

# CITY OF PITTSBURGH DEPARTMENT OF MOBILITY & INFRASTRUCTURE CITY-COUNTY BUILDING

# STREET VACATION APPLICATION

Date: <u>Sept. 21, 2022</u>
Applicant Name: Bernard W. Noone, Deborah L. Noone
Property Owner's Name (if different from Applicant):
Address: 400 Mary St. Dittsburgh PA 15227
Phone Number: 412 332 2766 Alternate Phone Number: 412 183 1680
Email Address: Deborah - noone @ i Cloud. com
Location of Proposed Vacation: 4316 Bench Way, Honested PA 15120
Ward: 31 Council District: 5 Lot and Block: 131-5-60
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): 40,50 (Before vacation)
Length of Existing Right-of-Way (sidewalk or street): NA (Before vacation)
Width of Proposed Vacation: 40,50
Length of Proposed Vacation: 170,150
Number of square feet of the proposed vacation: 14,300
Description of vacation: ROW at rear and right side of future homesite.
Reason for application: To add sayar Footage to our future homesite. We are
already maintaining this area it would be nice to legally own it.
Owning these paper streets will also allow us to extend a no hunting
buffer area around our fiture home,

## Mr. Noone:

After reviewing your plans to vacate the paper streets in the area of Benezet St in the 31<sup>st</sup> Ward in the City of Pittsburgh, Verizon does not have facilities in this location.

Verizon approves of these plans.

Sincerely

Jeffrey D. Guido Outside Plant Engineer Verizon 508 Old Frankstown Rd Monroeville, PA 15146

## APPLICATION FOR RIGHT OF WAY VACATION

City of Pittsburgh
Department of Mobility and Infrastructure
Page 1 of 2

Project Site Address	4316 BENCH WAY, HOMESTEAD PA 15120
Applicant Name or Representative	BERNARD W NOONE SR. DEBORAH L NOONE
Address	400 MARY ST PITTSBURGH PA 15227
Phone	412 337 2766
Email	DEBORAHLNOONE@ICLOUD.COM
Date Filed	OCTOBER 6, 2021

Property Owner Name:	BERNARD W NOONE SR. DEBORAH L NOONE
Property Owner	BERNARD W NOONE SR. DEBORAH L NOONE
Address	4316 BENCH WAY
Phone	412 983 9680
Email	DEBORAHLNOONE@ICLOUD.COM
Survey Name and Contact	JR GALES 4128858885 ASK FOR KIM
Planning/Zoning Case Number (if applicable)	

Address or Location of Proposed Vacation PAPER ST	REET WHITEBUSH AND HEATH
Ward No. 31ST WARD Council District 5	Zip Code 15120
Lot and Block 131-J-56	Name of Plan of Lots
EASTERN	ADDITION OF NEW HOMESTEAD
Plan Book Volume 20 Page No. 12-13	
Is the proposed vacation developed?	Y N
Is the proposed vacation paved?	Y N
Width of proposed vacation (prior to vacation)	50' 40'
Length of proposed vacation (prior to vacation)	
Number of square feet/Number of linear miles requested	<u>150' 170'</u>
	14,300'

DICHE OF WALLS A CAMON BACKA OF OWN CALLED	
RIGHT OF WAY VACATION PACKAGE CHECKLIST *	
Letter of request with description of proposal and justification addressed to: Karina Ricks, Director of the Department of Mobility & Infrastructure 414 Grant Street, 215 B, Pittsburgh, PA 15219	
Site survey w/ property lines, parcel numbers, proposed vacation extents, and owners	
Signed petition expressing support for the vacation from property owners directly adjacent to the proposed ROW including name, contact information, parcel numbers, mailing address, telephone number, and email address. Note: letters of support from affected property owners such as those who may have impact to site access may also be requested.	
Legal Description signed and stamped by Licensed Surveyor	
Copy of all related recorded documents (Easements, Maps, Irrevocable Offer of Dedication, etc.)	76
Dimensioned Site Plan which shows the use of the proposed vacation for private development (if applicable). Provide full size plot and 8.5x11 or 11x17.	
Survey of all known utilities and letters from affected utilities stating that there is no	-

objection to the proposed vacation. Note: all utilities will be contacted for external referral even if they are not shown on the utility plan. For utility relocation or abandonment, DOMI may accept a letter of correspondence when the application is filed and a final letter when coordination is complete.  Check for \$150.00 made payable to "Treasurer, City of Pittsburgh"	
The distriction of the districti	
Description of changes to the roadway with dimensions that demonstrate that provisions for vehicles, trucks/loading, pedestrians, cyclists, transit are maintained (if appropriate)	
Other, as requested by DOMI:	

