



## Text File

**Introduced:** 12/4/2020

**Bill No:** 2020-0954, **Version:** 1

**Committee:** Committee on Public Works

**Status:** Passed Finally

Resolution authorizing the City of Pittsburgh through the Mayor and the Directors of the Department of Finance and The Department of Mobility and Infrastructure, to enter into an Agreement or Agreements with CSX Transportation, and to execute those documents and deeds to effectuate that Agreement or Agreements, in a form or forms, approved by the City Solicitor, to take steps to improve and make safer the South Side Riverfront Trail including (1) exchange of property, approximately .29 acres, for the purpose of trail use and of enhancing safe trail use and in lieu of condemnation/eminent domain and (2) closing and vacating the South 9<sup>th</sup> Street road crossing over the CSX tracks.

WHEREAS, Seller owns certain property and tracks located in the City of Pittsburgh, Pennsylvania; and

WHEREAS, South Ninth Street in the City of Pittsburgh South Side neighborhood is an officially ordained city street extending to the Monongahela River as established through City Ordinance #33 of 1881; and

WHEREAS, CITY Ordinance #8 of 1884 granted the Pittsburgh and Lake Erie Railroad certain rights to cross South 9th Street and maintain that crossing at their own expense; and

WHEREAS, one of the City's greatest attributes is its riverfronts lined with an extensive network of riverfront trails and parks including trails and parks along the south bank of the Monongahela River accessible across CSXT lines at South 4th, South 9th, and South 18th at-grade crossings and South 25th-29th grade separated, and

WHEREAS, in establishing the South Side Riverfront Trail from South 2nd Street to Haysglen Street along the southern banks of the Monongahela River, various physical constraints dictated an alignment that unknowingly traversed CSXT properties in at least four locations without proper legal documentation; and

WHEREAS, Frank Bryan Inc. installed a fence along the CSXT rail corridor between S 2nd St and 4th St in order to reduce pedestrian and bicyclist trespassing and CSXT desires the City to install and connect additional fencing on City property to further reduce pedestrian and bicyclist trespassing; and

WHEREAS, the existing CSXT railroad crossing of South 9th Street would likely require extensive safety upgrades were it to remain in place, and

WHEREAS, the City will by this Agreement, be exchanging property in lieu of condemnation; and will be exchanging property or the purpose of trail use and of enhancing safe trail use; and

WHEREAS, both CSXT and the CITY recognize the deficiencies in the crossing and are willing to seek mutual grounds for remediating the risk through closure while at the same time implementing counter measures for

enhancing connectivity and safety along the entire corridor; and

WHEREAS, the intent of this agreement is to provide the City with title to small parcels of real estate upon which the City's Three Rivers Heritage Trail along the south bank of the Monongahela River traverses; and

WHEREAS, the City now wishes formally to enter into an Agreement or Agreements to document the responsibilities of each party to the transaction.

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

**Section 1.** The City of Pittsburgh is hereby authorized, through the Mayor and the Directors of the Department of Finance and The Department of Mobility and Infrastructure, to enter into an Agreement or Agreements with CSX Transportation, and to execute those documents and deeds to effectuate that Agreement or Agreements, in a form or forms, approved by the City Solicitor, and to take steps to improve and make safer the South Side Riverfront Trail including (1) an exchange of small slivers of property for the purpose of trail use and of enhancing safe trail use and in lieu of condemnation/eminent domain, with the subject property, that containing .29 acres more or less, identified on **Exhibit A**, attached hereto and incorporated herein. (2) closing and vacating the South 9<sup>th</sup> Street road crossing over the CSX tracks.

**Section 2.** 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.