



Legislation Details (With Text)

**File #:** 2013-1406    **Version:** 3  
**Type:** Resolution    **Status:** Passed Finally  
**File created:** 4/16/2013    **In control:** Committee on Public Works  
**On agenda:**    **Final action:** 4/23/2013  
**Enactment date:** 4/23/2013    **Enactment #:** 281  
**Effective date:** 4/25/2013

**Title:** Resolution authorizing the Mayor and the Director of the Department of Finance to enter into various agreements with and to execute various deeds in favor of the Commonwealth of Pennsylvania (Department of Transportation) to allow use of designated City property in lieu of condemnation for replacement of the Butler Street Bridge and minor public roadway realignment.

**Sponsors:**

**Indexes:** AGREEMENTS

**Code sections:**

**Attachments:** 1. 2013-1406.doc, 2. 2013-1406 VERSION 2.doc, 3. 2013-1406 VERSION 3.doc

Date	Ver.	Action By	Action	Result
4/25/2013	2	Mayor	Signed by the Mayor	
4/23/2013	3	City Council	AMENDED	Pass
4/23/2013	3	City Council	Passed Finally, As Amended	Pass
4/17/2013	2	Standing Committee	AMENDED	Pass
4/17/2013	2	Standing Committee	Affirmatively Recommended as Amended	Pass
4/16/2013	1	City Council	Waived under Rule 8	Pass
4/16/2013	1	City Council	Read and referred	

Resolution authorizing the Mayor and the Director of the Department of Finance to enter into various agreements with and to execute various deeds in favor of the Commonwealth of Pennsylvania (Department of Transportation) to allow use of designated City property in lieu of condemnation for replacement of the Butler Street Bridge and minor public roadway realignment.

**WHEREAS**, the City owns certain real property along Butler Street; and

**WHEREAS**, a small portion of this City property is needed to accommodate a public purpose; namely, Commonwealth of Pennsylvania (Department of Transportation's) ("PENNDOT's") public highway project on State Route 0008, section A12, which involves the replacement of the Butler Street Bridge and minor public roadway realignment (the "Project"); and

**WHEREAS**, the Project is needed to safeguard vehicular traffic on the bridge and to improve the flow of traffic along Butler Street; and

**WHEREAS**, in lieu of PENNDOT condemning the property needed for the Project, the City has agreed to execute various agreements and deeds in order to allow its property to be used to facilitate the Project for the benefit of the public.

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Mayor and the Director of the Department of Finance, on behalf of the City of Pittsburgh, are hereby authorized to execute the following Agreements and Deeds in furtherance of the Project:

1. A Final Settlement Statement authorizing the Commonwealth of Pennsylvania to pay the City of Pittsburgh a total settlement amount of ~~Three Hundred Seventy-Eight Thousand Seven Hundred Nineteen Dollars (\$378,719.00)~~ **Three Hundred Seventy Five Thousand Three Hundred Dollars (\$375,300.00)** as payment in lieu of condemnation for the Project. Per the settlement, the City will grant PENNDOT a Drainage Easement, an Aerial Easement, required Right-of-Way, and a Temporary Construction Easement, all further described below. Such amount is to be directed to “Treasurer, City of Pittsburgh” and deposited into the following account: JDE 11101.44.44109.410000.2013

2. In consideration of the sum of ~~One Thousand Six Hundred Seventy One Dollars (\$1,671.00)~~ **Six Thousand, Sixty Dollars (\$6,060.00)**, an Agreement of Sale for a Drainage Easement consisting of an area comprising up to .023 acres or 1,010 square feet as identified in the legal description set forth on Exhibit A-1 and further identified on the Plot Plan (sheets 6, 7, 8, 9, and 14 of 14) dated August 15, 2012, which shall be incorporated herein by reference as Exhibit B. A copy of Exhibit B shall be kept on file with the City Clerk.

3. In consideration of the sum of One Dollar (\$1.00), a Deed of Easement for a Drainage Easement consisting of an area comprising up to .023 acres or 1,010 square feet as identified in the legal description attached hereto as Exhibit A-1 and as further identified on Exhibit B (sheets 6, 7, 8, 9, and 14 of 14).

4. In consideration of the sum of ~~Eight Thousand Twenty Eight Dollars (\$8,028.00)~~ **Three Thousand Six Hundred, Thirty Nine Dollars (\$3,639.00)**, an Agreement of Sale for an Aerial Easement consisting of an area comprising up to .111 acres or 4,853 square feet and unlimited in the vertical dimension as identified in the legal description attached hereto as Exhibit A-2 and as further identified on Exhibit B (sheets 4, 6, 7, 8, 9, and 14 of 14).

5. In consideration of the sum of One Dollar (\$1.00), a Deed of Easement for an Aerial Easement consisting of an area comprising up to .111 acres or 4,853 square feet and unlimited in vertical dimension as identified in the legal description attached hereto as Exhibit A-2 and as further identified on Exhibit B (sheets 4, 6, 7, 8, 9, and 14 of 14).

6. In consideration of the sum of Two Hundred Eighteen Thousand Two Hundred Thirty Seven Dollars (\$218,237.00), an Agreement of Sale for Required Right of Way consisting of an area comprising up to .470 acres or 20,459 square feet and identified in the legal description attached hereto as Exhibit A-3 and as further described on Exhibit B (sheets 6, 7, 8, 9, and 14 of 14).

7. In consideration of the sum of One Dollar (\$1.00), a Deed in fee simple for Required Right of Way consisting of an area comprising up to .470 acres or 20,459 square feet.

8. In consideration of the sum of One Hundred Forty-Seven Thousand Three Hundred Sixty Four Dollars (\$147,364.00), a Temporary Easement for Construction Purposes consisting of an area comprising up to 109,159 square feet as further described on Exhibit B (sheets 6, 7, 8, 9, and 14 of 14).

All of the above referenced Agreements, Deeds and related property descriptions and maps shall be in the form approved by the City Solicitor and shall contain such terms and conditions as the Solicitor may require.

**Section 2.**

It is specifically noted that although the above Agreements involve the sale of right of way or permitted use of a small portion of real property near or within Highland Park, there is no diversion of park land for private use. The planned improvements for the Butler Street Bridge and minor roadway realignment are intended for the public benefit and constitute a public use of the real property.