## Applicant has Read and Acknowledged the Following

- The applicant should submit all materials outlined in attached checklist for the application to be deemed to complete.
- The requesting property owner must be the underlying owner of the requested vacation for the application to be accepted.
- When a street is fully vacated, half the reversionary rights go to the adjacent property owners on each side of the street.
- If the requested street vacation requires utility easements as part of the vacation, no building of structures will be allowed over the easement area.
- All vacated street areas are subject to the existing zoning requirements for the area in which they are located.
- Most street vacations of unimproved or unopened streets ("paper streets") have no additional cost other than the processing fee.
  - The adjacent owners effectively own half of the street if it has never been opened after 21 years and are also responsible for half of the maintenance.
  - The street vacation legislation essentially validates this ownership and allows for official map changes by the County.
- If a street vacation request is limited to one parcel or lot, it may be determined that it is feasible to vacate a larger portion of the street. The requester would then be responsible to have the adjacent property owners sign the petition to support the larger vacation.
- When legislation is passed supporting the street vacation, DOMI sends a copy of said legislation to the Allegheny County Board of Assessment. The area of the vacated street will then be assigned an assessed value for tax purposes.

Applicant's Signature	FOR OFFICE USE ONLY
	Date Received
Print Name BERNARD W NOONE SR. DEBORAH L. NOONE	Complete or Incomplete (checkbox) C I

<sup>\*</sup>This checklist is provided for your convenience to ensure that required materials are submitted with the application. The completion of this checklist may not constitute a full scope of submission materials or review.

# Bernard Sr. & Deborah Noone

400 Mary Street
Pittsburgh , PA 15227
DeborahLNoone@iCloud.com

January 1, 2022

Kim Lucas Director of Mobility & Infrastructure 414 Grant St, O, Pittsburgh, PA 15219

Hello Director Lucas

We intend to break ground in the spring of this year when we build our retirement home. Like our son and daughter-in-law, we simply wish to extend our property lines surrounding our future home. Doing so will also extend our hunting free safety zone.

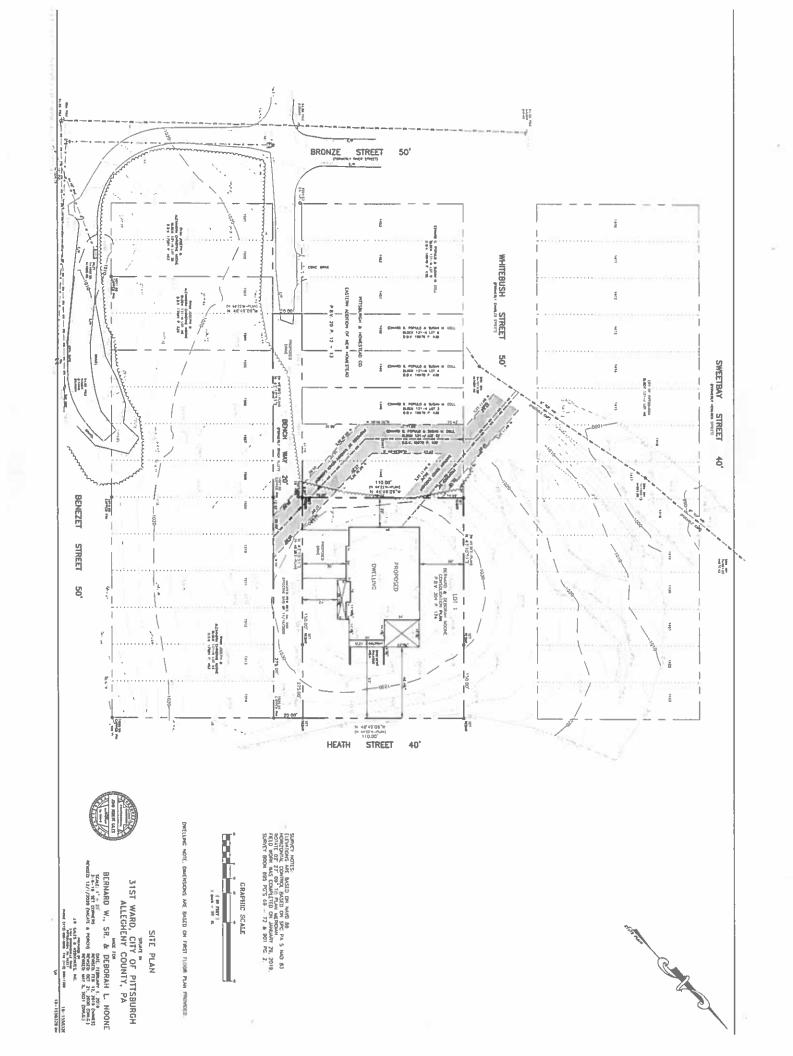
We believe removing these streets from the maps will not negatively impact any of our neighbors. All utilities are also in support of our plan as well.

