



## Text File

**Introduced:** 5/15/2020

**Bill No:** 2020-0346, **Version:** 2

**Committee:** Committee on Intergovernmental Affairs

**Status:** Passed Finally

Resolution authorizing the Mayor and the Director of the Department of Mobility and Infrastructure and/or the Director of the Department of Finance and/or the Director of the Department of Public Works, on behalf of the City of Pittsburgh, to execute as necessary, Instruments for the Declaration of Restrictions and Covenants in favor of the Allegheny County Sanitary Authority (“ALCOSAN”) to permit the installation of green infrastructure projects on designated vacant lots, park sites, and rights-of-way, as funded by ALCOSAN Grow Grants awarded to the Pittsburgh Water and Sewer Authority (“PWSA”); and further authorizing the Mayor and the Director of the Department of Mobility and Infrastructure and/or the Director of the Department of Finance to enter into any other necessary Agreements between the City of Pittsburgh, PWSA, and/or ALCOSAN necessary to implement the Grow Grant projects for the benefit of the public.

**WHEREAS**, the Allegheny County Sanitary Authority (“ALCOSAN”) is providing funds in the form of “Grow Grants” to Pittsburgh Water and Sewer Authority (“PWSA”) to implement green infrastructure improvements (the “Grow Grant Projects”) upon multiple parcels of land owned by or upon the public right-of-way of the City of Pittsburgh, the “Grow Grant Sites”; and

**WHEREAS**, the Grant Agreements entered into by PWSA and ALCOSAN require that PWSA and ALCOSAN have access to the Grow Grant Projects during the construction and operation of the Project and the City of Pittsburgh is willing to provide PWSA and ALCOSAN the necessary access through the City property and upon its right-of-way; and

**WHEREAS**, the Grant Agreements further require that PWSA agrees to operate and maintain each Grow Grant Project for at least twenty (20) years from the date the project is complete; and the City of Pittsburgh is willing to allow PWSA to install, operate and maintain the projects for the necessary time period upon the Grow Grant Sites; and

**WHEREAS**, the Grant Agreements further require that ALCOSAN be permitted to access each Grow Grant Project for at least twenty (20) years from the date the project is complete; and the City of Pittsburgh is willing to allow ALCOSAN have access to monitor the projects for the necessary time period upon the Grow Grant Sites; and

**WHEREAS**, the parties now wish to document the terms and conditions relating to the Instruments for the Declaration of Restrictions and Covenants and for any other Agreements between the City of Pittsburgh, PWSA, and/or ALCOSAN necessary to implement the Grow Grant Projects for the benefit of the public.

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

**Section 1.** The Mayor and the Director of the Department of Mobility and Infrastructure and/or the Director of the Department of Finance and/or the Director of Public Works, on behalf of the City of Pittsburgh, are authorized to:

- A. Execute Instruments for the Declaration and of Restrictions and Covenants (“IRDCs”) in favor of ALCOSAN in order to allow PWSA to install, maintain, and for PWSA and ALCOSAN to have access to Grow Grant Projects intended to be located in City-owned vacant lots, parks, and City rights-of-way for the sites identified as such on Exhibit A; and
- B. Enter into other necessary Agreements, including but not limited to cooperation and/or license agreements, with ALCOSAN and/or PWSA as are required in order to allow PWSA to install, maintain, and for PWSA and ALCOSAN to have access to Grow Grant Projects identified on Exhibit A.
- C. Make those representations which may be necessary in furtherance of the Grow Grants through communications to the Pennsylvania Department of Environmental Protection.

**Section 2.** The relevant documents authorized hereunder shall prevent the use or development of the Grow Grant Project sites in any manner that may impair or conflict with the operation and maintenance of the applicable Grow Grant Project for at least twenty (20) years from the date the relevant project is complete, subject to rights retained by the City for public safety and other essential purposes. IRDCs shall be filed with the Allegheny County Recorder of Deeds.

**Section 3.** The documents authorized in this Resolution, whether IRDCs or other Agreements, must be approved by the City Solicitor as to form.