



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>	Passed Finally
<b>File created:</b>	8/5/2008	<b>In control:</b>	Committee on Public Works
<b>On agenda:</b>		<b>Final action:</b>	8/18/2008
<b>Enactment date:</b>	8/18/2008	<b>Enactment #:</b>	489
<b>Effective date:</b>	9/3/2008		
<b>Title:</b>	Resolution authorizing the execution of an Easement Agreement and Temporary Construction License between the City of Pittsburgh, Three PNC Commercial, LLC, Three PNC Garage, LLC and Urban Redevelopment Authority of Pittsburgh in connection with the reconstruction of sidewalks on Fifth Avenue and Market Street in the 2nd Ward. (Council District 6).		
<b>Sponsors:</b>			
<b>Indexes:</b>	ENCROACHMENTS & EASEMENTS		
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<b>Attachments:</b>	1. 2008-0659.doc		

Date	Ver.	Action By	Action	Result
9/4/2008	1	Mayor	Signed by the Mayor	
8/18/2008	1	City Council	Passed Finally	Pass
8/13/2008	1	Committee on Public Works	AFFIRMATIVELY RECOMMENDED	Pass
8/5/2008	1	City Council	Read and referred	Pass

Presented by Mrs. Harris

Resolution authorizing the execution of an Easement Agreement and Temporary Construction License between the City of Pittsburgh, Three PNC Commercial, LLC, Three PNC Garage, LLC and Urban Redevelopment Authority of Pittsburgh in connection with the reconstruction of sidewalks on Fifth Avenue and Market Street in the 2<sup>nd</sup> Ward. (Council District 6).

Whereas, the City of Pittsburgh and the Urban Redevelopment Authority of Pittsburgh (“URA”) will reconstruct and widen the sidewalks and construct other public improvements on Fifth Avenue and Market Street; and

Whereas, the new sidewalks will encroach on property owned by Three PNC Commercial, LLC and Three PNC Garage, LLC (collectively, “PNC”); and

Whereas, the City, URA and PNC wish to enter into an Easement Agreement and Temporary Construction License, pursuant to which PNC will grant the City a perpetual pedestrian easement and right of way for use by the general public over the reconstructed and widened sidewalks and will grant the City and URA a temporary construction license to enter the PNC property to perform the work;

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

**Section 1.** The Mayor and the Director of the Department of Public Works, on behalf of the City of Pittsburgh, are hereby authorized to enter into an Easement Agreement and Temporary Construction License, in a form approved by the City Solicitor, with Three PNC Commercial, LLC, Three PNC Garage, LLC and URA, providing for the grant by PNC to the City of a perpetual pedestrian easement and right of way for use by the general public and a temporary construction license to the City and URA over, upon, across, in and through the following property owned by PNC:

First

All that certain sidewalk easement, situate in the 2<sup>nd</sup> Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point on the northerly right of way line of Fifth Avenue, 60.07 feet wide, at the line dividing Lot 3 and Lot 1 in the Three PNC Plaza Consolidation Plan, as recorded in the Department of Real Estate of the County of Allegheny, Commonwealth of Pennsylvania in Plan Book Volume 256, Page 18; thence from said point of beginning by the northerly right of way line of said Fifth Avenue N 61° 40' 00" W a distance of 133.00 feet more or less to a point at the pavement of proposed main entrance; thence by a line through Lot 3 in said Three PNC Plaza Consolidation Plan N 28° 20' 00" W a distance of 6.25 feet more or less to a point on the southerly face of proposed building; thence by the southerly face of proposed building the following ten (10) courses and distances:

S 61° 40' 00" E a distance of 11.50 feet more or less;  
N 28° 20' 00" E a distance of 0.67 feet more or less;  
S 61° 40' 00" E a distance of 4.50 feet more or less;  
S 28° 20' 00" W a distance of 0.67 feet more or less;  
S 61° 40' 00" E a distance of 3.25 feet more or less;  
N 28° 20' 00" E a distance of 0.67 feet more or less;  
S 61° 40' 00" E a distance of 4.50 feet more or less;  
S 28° 20' 00" W a distance of 0.67 feet more or less;  
S 61° 40' 00" E a distance of 2.25 feet more or less;  
N 28° 20' 00" E a distance of 4.16 feet more or less to a point;

thence by the southerly face of proposed building and continuing by the edge of proposed patio S 61° 40' 00" E a distance of 107.00 feet more or less to a point on the line dividing Lot 3 and Lot 1 in said Three PNC Plaza Consolidation Plan; thence by the line dividing Lot 3 and Lot 1 in said Three PNC Plaza Consolidation Plan S 28° 20' 00" W a distance of 10.42 feet more or less to a point on the northerly right of way line of said Fifth Avenue, at the point of beginning.