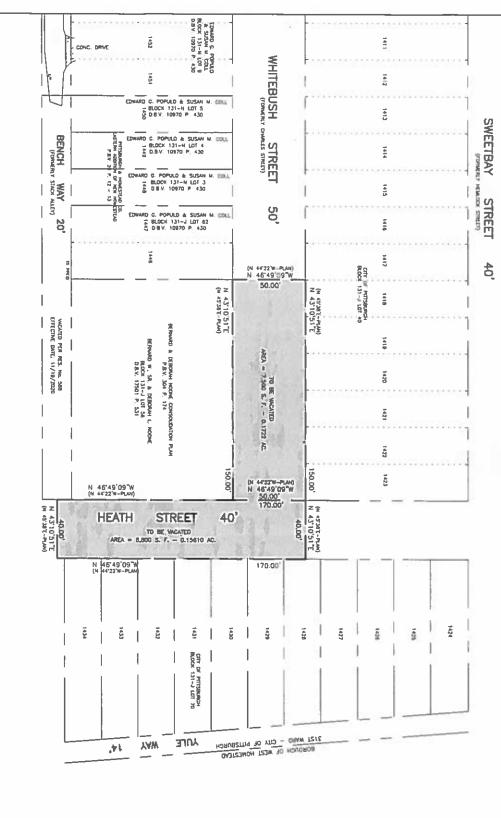
We would really appreciate your approval for both street vacation plans. Thank you for your consideration. Please feel free to reach out to us or our son at 412 983 9680 or <a href="mailto:RyanJosephNoone@iCloud.com">RyanJosephNoone@iCloud.com</a> if you need anything.

Thank You,

Bernard Sr. & Deborah Noone

DOMI-VAC-2021-12723







BERNARD W. NOONE, SR. & DEBORAH L. NOONE

GRAPHIC SCALE

( DM FIET ) 1 tach = 30 ft

STREET VACATION EXHIBIT PLAN WHITEBUSH STREET & HEATH STREET

SCALE 1" = 30" REVISED: MAY 17, 2021 PRIPARD BY JR. CALES & ASSOCIATES, PAC. 2704 seconosal 1 no.0 1 n DATE: JANUARY 16, 2020 REVISED: MAY 4, 2021

31ST WARD, CITY OF PITTSBURGH ALLEGHENY COUNTY, PA

# LEGAL DESCRIPTION OF A PORTION OF WHITEBUSH STREET TO BE VACATED

May 4, 2021 18-155032 WHITEBUSH

ALL THAT CERTAIN TRACT of ground situate in the 31<sup>ST</sup> Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being the easterly portion of Whitebush Street, a 50 right of way, as shown on the Pittsburgh & Homestead Company Eastern Addition of New Homestead as recorded in P.B.V. 20, Paged 112 and 13, being more particularly described to wit:

Beginning at a point on the northerly right of way line of said Whitebush Street at the dividing line of Lots 1417 and 1418 in said plan; thence along said right of way line North 43° 10' 51" East a distance of 150.00 feet to a point on the westerly right of way line of Heath Street, a 40 foot right of way; thence along said right of way line of Heath Street South 46° 49' 09" East a distance of 50.00 feet to a point on the southerly right of way line of Whitebush Street; thence along said right of way line of Whitebush Street South 43° 10' 51" West a distance of 150.00 to a point on said right of way line at the dividing line of Lot 1446 in said plan and Lot 1 in the Bernard & Deborah noon Consolidation Plan as recorded in P.B.V. 304, Page 174; thence by a line through said right of way of Whitebush Street N 46° 49' 09" West a distance of 50.00 feet to a point at the place of beginning.

