



Legislation Details (With Text)

**File #:** 2020-0160    **Version:** 1  
**Type:** Resolution    **Status:** Passed Finally  
**File created:** 2/28/2020    **In control:** Committee on Public Works  
**On agenda:** 3/3/2020    **Final action:** 3/10/2020  
**Enactment date:** 3/10/2020    **Enactment #:** 121  
**Effective date:** 3/13/2020

**Title:** Resolution amending Resolution number 763 of 2019, entitled “Resolution taking, appropriating and condemning by the City of Pittsburgh, for roadway purposes certain property in the 26th Ward of the City of Pittsburgh, owned by Cessy Portuguez and known as 45 Semicir Street, authorizing the payment of just compensation and necessary and incidental acquisition and relocation costs related thereto” to amend the chargeable account to reflect the 2020 operating budget.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Summary 2020-0160

Date	Ver.	Action By	Action	Result
3/13/2020	1	Mayor	Signed by the Mayor	
3/10/2020	1	City Council	Passed Finally	Pass
3/4/2020	1	Standing Committees	Affirmatively Recommended	Pass
3/3/2020	1	City Council	Read and referred	
3/3/2020	1	City Council	Waived under Rule 8	Pass

Resolution amending Resolution number 763 of 2019, entitled “Resolution taking, appropriating and condemning by the City of Pittsburgh, for roadway purposes certain property in the 26<sup>th</sup> Ward of the City of Pittsburgh, owned by Cessy Portuguez and known as 45 Semicir Street, authorizing the payment of just compensation and necessary and incidental acquisition and relocation costs related thereto” to amend the chargeable account to reflect the 2020 operating budget.

**WHEREAS**, the Pennsylvania Eminent Domain Code, 26 Pa. C.S. § 101 *et seq.*, authorizes the City of Pittsburgh to take by eminent domain private property for a public purpose.

**WHEREAS**, the Pennsylvania General Municipal Law, 53 P.S. § 1081, authorizes the City of Pittsburgh to take by eminent domain private property for roadway purposes.

**WHEREAS**, landslides on the property known as 45 Semicir Street endanger the stability of Semicir Street and other public assets.

**WHEREAS**, the City of Pittsburgh deems it proper and expedient to exercise the power of eminent domain invested in it for the acquisition 45 Semicir Street in fee simple hereinafter to be used for the express public purpose of mitigating land movement activities and mitigate any further risk to public assets and infrastructure, including Semicir Street.

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

**Section 1.**

Resolution 763 of 2019 is hereby amended as follows:

45 Semicir Street, Block 115-H, Lot No. 323 (115-H-323), in the 26th Ward of the City Pittsburgh owned by Cessy Portuguez shall be and the same is hereby taken in fee simple for public roadway purposes, said property being more fully described as follows:

ALL those certain lots or pieces of ground situate in the 26<sup>th</sup> Ward of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, being Lots Nos. 4, 5, and 6, in the E. C. Kreiling Plan of Lots as recorded in the Recorder's Office of said County in Plan Book Volume 9, pages 54 and 55, bounded and described as follows, to-wit:

BEGINNING on the Northerly side of Kreiling Avenue at the line of Lots Nos. 3 and 4 in said plan; thence along the Northerly side of Kreiling Avenue, Westwardly 67.83 feet to the Easterly side of Stimple Street; thence along the Easterly side of Stimple Street Northwardly 126.72 feet to the Southerly side of Semicir Street; thence along the Southerly side of Semicir Street, Eastwardly 75 feet to the line dividing lots Nos. 3 and 4 in said plan; thence along said line Southwardly 125.62 feet to the Northerly side of Kreiling Avenue, at the place of beginning.

HAVING ERECTED THEREON a three-story frame dwelling known and number as No. 45 Semicir Street.

BEING designated as Block 115-H, Lot No. 323 (115-H-323), in the Deed Registry Office of Allegheny County and also described in a Deed recorded August 17, 2009 in the Office of the Recorder of Deeds in Deed Book Volume 14014, Page 169.

BEING the same premises, which Henry M. Paclawski, unmarried, by his deed dated August 14, 2009, and recorded August 17, 2009, in Deed Book Volume 14014, Page 169, granted and conveyed unto Cessy Portuguez, the condemnee herein.

The City of Pittsburgh does hereby elect and resolve to take, use, appropriate and condemn in fee simple said real estate for public highway purposes.

**Section 2.** The Director of the Department of Mobility and Infrastructure is hereby authorized to use, occupy, and control the property required.

**Section 3.** The cost and expense of this condemnation, including but not limited to payment of estimated just compensation, appraisal fees, and expert witness fees in the amount of Ten Thousand Dollars (\$10,000.00) are hereby authorized and shall be chargeable and payable from JDE: ~~11101.108000.58.58105.2019~~ **11101.108000.58.58105.2020.**

**Section 4.** Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

