



## Text File

**Introduced:** 4/20/2010

**Bill No:** 2010-0342, **Version:** 2

**Committee:** Committee on Public Works

**Status:** Passed Finally

Resolution authorizing the taking, appropriating and condemning by the City of Pittsburgh, for the purpose of construction, inspection, maintenance, repair, reconstruction and alteration of underground structure support elements for P.J. McArdle Roadway Viaduct No. 1, an underground structure support easement on a portion of Block & Lot No. 3-K-161 in the 18<sup>th</sup> Ward owned by Windom Hill Place Limited Partnership and Windom Hill Place Condominium Association, authorizing the execution and filing of a Declaration of Taking and related documents, the payment of just compensation and necessary and incidental acquisition costs related thereto, and providing for the payment of the cost thereof. (Council District No. 3).

Whereas, by Resolution No.163, effective April 12, 2008, the Council of the City of Pittsburgh authorized the Mayor and the Director of the Department of Public Works to enter into agreements in connection with the rehabilitation of P.J. McArdle Roadway Viaduct No. 1 (the "Viaduct") in the 18<sup>th</sup> Ward of the City of Pittsburgh, Allegheny County, Pennsylvania; and

Whereas, 53 P.S. §1081 authorizes all municipal corporations in the Commonwealth of Pennsylvania to condemn, when deemed necessary, private lands for the construction of bridges and the piers and abutments therefore; and

Whereas, the City of Pittsburgh requires a real property interest in the nature of an underground structural support easement on a portion of certain property designated as Block & Lot No. 3-K-161 in the 18<sup>th</sup> Ward located adjacent to the Viaduct on Windom Street and which is owned by Windom Hill Place Limited Partnership, a Pennsylvania limited partnership, and Windom Hill Place Condominium Association, an unincorporated association; and

Whereas, the City of Pittsburgh deems it necessary to exercise the power of eminent domain invested in it to acquire an underground structure support easement on the real estate hereinafter described for the purpose of construction, inspection, maintenance, repair, reconstruction and alteration of underground structure support elements for the Viaduct;

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

**Section 1.** The City of Pittsburgh does hereby elect and resolve to take, use, appropriate and condemn, for public purposes, a real property interest in the nature of an underground structure support easement on a portion of Block & Lot No. 3-K-161 in the 18<sup>th</sup> Ward of the City of Pittsburgh, Allegheny County, Pennsylvania, owned by Windom Hill Place Limited Partnership and Windom Hill Place Condominium Association, as their interests may appear. The underground structure support easement shall be and the same is hereby taken for the public purpose of construction, inspection, maintenance, repair, reconstruction and alteration of P.J. McArdle Viaduct No. 1, said easement being outlined on Sheet No. 6 of 9, a copy of which is attached hereto as Exhibit "A", of

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the City of Pittsburgh Right of Way Plan Revision No. 1, recorded in the Allegheny County Department of Real Estate in Plan Book Volume 268, page 15.

Section 2. **Notwithstanding the notes set forth on Sheet No. 6 of 9 referenced in Section 1 above**, the City agrees that the owner(s) of the property subject to the easement shall have the unrestricted use of, and the right to construct on, the surface of the property down to an elevation of 800 feet. Any construction or excavation below the elevation of 800 feet shall require the approval of the City.

Section 3. The Director or Assistant Director of the Department of Public Works is authorized to execute and file a Declaration of Taking on behalf of the City of Pittsburgh, to make payment of just compensation and all necessary incidental acquisition expenses, and to execute sales agreements, agreements in lieu of condemnation and other necessary and appropriate documents on behalf of the City in connection with this condemnation.

Section 4. The payment of just compensation in this matter is secured by the City's power of taxation.