Containing an area of 7,500 S. F. or 0,17218 acres.

# LEGAL DESCRIPTION OF A PORTION OF HEATH STREET TO BE VACATED

May 4, 2021 18-155032 HEATH STREET

ALL THAT CERTAIN TRACT of ground situate in the 31<sup>ST</sup> Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being a portion of Heath Street, a 40 foot right of way, as shown on the Pittsburgh & Homestead Company Eastern Addition of New Homestead as recorded in P.B.V. 20, Pages 12 and 13 and on the Bernard & Deborah Noone Consolidation Plan as recorded in P.B.V. 304, Page 174, being more particularly described to wit:

Beginning at a point on the westerly right of way line of Heath Street where it intersects the northerly right of way line of Whitebush Street, a 50 foot right of way; thence by a line through said Heath Street North 43° 10' 51" East a distance of 40.00 feet to a point on the easterly right of way line of said Heath Street; thence along said easterly right of way line South 46° 49' 09" East a distance of 170.00 feet to a point, said point being the centerline of Bench Way, a 20 foot right of way, extended; thence by a line through said Heath Street South 43° 10' 51" West a distance of 40.00 feet to a point on the aforesaid westerly right of line of Heath Street at the centerline of Bench Way; thence along said westerly right of way line of Heath Street North 46° 49' 09" West a distance of 170.00 feet to a point at the place of beginning.

Containing an area of 6,800 s. f. or 0.15160 acres.

ED GAINEY MAYOR



JENNIFER GULA DIRECTOR & TREASURER

## CITY OF PITTSBURGH **DEPARTMENT OF FINANCE**

CITY-COUNTY BUILDING

## Memorandum

TO:

Kimberly Lucas, Director, DOMI

FROM: Jennifer Gula, Director, Finance Department

**DATE:** April 11, 2023

REF:

Vacation – Heath St & Whitebush St in the 31st Ward

You requested a review for a vacation of a portion of Heath St & Whitebush St in the 31st 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 14,300 square feet and is zoned R1D-L.

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

Approved by

Aaron Pickett, Collections Manager

cc: Amanda Lopata Aaron Pickett

ity Officials,

'e are in full support of Deborah and Bernard Noone's street vacation plan DOMI-AC-2021-12723. They wish to vacate all the paper streets that will border their future home. The aper streets are as follows, Whitebush and Heath.

nank you for your time and consideration,

yan Noone

exandra Noone

arch 3, 2022

Sworn to and subscribed before me, this the 3rd day of

Notary Bublic

My commission Expris

Commonwealth of Pennsylvania - Notary Seal Kimberly Sevacko, Notary Public Allegheny County My commission expires June 16, 2023 Commission number 1208340

Member, Pennsylvania Association of Notaries

# To the Council of the City of Pittsburgh

We, the undersigned, being all of the property owners in interest and number, abutting upon the line of:

Lot & Block & Address of applicant property: _ Lot & Block & Address of abutting property: _ Lot & Block & Address of abutting property: _	131-7-	60, 4316	Bench Way	/
Lot & Block & Address of abutting property: _ Lot & Block & Address of abutting property: _	131-7-	HO. Swel	Stravst.	dured by
Lot & Block & Address of abutting property: _ Lot & Block & Address of abutting property: _	72.1			

Respectfully petition Your Honorable body for the passage of a resolution vacating, dedicating or encroaching on the above listed right-of-way and in consideration of the premises, and for the purposes of inducing the corporate authorities of said City to enact a resolution for said purpose, we do hereby stipulate, covenant and agree to release and forever discharge, said City from any and all claims for damages whatsoever which we, or either of us, may, might, or could have, or claim, for any reason of the vacation or encroachment of said public highway between said terminal points: and we further agree to indemnify, save harmless and defend said City from any claims and from the payment of any damages whatsoever resulting to any property owned by us, or either of ask, or by any persons whatsoever, abutting or non-abutting, for or by reason of said vacation or encroachment.

