



Legislation Details (With Text)

**File #:** 2021-1494      **Version:** 1

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

**File created:** 5/14/2021      **In control:** Committee on Public Works

**On agenda:** 5/17/2021      **Final action:** 6/1/2021

**Enactment date:** 6/1/2021      **Enactment #:** 351

**Effective date:** 6/7/2021

**Title:** Resolution authorizing the proper officers of the City of Pittsburgh, pursuant to Section 4 of Resolution 680 of 1951, to cause the removal of a certain side-track as further described therein; and further providing such officers with authorization to effectuate and enforce all purposes provided in the Resolution.

**Sponsors:**

**Indexes:** LEASE/LICENSE AGREEMENT

**Code sections:**

**Attachments:** 1. 2021-1494 Cover Ltr 307-Side-Track Letterhead, 2. Summary 2021-1494

Date	Ver.	Action By	Action	Result
6/7/2021	1	Mayor	Signed by the Mayor	
6/1/2021	1	City Council	Passed Finally	Pass
5/26/2021	1	Standing Committees	Affirmatively Recommended	Pass
5/17/2021	1	City Council	Read and referred	

Resolution authorizing the proper officers of the City of Pittsburgh, pursuant to Section 4 of Resolution 680 of 1951, to cause the removal of a certain side-track as further described therein; and further providing such officers with authorization to effectuate and enforce all purposes provided in the Resolution.

WHEREAS, pursuant to Ordinance 680 of 1951, the City of Pittsburgh granted H.J. Heinz, its successors or assigns, (“Grantee”) the right to construct, maintain, and use, at its own cost and expense a side-track in a certain portion River Avenue, in the Twenty Third Ward of the City; and

WHEREAS, the rights and privileges granted thereunder are subject and subordinate to, the rights of the City of Pittsburgh, including but not limited to, over City streets; and

WHEREAS, the rights and privileged granted thereunder are further subject to the express condition that the City of Pittsburgh, without liability, reserves the right to cause the removal of said side track upon giving a six (6) month written notice through resolution or ordinance of Council, to the Grantee, wherefore at the expiration of said timeframe, the Grantee shall, at its own cost and expense, remove the side track and replace the street to a condition as required by the City; and

WHEREAS, the side track in question is disused and the Director of the Department of Mobility and Infrastructure has determined that it is in the best interests of the City for said track to be removed; and

WHEREAS, the current Grantee, Riverbend Properties LLC, has been notified by the City to proceed with its

removal but the Grantee remains unresponsive; and

WHEREAS, the Council of the City of Pittsburgh wishes to exercise its right to issue a six-month notice to direct the removal of the side-track by Grantee pursuant to Section 4 of Resolution 680 of 1951.

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

**Section 1.** Pursuant to Section 4 of Resolution 680 of 1951, the proper officers of the City of Pittsburgh are hereby directed to cause the removal of the subject side-track through providing a notice of the same to the applicable Grantee thereunder, wherefore at the expiration of said timeframe, the Grantee shall, at its own cost and expense, be obligated to remove the side track and replace the street to a condition as required by the City's Director of the Department of Mobility and Infrastructure.

**Section 2.** The proper officers of the City of Pittsburgh, including the City's Director of the Department of Mobility and Infrastructure, are authorized to take all steps necessary and proper to effectuate and enforce the purposes described herein.

**Section 3.** Resolution 680 of 1951 shall remain in full force and effect against Grantee until completion of the final restoration of the affected portion of River Avenue. Notwithstanding the previous sentence, Section 5 of Resolution 680 of 1951 shall remain in full force and effect against Grantee for any incidents, accidents, or other events giving rise to a legal action that accrued prior to final restoration of the affected portion of River Avenue.

Section 4: The City of Pittsburgh may seek to recoup costs related to the enforcement of Resolution 680 of 1951 and/or removal of the River Avenue side-track against Grantee through the filing of municipal liens, lawsuits, or any other process available to the City.