



Legislation Details (With Text)

**File #:** 2011-1910      **Version:** 1

**Type:** Resolution      **Status:** Passed Finally

**File created:** 7/19/2011      **In control:** Committee on Finance and Law

**On agenda:**      **Final action:** 8/1/2011

**Enactment date:** 8/1/2011      **Enactment #:** 535

**Effective date:** 8/8/2011

**Title:** Resolution authorizing the Mayor and the Director of the Department of Finance to enter into an Agreement with Phipps Conservatory and Botanical Gardens, Inc. (“Phipps”) to convey ownership of two underground storage tanks and reimburse Phipps for the cost of cleaning the tanks for final permanent closure status.

**Sponsors:**

**Indexes:** AGREEMENTS

**Code sections:**

**Attachments:** 1. 2011-1910.doc

Date	Ver.	Action By	Action	Result
8/9/2011	1	Mayor	Signed by the Mayor	
8/1/2011	1	City Council	Passed Finally	Pass
7/27/2011	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
7/19/2011	1	City Council	Read and referred	

Resolution authorizing the Mayor and the Director of the Department of Finance to enter into an Agreement with Phipps Conservatory and Botanical Gardens, Inc. (“Phipps”) to convey ownership of two underground storage tanks and reimburse Phipps for the cost of cleaning the tanks for final permanent closure status.

Whereas, the City and Phipps Conservatory and Botanical Gardens, Inc. (“Phipps”) entered into a Lease Agreement dated July 6, 1993, for property located in Schenley Park; and

Whereas, the leased premises includes a parcel that originally housed the former Public Works Division 400 Frew Street Extension Fuel Station (the “Fuel Station”); and

Whereas, when in operation, the two (2) 12,000 gallon underground storage tanks (“USTs”) at the Fuel Station stored unleaded gasoline and diesel fuel; and

Whereas, the Fuel Station is no longer in use and the USTs have been previously categorized by the Pennsylvania Department of Environmental Protection (“DEP”) as Temporarily Out of Use; and

Whereas, Pennsylvania Statutes require USTs with a temporarily out of use status to eventually be emptied, cleaned and permanently closed; and

Whereas, Phipps now wishes to use the two USTs for water storage purposes and has spent \$10,000 to clean the

interior of the tanks, conduct testing for ground contamination and otherwise comply with the requirements for permanent closure; and

Whereas, the Pennsylvania Department of Environmental Protection (“DEP”) has acknowledged the cleaning and testing; and has categorized the USTs as “Final Closure Permanently Closed-in-Place.”

Whereas, the City is willing to transfer ownership of and responsibility for the USTs to Phipps, and Phipps is willing to assume liability and accept such ownership and responsibility.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** The Mayor and the Director of the Department of Finance are authorized to enter into an Agreement with Phipps Conservatory and Botanical Gardens, Inc. to convey two City-owned underground storage tanks to Phipps. Pursuant to said Agreement, the City will agree to pay Phipps a sum not to exceed Seven Thousand, Five Hundred Dollars (\$7,500.00) as a partial reimbursement for the cost of cleaning the tanks and conducting ground testing to comply with Pennsylvania environmental statutes. Such amount will be funded as follows:

<b>Fund</b>	<b>Org.</b>	<b>Subclass</b>	<b>BY</b>	<b>Account</b>	<b>Amount</b>
1000	420000	150	2011	522200	\$7,500.00