We further waive the right to ask for the appointment of Viewers to ascertain and assess any damages caused by such vacation or encroachment, and in the event of any Viewers proceeding being made necessary for or by reason of the passage of such resolution, we do hereby jointly and severally agree and bind ourselves, our heirs, executors, administrators, successors and assigns to pay or cause to be paid to the handbills and any other expense incurred in such Viewers' proceedings, and that said amount shall be forthwith paid upon the City Solicitor certifying to the City Treasurer the amount of said costs.

IN WITNESS WHEROF, We have hereunto set our hands and seals as of the Scotember Day of Property Owners: (Please Sign & Print L&B) Applicant: Signature & Lot & Block Abutting 1: Signature & Lot & Block Abutting 2: Signature & Lot & Block (seal) Abutting 3: Signature & Lot & Block (seal) Abutting 4: Signature & Lot & Block Personally came \_ \_\_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 this \_\_\_\_\_\_of\_\_\_\_\_, 20\_\_\_\_\_

# To the Council of the City of Pittsburgh

We, the undersigned, being all of the property owners in interest and number, abutting upon the line of:

Lot & Block & Address of applicant property:	131-J-60
Lot & Block & Address of abutting property:	131-J-70 Atco Street - City of Pittsburgh
Lot & Block & Address of abutting property:	
Lot & Block & Address of abutting property:	
Lot & Block & Address of abutting property:	

Respectfully petition Your Honorable body for the passage of a resolution vacating, dedicating or encroaching on the above listed right-of-way and in consideration of the premises, and for the purposes of inducing the corporate authorities of said City to enact a resolution for said purpose, we do hereby stipulate, covenant and agree to release and forever discharge, said City from any and all claims for damages whatsoever which we, or either of us, may, might, or could have, or claim, for any reason of the vacation or encroachment of said public highway between said terminal points: and we further agree to indemnify, save harmless and defend said City from any claims and from the payment of any damages whatsoever resulting to any property owned by us, or either of ask, or by any persons whatsoever, abutting or non-abutting, for or by reason of said vacation or encroachment.

We further waive the right to ask for the appointment of Viewers to ascertain and assess any damages caused by such vacation or encroachment, and in the event of any Viewers proceeding being made necessary for or by reason of the passage of such resolution, we do hereby jointly and severally agree and bind ourselves, our heirs, executors, administrators, successors and assigns to pay or cause to be paid to the handbills and any other expense incurred in such Viewers' proceedings, and that said amount shall be forthwith paid upon the City Solicitor certifying to the City Treasurer the amount of said costs.

IN WITNES	SS WHEROF, We have hereunto set our hands	s and seals as of the
	Day of	, 20
Witness	Property Owners: (Please	e Sign & Print L&B)
		(seal)
	Applicant: Signature & Lot	& Block
1 0	Abutting 1: Signature	(seal)
fruita of	Change V/a	(seal)
	butting 2 Signature & Lo	
	// 50 0/	(seal)
	Abutting 3: Signature & Lo	
	8 8	(seal)
	Abutting 4: Signature & Lo	
Personally came	who being duly sworn says th	nat he is personally acquainted
with the owners of the pro	operty fronting or abutting upon the within de	scribed highway, and that he or
•	signed by all of said owners, and that the signa	2 •
proper and genuine signati		reactor of our presents are the
Sworn and subscrib	bed before me thisof, 20	





To:

Karina Ricks, Director of the Department of Mobility and

Infrastructure

From:

William J. Pickering, PWSA Chief Executive Officer

Date:

December 22, 2021

Subject:

Proposed Vacation of Portions near 4316 Bench Street

The following is in response to the attached 10/19/2021 request regarding the vacation of portion near 4316 Bench Street in the 31tst Ward of the City of Pittsburgh.

