 Bernardi Dr

### To Whom It May Concern:

This letter responds to an inquiry from Zainab Al kafage seeking Duquesne Light Company's position regarding a proposed new street vacation of a piece of land that exists as a paper street. Duquesne Light does not have any overhead conductors within this portion of land. Based on the documentation provided by Zainab Al kafage, Duquesne Light Company does not object to its proposal at this location. However, Duquesne Light's consent is without prejudice to any future actions or events regarding this facility, and Duquesne Light reserves all rights with respect to any maintenance, operation, or other required actions.

Further, should the constructions plans change, or should any unforeseen field conditions be discovered, Duquesne Light reserves the right to withdraw this consent and require further information to assess any new conditions.

Please feel free to contact me should you require any further information.

Very truly yours,

### **Zachary Prawucki**

Supervisor, Distribution Engineering 412.393.8226 (w) 412.651.4880 (c) zprawucki@duqlight.com

Duquesne Light Company 2645 New Beaver Ave Pittsburgh, PA 15233 Duquesne Light.com



## Fw: Vacation Confirmation Request - Bobby Way

## GBachism@nisource.com < GBachism@nisource.com >

Wed 9/22/2021 12:41 PM

To: Jack Trainor < jtrainor@ura.org>

Hi Jack,

Columbia gas does not has facilities here.

Thank You.

Grace Bachism
Sr. Operations Coordinator
Columbia Gas of Pennsylvania
Office-724-250-2603
Cell Phone-724-797-7051
gbachism@nisource.com

----- Forwarded by Grace Bachism/CPA/Enterprise on 09/22/2021 12:40 PM -----

From: Mariah Wise/CPA/Enterprise

To: Grace Bachism/CPA/Enterprise@NISOURCE,

Date: 09/22/2021 10:47 AM

Subject: Re: Fw: Vacation Confirmation Request - Bobby Way

Yes. I agree that we have no facilities.

Thanks,

Mariah Wise Field Engineering Leader (Neville Island and Washington) Columbia Gas of PA 412-738-6168

From: Grace Bachism/CPA/Enterprise

To: Mariah Wise/CPA/Enterprise@NISOURCE

Date: 09/21/2021 08:05 AM

Subject: Fw: Vacation Confirmation Request - Bobby Way

Here is another one, I don't believe we have facilities in this area. Is that ok to let him know?

Thank You.

Grace Bachism
Sr. Operations Coordinator
Columbia Gas of Pennsylvania
Office-724-250-2603
Cell Phone-724-797-7051
gbachism@nisource.com

---- Forwarded by Grace Bachism/CPA/Enterprise on 09/21/2021 08:01 AM -----

From: Jack Trainor < jtrainor@ura.org>

To: "gbachism@nisource.com" <gbachism@nisource.com>,

Date: 09/17/2021 12:15 PM

Subject: Re: Vacation Confirmation Request - Bobby Way

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to <a href="mailto:security@nisource.com">security@nisource.com</a> for review.

Hello,

I'm following up on this confirmation request - could you please offer an update?

Thanks,

Jack

From: Jack Trainor < jtrainor@ura.org>
Sent: Monday, August 23, 2021 11:09 AM

**To:** gbachism@nisource.com < gbachism@nisource.com> **Subject:** Re: Vacation Confirmation Request - Bobby Way

Good morning,

I am following up on the below request for a paper street vacation confirmation letter. Could you please advise on its status?

Thanks,

Jack

From: Jack Trainor

Sent: Tuesday, August 10, 2021 12:45 PM

To: gbachism@nisource.com <gbachism@nisource.com>
Subject: Vacation Confirmation Request - Bobby Way

Good afternoon,

The Urban Redevelopment Authority of Pittsburgh (URA) is petitioning to vacate a portion of Bobby Way, a paper street in the Summer Hill neighborhood, for conveyance to an adjoining private residence as a Side Yard. The proposed vacation area is immediately adjacent, on the west side of 227 Bernardi Drive, Reserve Township 15214, being just across the City of Pittsburgh-Reserve Township dividing line.

A survey of the proposed vacation area is attached.

As part of the vacation application, we are required to secure letters from certain utility companies confirming this vacation will not impact their service.

Could you please confirm whether there are any issues with this vacation request, and if not, supply a letter formally stating such?

Thank you, and please let me know if you have any questions.

Jack

### **Jack Trainor**

He/Him/His
Transactions and Data Specialist
Central Operations Unit
Urban Redevelopment Authority of Pittsburgh
412 Boulevard of the Allies
Suite 901
Pittsburgh, PA 15219

412.255.6557 OFFICE

ura.org

Want to hear about the latest URA Housing, Business, and MWBE resources? <u>Sign up to receive emails</u> delivered straight to your inbox.



