



Text File

Introduced: 2/25/2003

Bill No: 2003-1470, Version: 1

Committee: Committee on Finance & Budget

Status: Passed Finally

Presented by Mr. Udin

Resolution authorizing the Mayor and the Department of Finance, on behalf of the City, to enter into an agreement or agreements assigning to the SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH AND ALLEGHENY COUNTY (hereinafter "SEA") the Permit granted in 1997 to JUST DUCKY TOURS, INC., (hereinafter "Just Ducky") and agreeing to indemnify the SEA and certain other entities, to the extent permitted by Pennsylvania law, and subject to the available insurance to be procured in advance by Just Ducky.

WHEREAS, in 1997, City granted to JUST DUCKY TOURS, INC., a Pennsylvania corporation ("Just Ducky"), a permit to land its amphibious vehicles on the northern shore of the Allegheny River ("Permit") (a copy of said Permit is attached hereto as Exhibit "A"); and

WHEREAS, in 2001, the City conveyed those certain pieces or parcels of real property situated in Pittsburgh, Pennsylvania, generally referred to as Mazeroski Way and the North Shore Riverfront Park (hereinafter the "Property"), for the purposes of redevelopment of parts of the lands into a riverfront park, to be named the North Shore Riverfront Park; and

WHEREAS, the parcels of land which were the subject of the Permit granted to Just Ducky in 1997 are now included within the Property; and

WHEREAS, the route to be taken by Just Ducky's amphibious vehicles to and from the Allegheny River on the North Side of the City of Pittsburgh is currently part of the Property owned by the SEA, and proceeds adjacent to certain sports and event facilities; and

WHEREAS, the City deems it to be in the interests of the City that Just Ducky continue to conduct its tours of the City, including its route to and from the Allegheny River on the North Side, on a daily basis, it being a form of tourism and entertainment adding to the vitality and appeal of the City; and

WHEREAS, the City desires that the SEA and the sports teams or facilities allow the amphibious vehicles to land on the northern shore of the Allegheny River;

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

Section 1. The Mayor and the Director of the Department of Parks, on behalf of the City of Pittsburgh, are hereby authorized to enter into an agreement or agreements assigning to the SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH AND ALLEGHENY COUNTY the Permit granted in 1997 to JUST

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DUCKY TOURS, INC., and agreeing to indemnify, to the extent permitted by Pennsylvania law, and subject to the available insurance to be procured by Just Ducky in favor of the Indemnified Parties and the City, the SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH AND ALLEGHENY COUNTY, the Stadium Authority of the City of Pittsburgh, the Commonwealth of Pennsylvania, the Pittsburgh Steelers Sports, Inc., PSSI Stadium Corporation, the Pittsburgh Associates and their respective employees, officers, directors, elected officials, representatives, agents, attorneys, accountants, consultants, successors or assigns (collectively, the "Indemnified Parties") from and against any and all losses, actions, suits, any claims, demands, liabilities, damages, costs and expenses, including, without limitation, reasonable attorneys' fees and costs for personal injury or property damage or otherwise incurred by reason of, or arising out of, any entry upon or activities on the Property by Just Ducky, its agents, employees or contractors.

Section 2. The indemnification authorized shall be subject to legislative approval by City Council, annually, and shall continue to be contingent on and subject to the insurance available to and procured by Just Ducky.

Section 3. The agreement or agreements assigning the permit to the SEA shall terminate upon the reconveyance of the North Shore Riverfront Park to the City and the acceptance by the City, through legislative action of City Council, of such conveyance.