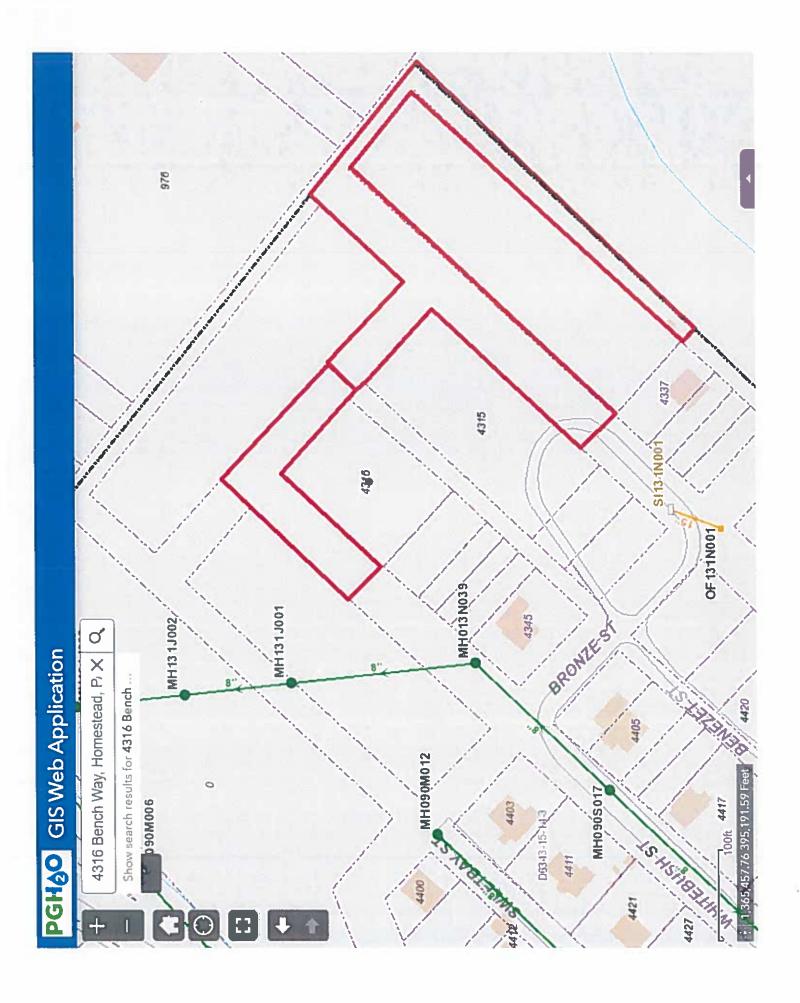
- The Water Mapping indicates that there are no PWSA waterlines within the proposed street vacation.
- 2. The Sewer Mapping indicates that there is no PWSA sewerlines within the proposed street vacation.

PWSA has no objection to the vacation of said street.

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

cc: Nicole Kolesar Jennifer Massacci, Department of Mobility and Infrastructure **PWSA File** 



From: Jason R Costa Jason.Costa@amwater.com

Subject: RE: Street Vacation Requests for the Noone's (PAW)

Date: Nov 8, 2021 at 08:58:33

To: Ryan Noone ryanjosephnoone@icloud.com

Thank you sir. You do the same.

Thank you!

Jason R. Costa
Project Manager Operations
Pennsylvania American Water
500 Noblestown Road, Carnegie, PA, 15106
412-883-4601 -Office
412-651-0599 -Cell

From: Ryan Noone < ryanjosephnoone@icloud.com >

Sent: Monday, November 8, 2021 8:50 AM

To: Jason R Costa < Jason.Costa@amwater.com >

Subject: Re: Street Vacation Requests for the Noone's (PAW)

**EXTERNAL EMAIL**: The Actual Sender of this email is <a href="mailto:ryanjosephnoone@icloud.com">ryanjosephnoone@icloud.com</a> "Think before you click!".

Thank you Jason, have a great week.

Sent from Ryan Noone's iPhone

On Nov 8, 2021, at 08:02, Jason R Costa < Jason.Costa@amwater.com > wrote:

Ryan,

Again I apologize for the delay however I have confirmed with the team that we are clear. Pennsylvania American water does not have any assets in this area. Thank you for your patience!

Jason R. Costa
Project Manager Operations
Pennsylvania American Water
500 Noblestown Road, Carnegie, PA, 15106
412-883-4601 -Office
412-651-0599 -Cell

From: Ryan Noone < ryanjosephnoone@icloud.com >

Sent: Friday, November 5, 2021 11:11 PM

To: Jason R Costa < <u>Jason.Costa@amwater.com</u>>

Subject: Re: Street Vacation Requests for the Noone's (PAW)

**EXTERNAL EMAIL**: The Actual Sender of this email is <a href="mailto:ryanjosephnoone@icloud.com">ryanjosephnoone@icloud.com</a> "Think before you click!".

