



Legislation Details (With Text)

**File #:** 2023-2164      **Version:** 1

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

**File created:** 11/9/2023      **In control:** Committee on Public Works and Infrastructure

**On agenda:** 11/13/2023      **Final action:** 11/28/2023

**Enactment date:** 11/28/2023      **Enactment #:** 799

**Effective date:** 12/3/2023

**Title:** Resolution authorizing the taking, appropriating, and condemning by the City of Pittsburgh of certain easements necessary for the completion of temporary support work for land stabilization around Andover Terrace for public transportation purposes through eminent domain and further authorizing the payment of just compensation and necessary and incidental acquisition costs related thereto at an amount not to exceed nineteen thousand dollars (\$19,000).

**Sponsors:**

**Indexes:** ENCROACHMENTS & EASEMENTS

**Code sections:**

**Attachments:** 1. 2023-2164 Cover Letter-Andover Terrace - Taking Letter - signed, 2. 2023-2164 -Exhibit A Map, 3. 2023-2164 -Exhibit B Plan, 4. Summary 2023-2164

Date	Ver.	Action By	Action	Result
12/3/2023	1	Mayor	Signed by the Mayor	
11/28/2023	1	City Council	Passed Finally	Pass
11/20/2023	1	Standing Committee	Affirmatively Recommended	Pass
11/13/2023	1	City Council	Read and referred	

Resolution authorizing the taking, appropriating, and condemning by the City of Pittsburgh of certain easements necessary for the completion of temporary support work for land stabilization around Andover Terrace for public transportation purposes through eminent domain and further authorizing the payment of just compensation and necessary and incidental acquisition costs related thereto at an amount not to exceed nineteen thousand dollars (\$19,000).

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; and

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; and

WHEREAS, shifting land around Andover Terrace, a public street, endangers the stability of Andover Terrace and certain other public assets; and

WHEREAS, the City of Pittsburgh is currently managing a construction project intended to stabilize the ground supporting Andover Terrace (the "Project") thereby preventing further risk to public assets and infrastructure, including Andover Terrace; and

WHEREAS, site control for the Project requires a combination of easements from various properties in the

area; and

WHEREAS, time is of the essence for completion of this Project; therefore, the City must commence takings by eminent domain as necessary for advancement of the Project.

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

**Section 1.** The City of Pittsburgh is hereby authorized to take in fee simple through eminent domain for public safety and public highway purposes, pursuant to applicable law including but not limited to 26 Pa. C.S. § 101 et seq., and 53 P.S. § 1081, certain temporary construction easements over properties designated as Parcels 27-G-45 (owned by Raed Abdullah and Ibtesam Hilmi) and 27-C-196 (owned by Peter and Barbara Machamer) as further demarcated in Exhibit “A” for the purposes further described in the plan attached hereto as Exhibit “B”, as necessary to complete a temporary stabilization project to mitigate land movement that threatens public assets and infrastructure including Andover Terrace.

**Section 2.** The cost and expense of any or all of the aforementioned potential condemnations, including but not limited to payment of estimated just compensation, shall be in an amount not to exceed nineteen thousand dollars (\$19,000) in aggregate and is hereby authorized and shall be chargeable and payable from the following account: 6091030723.