



Text File

Introduced: 2/23/2010

Bill No: 2010-0166, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Resolution granting to Chatham University temporary construction easement through designated City of Pittsburgh property bounded by Penn Avenue and Fifth Avenue at the new site of Chatham University's East Side Campus, and receiving from Chatham University a permanent Sidewalk/ Streetscape Easement.

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

Section 1. The Mayor and the Directors of the Department of Parks and Recreation and the Department of Public Works, on behalf of the City of Pittsburgh, are hereby authorized to execute an agreement granting to Chatham University a temporary construction easement through designated City of Pittsburgh property bounded by Penn Avenue and Fifth Avenue at the new site of Chatham University's East Side Campus. This agreement shall be in the form approved by the City Solicitor and shall contain such terms and conditions for the protection of the City of Pittsburgh as the Solicitor may require.

Section 2. The Mayor and the Directors of the Department of Parks and Recreation and the Department of Public Works, on behalf of the City of Pittsburgh, are hereby authorized to accept from Chatham University, in that same agreement described in Section 1 above, a non-exclusive easement and right of way, a Sidewalk/Streetscape Easement, for use by the general public, over, upon, across in and through portions of Chatham University's property. This agreement too shall be in the form approved by the City Solicitor and shall contain such terms and conditions for the protection of the City of Pittsburgh as the Solicitor may require.

Section 3. The privileges and easements hereby granted, (1) the City's grant to Chatham University of a temporary construction easement, and (2) Chatham University's grant to the City of a Sidewalk/Streetscape Easement, shall be subject to the following terms and conditions as shall be more specifically set forth in the agreement authorized by this Resolution:

- a) Chatham University will undertake to construct certain new sidewalk, and streetscape public improvements along Penn Avenue; and
- b) Chatham University shall indemnify, save harmless, and defend the City from any and all damages or claims for damages, whether to property or to person, arising from the public improvement construction work; and
- c) Chatham University shall be responsible for the routine maintenance, repair, and/or replacement of the sidewalk/streetscape inside the Sidewalk/Streetscape Easement Area upon the completion of the Public Improvement Construction Work and official acceptance of that work by the City; and

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- d) The City and Chatham University undertake to make the Easement Agreement binding upon and inure to the benefit of their respective successors, assigns, and lessees; and
- e) The Agreement is subject to the provisions of the Pittsburgh Home Rule Charter, and the liability of the City under the Agreement is limited to the sum of zero dollars (\$0.00).