EXTERNAL EMAIL: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

# To the Council of the City of Pittsburgh

	the property owners in interest and number, abutting upon the line of:
Lot & Block & Address of applican	
	(Please print)
Lot & Block & Address of abutting Lot & Block & Address of abutting Lot & Block & Address of abutting Lot & Block & Address of abutting	
encroaching on the above listed right purposes of inducing the corporate audo hereby stipulate, covenant and agall claims for damages whatsoever where the second of the vacation or expoints; and we further agree to indem from the payment of any damages whatsoever, a second or being made necessary for or by reasons whatsoever, and the second of the se	norable body for the passage of a resolution vacating or int-of-way and in consideration of the premises, and for the thorities of said City to enact a resolution for said purpose, we tree to release and forever discharge, said City from any and hich we, or either of us, may, might, or could have, or claim, incroachment of said public highway between said terminal unify, save harmless and defend said City from any claims and hatsoever resulting to any property owned by us, or either of abutting or non-abutting, for or by reason of said vacation or sk for the appointment of Viewers to ascertain and assess any rencroachment, and in the event of any Viewers proceeding on of the passage of such resolution, we do hereby jointly and ur heirs, executors, administrators, successors and assigns to and bills and any other expense incurred in such Viewers' hall be forthwith paid upon the City Solicitor certifying to the
IN WITNESS WHERO	DF, We have hereunto set our hands and seals as of the
Witness	Property Owners: (Please Sign & Print L&B)
Ilreus schoolt	- 0 744
xCd=-Al	(seal) Applicant: Signature & Lot & Block 116-G-44  De by Church (seal) Abutting 1: Signature & Lot & Block 116-H-1
	-
	(seal) Abutting 2: Signature & Lot & Block
	¥
	(seal) Abutting 3: Signature & Lot &

NOTARY, City of Pittsburgh

Personally came <u>Personally Charles Roper I T</u> who being duly sworn says that he is personally acquainted with the owners of the property fronting or abutting upon the within described highway, and that he or she knows said petition is signed by all of said owners, and that the signatures of said petition are the proper and genuine signatures of said

(seal) Abutting 4: Signature & Lot &

owners.

Sworn and subscribed before me this 12 of Mand 2022

Commonwealth of Pennsylvania - Notary Seal AMY SUE MADLER - Letary Public Allegheny County

My Commission Expires Feb 74, 2023 Commission Number 1788484

County of Allegheny

State of Pennsylvania

Personally, came Greg Flisram who being duly sworn says that he is personally acquainted with the owners of the property fronting or abutting upon the within described highway, and that he or she knows said petition is signed by all of said owners, and that the signatures of said petition are the proper and genuine signatures of said owners.

Sworn and subscribed before me on March 24, 2022

Commonwealth of Pennsylvania - Notary Seal Theresa H. Schacht, Notary Public Allegheny County

Oreces School t

My commission expires January 29, 2026 Commission number 1324242

Member, Pennsylvania Association of Notaries

## EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made and entered into this 15th day of

March 2022, by and between URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH (the "Grantor"), a redevelopment authority organized and existing pursuant to the laws of the URBAN REDEVELOPMENT Law 35 P.S. § 1701 et seq. with offices at 412 Blvd of the Allies, Suite 901, Pittsburgh, Pennsylvania 15219.

#### **AND**

THE PITTSBURGH WATER AND SEWER AUTHORITY, a body politic and corporate existing and operating under the laws of the Commonwealth of Pennsylvania, with its principal offices at 1200 Penn Avenue, Pittsburgh, Pennsylvania 15222, County of Allegheny, Commonwealth of Pennsylvania (the "Authority").

## WITNESSETT.

WIINESSEIH.		
	WHEREAS, the Grantor is the owner in fee simple of certain real property (the "Property") located in 26 Ward of the City of Pittsburgh, Allegheny County, Commonwealth of Pennsylvania in as [Bobby Way Pittsburgh, PA 15214]; and	
[name	WHEREAS, title to the Property vested in the Grantor by deed dated, from e of seller] (the "Deed"); and	
Volui	WHEREAS, the Deed is recorder in the Recorder of Deeds Office of Allegheny County at Deed Book me; and	
and	WHEREAS, the Property is known as Block and Lot No in the Allegheny County Deed Registry;	
	WHEREAS, the Authority operates a water and sewer system in the City of Pittsburgh; and	
	WHEREAS, the Authority desires a right-of-way and easement over, upon, across, along, through and the Property for the purpose of the construction, inspection, maintenance, repair, removal and rebuilding ter, sewer, and storm water lines and facilities on and under the Property; and	
	WHEREAS, the Grantor is willing to grant the easement desired by the Authority.	
and ir	NOW, THEREFORE, in consideration for their mutual promises and for other valuable consideration, natending to be legally bound by the terms of this Agreement, the Grantor and the Authority agree as	

- follows:
- 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and made a part hereof.
- 2. Grant of Easement to the Authority. The Grantor does hereby irrevocably grant, bargain, sell and convey to the Authority a perpetual, non-exclusive easement and right-of-way over, upon, across, along, through, and under the Property (the "Authority Easement") for the purposes set forth in paragraph 5 below. The Property and the Authority Easement are more particularly depicted on Exhibit 1 hereto, which is incorporated herein by reference.