Containing an area of 1,282 square feet.

Second

All that certain sidewalk easement, situate in the 2<sup>nd</sup> Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point at the intersection of the easterly right of way line of Market Street, 40.05 feet wide, and the northerly right of way line of Fifth Avenue, 60.07 feet wide; thence from said point of beginning by the easterly right of way line of said Market Street N 29° 21' 15" E a distance of 23.15 feet more or less to a point

at edge of pavement at proposed hotel entrance; thence by edge of pavement at proposed hotel entrance and by a line through Lot 3 in the Three PNC Plaza Consolidation Plan, as recorded in the Department of Real Estate of the County of Allegheny, Commonwealth of Pennsylvania in plan Book Volume 256, Page 18, S 61° 40' 25" E a distance of 6.18 feet more or less to a point on the westerly face of proposed building; thence by the westerly face of proposed building S 28° 19' 39" W a distance of 15.25 feet more or less to a point on the southerly face of proposed building; thence by the southerly face of proposed building the following three (3) courses and distances:

S 59° 15' 44" E a distance of 95.16 feet more or less;  
N 28° 19' 39" E a distance of 2.34 feet more or less;  
S 61° 40' 00" E a distance of 48.50 feet more or less to a point at the pavement of proposed main entrance;

thence by the pavement of proposed main entrance S 28° 20' 00" W a distance of 6.25 feet more or less to a point on the northerly right of way line of said Fifth Avenue; thence by the northerly right of way line of said Fifth Avenue N 61° 40' 00" W a distance of 150.18 feet more or less to a point at the intersection of the northerly right of way line of Fifth Avenue and the easterly right of way line of Market Street, 40.05 feet wide, at the point of beginning.

Containing an area of 1,012 square feet.

### Third

All that certain sidewalk easement, situate in the 2<sup>nd</sup> Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point on the easterly right of way line of Market Street, 40.05 feet wide, said point being N 29° 21' 15" E a distance of 57.82 feet more or less from a point at the intersection of the easterly right of way line of said Market Street and the northerly right of way line of Fifth Avenue, 60.07 feet wide; thence from said point of beginning by the easterly right of way line of said Market Street N 29° 21' 15" E a distance of 48.85 feet more or less to a point; thence by a line through Lot 3 in the Three PNC Plaza Consolidation Plan, as recorded in the Department of Real Estate of the County of Allegheny, Commonwealth of Pennsylvania in Plan Book Volume 256, Page 18, S 60° 38' 45" E a distance of 0.60 feet more or less to a point common to the easterly face of proposed building and the easterly face of proposed planter; thence by the proposed planter wall the following eight (8) courses and distances:

S 28° 19' 35" W a distance of 6.17 feet more or less;  
S 61° 40' 33" E a distance of 1.00 feet more or less;  
S 28° 19' 35" W a distance of 7.50 feet more or less;  
S 61° 40' 33" E a distance of 1.00 feet more or less;  
S 28° 19' 35" W a distance of 7.50 feet more or less;  
N 61° 40' 33" W a distance of 2.00 feet more or less;  
S 28° 19' 35" W a distance of 7.42 feet more or less;  
S 61° 40' 25" E a distance of 4.08 feet more or less to a point on the edge of pavement of proposed condominium entrance;

thence by the edge of pavement of proposed condominium entrance and continuing by the easterly face of proposed building S 28° 19' 35" W a distance of 20.25 feet more or less to a point at the pavement of proposed hotel entrance; thence by pavement of proposed hotel entrance and by a line through Lot 3 in said Three PNC

Plaza Consolidation Plan N 61° 40' 25" W a distance of 5.56 feet more or less to a point on the easterly right of way line of said Market Street, at the point of beginning.

Containing an area of square 133 square feet.