Jason,

Was wondering if you had any updates?

Thanks!

Ryan Noone 4129839680

Sent from my iPad

On Oct 4, 2021, at 07:34, Jason R Costa < <u>Jason.Costa@amwater.com</u> > wrote:

Ryan,

Thank you for reaching out. I have sent this to our operations team to review, I will be in touch once I have more information.

Thank you sir!

Jason R. Costa
Project Manager Operations
Pennsylvania American Water
500 Noblestown Road, Carnegie, PA, 15106
412-883-4601 -Office
412-651-0599 -Cell

From: Ryan Noone < ryanjosephnoone@icloud.com >

Sent: Saturday, October 2, 2021 12:53 PM

To: jay.lucas@amwater.com; Jason R Costa < Jason.Costa@amwater.com >

Cc: Deborah Noone < deborahlnoone@icloud.com >

Subject: Street Vacation Requests for the Noone's (PAW)

EXTERNAL EMAIL: The Actual Sender of this email is <a href="mailto:ryanjosephnoone@icloud.com">ryanjosephnoone@icloud.com</a>
"Think before you click!".

Jay or Jason,

My parents and I are attempting to vacate some paper streets around our property. These areas are at the ends of the streets and nobody can build beyond where we are. We are in the corner of the city of Pittsburgh near West Homestead. I can assure you there is nothing of concern to PAW in these gray shaded areas. My house was recently completed and my parents intend to break ground in the spring of 22. Both of our taps are on Bronze St which is not in any of the gray shaded areas (see attached file). We need two separate official letters (preferably PDF files) stating these areas are clear and are of no concern to PAW. We will then forward those two letters with our two separate plans to the city. Your help is greatly appreciated and Thanks in Advance. Any questions or concerns please don't hesitate to call or email. 412 983 9680

## Sent from my iPad

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Janice Saltzman TEL 412 258 4669 MOBILE 412 580 9744 Italizman@peoples-gas.com

September 22,2021

Karina Ricks, Director
Department of Mobility and Infrastructure
City of Pittsburgh
611 Second Avenue
Pittsburgh, PA 15219

RE: Request to Vacate Portion of Heath and Whitebush Streets

31st Ward, City of Pittsburgh

Dear Ms. Ricks:

Peoples Natural Gas Company (Peoples) was advised that the City of Pittsburgh is reviewing a request from Ryan Noone to vacate portions of Heath Street and Whitebush Streets in the 31<sup>st</sup> Ward, City of Pittsburgh, Allegheny County, Pennsylvania.

Peoples has reviewed the area in question and can confirm that Peoples does not currently own or operate any gas facilities in the section to be vacated. Peoples has no objection to the proposed street vacation.

Sincerely, Jackyman

Janice Saltzman
Land Agent

From: Lawless, James JLawless@duqlight.com

Subject: DLC ASSETS FOR STREET VACATION PLANS

Date: Dec 15, 2021 at 12:21:44

To: ryanjosephnoone@icloud.com

Good afternoon Ryan, after visiting the site I verified there are no DLCO facilities on either of the 2 street vacation plans you sent over.

Please reach out to me if you have any other questions or concerns.

### HAPPY HOLIDAYS!

Thanks,
Aaron Lawless
Sr.Distribution Technician
Mckeesport Service Center
(412)393-2204
Jlawless@duqlight.com





October 5, 2021

Mr. Ryan Noone 4316 Bench Way Homestead PA 15120

Dear Mr. Noone:

As the construction contact for Comcast, I am responding to your inquiry regarding an encroachment at 4316 Bench Way, in the City of Pittsburgh, as described in your October 2, 2021, inquiry to Comcast.

Comcast has no known conflicts at this location.

Thank you.

### Gene Leví

Eugene Levi Comcast Cable Communications Inc. Construction / Engineering Eugene Levi@cable.comcast.com 412-996-4188 (c)

Cc: Jennifer M. Cloonan, Director, External & Government Affairs

Comcast - Keystone Region Jennifer Cloonan@comcast.com