- 3. Covenants to Run with Land. The Authority Easement granted pursuant to this Agreement shall be perpetual and shall be appurtenant to and shall run with the Right-of-Way Property and the Property.
- <u>4.</u> <u>Grantor Covenants.</u> The Grantor covenants that (a) it will not convey any other easement which conflicts with the Authority Easement granted or created hereby, and (b) it will not take or permit any action which interferes in any manner with the rights granted to the Authority pursuant to this Agreement.
- <u>5.</u> The Authority's Rights. By this Agreement, the Authority acquires a right-of-way and easement over, upon, across, along, through, and under the Property for the purposes of (a) the free and uninterrupted use, construction, repair, maintenance, reconstruction, improvement, alteration, removal, inspection, and abandonment of water, sewer, and storm water lines, facilities and appurtenances, and (b) any and all other purposes related in any manner to the operation by the Authority of its water, sewer and storm water systems, and any replacements or improvements thereof.
- <u>6.</u> <u>Successors and Assigns.</u> The Authority Easement granted pursuant to this Agreement shall be binding upon and inure to the benefit of the Grantor and the Authority and to their respective successors and assigns.
- 7. Warranty. The Grantor WARRANTS GENERALLY to the Authority that the Grantor owns the Right-of-Way Property and the Authority Easement area in fee simple, free and clear of any liens, claims or encumbrances.
- <u>8.</u> <u>Modifications.</u> This agreement may not be modified or discharged except by written instrument duly executed by both parties.
- 9. Counterparts. This Agreement may be executed in counterparts, and each such counterpart when executed shall constitute one final agreement, as if both parties had signed one document. Each counterpart, upon execution and delivery, shall be deemed to be a complete original, but this Agreement is without effect until each of the parties has executed and delivered a counterpart.
- <u>10.</u> Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania, without reference to its conflicts-of-laws principles.
  - 11. Resolution. This Agreement is entered into pursuant to Authority Resolution No. 64 of 2019, which was adopted at a regular meeting of the Board of Directors held on May 24, 2019.

[signatures follow on next page]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.			
WITNESS:			
	By:		
	Title:		
ATTEST:	PITTSBURGH WATER AND SEWER AUTHORITY		
	By:		
	Title:		
Approved as to form:			
Legal Counsel for Authority			

COMMONWEALTH OF PENNSYLVANIA	) ) SS:
COUNTY OF ALLEGHENY	)
undersigned officer, personally appeared proven) to be the person whose name is subscrithat he executed the foregoing instrument for the	, A.D., 2022, before me a Notary Public, the, known to me (or satisfactorily bed to the foregoing instrument and acknowledged ne purposes therein contained.  Hereunto set my hand and official seal.
	Notary Public
My Commission Expires:	

COMMONWEALTH OF PENNSYLVANIA	)
COUNTY OF ALLEGHENY	) SS: )
IN WITNESS WHEREOF, I	nereunto set my hand and official seal.
	Notary Public
My Commission Expires:	

## **EXHIBIT 1**

# METES AND BOUNDS DESCRIPTION OF PROPERTY AND AUTHORITY EASEMENT

# EXHIBIT 2 SITE PLAN OF PROPERTY AND AUTHORITY EASEMENT



JENNIFER GULA ACTING DIRECTOR & TREASURER

# CITY OF PITTSBURGH DEPARTMENT OF FINANCE

CITY-COUNTY BUILDING

# Memorandum

TO:

Kim Lucas, Acting Director, DOMI

FROM: Jennifer Gula, Acting Director, Finance Departmen

**DATE:** May 23, 2022

REF:

Vacation – Portion of Bobby Way 26th Ward

You requested a review for a vacation of a portion of Bobby Way in the 26th Ward. The Finance Department has no objection to this vacation. This vacation will allow the adjacent property owners to consolidate their properties for expansion purposes. The total area of this vacation is 2,000.80 square feet and is zoned H.

Since this portion of the right-of-way is presently unopened and unused for street or pedestrian purposes and the City has no intention to open this right-of-way the Finance Department, in line with Law Department policy, places no price or charge for this vacation.

Submitted by

Amanda Lopata, Sales Coordinator

Aaron Pickett, Collections Manager

cc: Amanda Lopata Aaron Pickett