



Text File

**Introduced:** 10/14/2019

**Bill No:** 2019-2180, **Version:** 1

**Committee:** Committee on Finance and Law

**Status:** Passed Finally

Resolution authorizing the conveyance of a portion of Enright Parklet to Pennley Park South, Inc. and accepting certain property in the 8<sup>th</sup> Ward of the City of Pittsburgh for public purposes to become part of Enright Parklet.

*(Public Hearing held 10/28/19)*

**WHEREAS**, Commencing in 2015, the City of Pittsburgh (“City”) and Pennley Park South, Inc. (“PPS”), entered into discussions about the redevelopment of parcel 83-N-125 (“PPS Parcel”) and parcel 84-A-176 (“Enright Parklet”) both in the 8<sup>th</sup> ward of the City of Pittsburgh; and

**WHEREAS**, On October 27, 2017 the City and PPS finalized a settlement for the development of the PPS Parcel and Enright Parklet and memorialized the same into a “Consent Order of Court”; and

**WHEREAS**, Pursuant to the Consent Order of Court, the City and PPS agreed to pursue the appropriate land swaps and conveyances in order to accomplish the redevelopment of the PPS Parcel and Enright Parklet; and

**WHEREAS**, the City agreed to seek relief from Orphans’ Court, pursuant to the requirements of 53 P.S. § 3384, to convey approximately 55,443 square feet of Enright Parklet to PPS; and

**WHEREAS**, PPS agreed to convey approximately 48,701 contiguous square feet of higher valued property from the PPS parcel in a rough graded condition to the City to consolidate into the reconfigured Enright Parklet and to be dedicated for park use; and

**WHEREAS**, On October 4th, 2019, the Honorable Lawrence J. O’Toole sitting in the Court of Common Pleas of Allegheny County, Pennsylvania Orphans’ Court Division, granted petition No. 5549 of 2019, permitting the City permission to convey the identified portion of Enright Parklet to PPS (**EXHIBIT A**); and

**WHEREAS**, The parties now wish to finalize the conveyances of the parcels and agree to the following consideration: The 55,443 square feet of Enright Parklet shall be conveyed to PPS in exchange for the conveyance to the City of the 48,701 square feet of the PPS Parcel.

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

**Section 1.**

The Mayor, the Director of the Department of Finance and the Director of the Parks and Recreation Department on behalf of the City of Pittsburgh are authorized to execute a quit-claim deed in favor of Pennley Park South, Inc. conveying a portion of Enright Parklet in the 8<sup>th</sup> ward of the City of Pittsburgh for the following parcel:

All that certain parcel of land, situate in the 8<sup>th</sup> Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point on the southeasterly right of way line of Amber Street, 50.00 feet wide, said point being S 24° 52' 21.6" E a distance of 115.11 feet from a point on the southeasterly right of way line of Amber Street at the line dividing lands now or formerly of the City of Pittsburgh and lands now or formerly of Angelus Hospital & Rehabilitation Center, Inc.; thence from said point of beginning by the southeasterly right of way line of Amber Street, and by the line dividing lands now or formerly of the City of Pittsburgh and lands now or formerly of Pennley Park South, Inc., N 24° 52' 22" E a distance of 207.99 feet to a point on the line dividing lands now or formerly of the City of Pittsburgh and lands now or formerly of Pennley Park South, Inc.; thence by the line dividing lands now or formerly of the City of Pittsburgh and lands now or formerly of Pennley Park South, Inc., S 65° 07' 38" E a distance of 266.56 feet to a point; thence continuing by same S 24° 52' 22" W a distance of 207.99 feet to a point on the line dividing lands now or formerly of said City of Pittsburgh and other lands now or formerly of said City of Pittsburgh; thence by the line dividing lands now or formerly of said City of Pittsburgh and other lands now or formerly of said City of Pittsburgh N 65° 07' 38.4" W a distance of 266.56 feet to a point at the intersection of the northeasterly right of way line of said Eva Street and the southeasterly right of way line of said Amber Street, at the point of beginning.

Containing an area of 55,443 square feet.

## ***Section 2***

The Mayor, the Director of the Department of Finance and the Director of the Parks and Recreation Department on behalf of the City of Pittsburgh are authorized to accept a special warranty deed from Pennley Park South, Inc., conveying vacant land in the 8<sup>th</sup> ward of the City of Pittsburgh to become part of the reconfigured Enright Parklet and to be dedicated for park use for the following parcel:

All that certain parcel of land, situate in the 8<sup>th</sup> Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point on the northwesterly right of way line of South Euclid Avenue, 70.00 feet wide, at the line dividing lands now or formerly of Pennley Park South, Inc., and lands now or formerly of Charles E. Cook and Jerry Glenn; thence from said point of beginning by the line dividing lands now or formerly of Pennley Park South, Inc., and lands now or formerly of Charles E. Cook and Jerry Glenn, and by the northeasterly right of way line of Topaz Street, 30.00 feet wide, N 65° 07' 38.4" W a distance of 242.25 feet to a point on the line dividing lands now or formerly of Pennley Park South, Inc., and lands now or formerly of the City of Pittsburgh; thence by the line dividing lands now or formerly of Pennley Park South, Inc., and lands now or formerly of the City of Pittsburgh N 24° 52' 22" E a distance of 201.04 feet to a point on the line dividing lands now or formerly of Pennley Park South, Inc., and other lands now or formerly of Pennley Park South, Inc.; thence by the line dividing lands now or formerly of Pennley Park South, Inc., and other lands now or formerly of Pennley Park South, Inc., S 65° 07' 38.4" E a distance of 238.34 feet to a point of curvature; thence continuing by same by a curve bearing to the right having a radius of 15.00 feet through an arc distance of 3.95

feet, also having a chord bearing of S 57° 34' 08" E and a chord distance of 3.95 feet, to a point on the northwesterly right of way line of said South Euclid Avenue; thence by the northwesterly right of way line of said South Euclid Avenue S 24° 52' 21.6" W a distance of 200.52 feet to a point on the line dividing lands now or formerly of said Pennley Park South, Inc. and lands now or formerly of said Charles E. Cook and Jerry Glenn, at the point of beginning

Containing an area of 48,701 square feet.

***Section 3***

BE IT FURTHER RESOLVED that the said conveyance shall be subject to the following terms and conditions:

- A. ALL State and local transfer taxes, if any, shall be paid by Pennley Park South, Inc.
- B. ALL proper closing charges shall be paid by Pennley Park South, Inc.

***Section 4***

That 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.