



## Legislation Details (With Text)

<b>File #:</b>	2016-0657	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed Finally
<b>File created:</b>	7/15/2016	<b>In control:</b>	Committee on Public Works
<b>On agenda:</b>	7/19/2016	<b>Final action:</b>	8/1/2016
<b>Enactment date:</b>	8/1/2016	<b>Enactment #:</b>	491
<b>Effective date:</b>	8/3/2016		
<b>Title:</b>	Resolution amending Resolution No. 246, effective April 23, 2015, entitled "Authorizing the City of Pittsburgh to grant to Duquesne Light Company a permanent easement for the installation, use, operation, maintenance, repair, renewal and the removal of an underground electrical transmission line under and through the City's property described as Parcel ID No. 11-K-340, located between Swineburne Street and Brady Street along Second Avenue in the 2nd Ward of the City of Pittsburgh, and constituting a portion of the Eliza Furnace Trail," by changing the funding source from BOND to PAYGO.		
<b>Sponsors:</b>			
<b>Indexes:</b>	ENCROACHMENTS & EASEMENTS		
<b>Code sections:</b>			
<b>Attachments:</b>			

Date	Ver.	Action By	Action	Result
8/3/2016	1	Mayor	Signed by the Mayor	
8/1/2016	1	City Council	Passed Finally	Pass
7/26/2016	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
7/19/2016	1	City Council	Read and referred	

Resolution amending Resolution No. 246, effective April 23, 2015, entitled "Authorizing the City of Pittsburgh to grant to Duquesne Light Company a permanent easement for the installation, use, operation, maintenance, repair, renewal and the removal of an underground electrical transmission line under and through the City's property described as Parcel ID No. 11-K-340, located between Swineburne Street and Brady Street along Second Avenue in the 2<sup>nd</sup> Ward of the City of Pittsburgh, and constituting a portion of the Eliza Furnace Trail," by changing the funding source from BOND to PAYGO.

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

**Section 1.** Section 1 and 2 of Resolution No. 246, effective April 23, 2015, which presently reads as follows:

" The Mayor, the Director of the Department of Finance and the Director of the Department of Public Works on behalf of the City of Pittsburgh are hereby authorized to execute an agreement with Duquesne Light Company for a permanent easement under and through the City's property described as Parcel ID No. 11-K-340, located between Swineburne Street and Brady Street along Second Avenue in the 2nd Ward, and constituting a portion of the Eliza Furnace Trail. The agreement will be in form approved by the City Solicitor and will contain those terms and conditions for the protection of the City of Pittsburgh

as that Solicitor may require including a legal description for this property.

**Section 2.** The property hereby granted will be subject to, but not limited to, the following terms and conditions as will be more specifically set forth in the agreement authorized by this Resolution:

- a. Duquesne Light Company will bear the full cost and expense of the installation, construction, use and maintenance of that permanent utility easement.
- b. Duquesne Light Company will hereby indemnify, save harmless, and defend the City of Pittsburgh from any and all damages or claims for damages arising by reason of that construction, installation, maintenance and use of that line.
- c. Duquesne Light Company will limit to a minimum disruption to the use of the Trail and will inform the City and trail users in advance of necessary disruptions, as specified in the agreement.
- d. Upon any work or disturbances associated with the line, Duquesne Light Company will restore the easement area in cooperation with and in accordance with the requirements of the Director of Public Works or his designate, as specified in the agreement.
- e. Duquesne Light Company will pay to the City of Pittsburgh \$70,000.00 (Seventy Thousand Dollars), a one-time fee for this permanent utility easement, due on the date of the signing of this agreement.
- f. These funds will be deposited into the “Trail Repairs” (BOND) line item:”

JDE Funds	JDE Job No.	Budget Year	Amount	Source
40015	1120590415	2015	\$70,000.00	BOND

is hereby amended to read as follows:

The Mayor, the Director of the Department of Finance and the Director of the Department of Public Works on behalf of the City of Pittsburgh are hereby authorized to execute an agreement with Duquesne Light Company for a permanent easement under and through the City’s property described as Parcel ID No. 11-K-340, located between Swineburne Street and Brady Street along Second Avenue in the 2nd Ward, and constituting a portion of the Eliza Furnace Trail. The agreement will be in form approved by the City Solicitor and will contain those terms and conditions for the protection of the City of Pittsburgh as that Solicitor may require including a legal description for this property.

**Section 2.** The property hereby granted will be subject to, but not limited to, the following terms and conditions as will be more specifically set forth in the agreement authorized by this Resolution:

- g. Duquesne Light Company will bear the full cost and expense of the installation, construction, use and maintenance of that permanent utility easement.
- h. Duquesne Light Company will hereby indemnify, save harmless, and defend the City of Pittsburgh from any and all damages or claims for damages arising by reason of that construction, installation, maintenance and use of that line.
- i. Duquesne Light Company will limit to a minimum disruption to the use of the Trail and will inform the City and trail users in advance of necessary disruptions, as specified in the agreement.
- j. Upon any work or disturbances associated with the line, Duquesne Light Company will restore the easement area in cooperation with and in accordance with the requirements of the Director of Public Works or his designate, as specified in the agreement.

k. Duquesne Light Company will pay to the City of Pittsburgh \$70,000.00 (Seventy Thousand Dollars), a one-time fee for this permanent utility easement, due on the date of the signing of this agreement.

l. These funds will be deposited into the “Trail Repairs” (PAYGO) line item:

<b>JDE FundsJDE Job No.Budget YearAmountSource</b>				
<b>40015</b>	<b>4030141115</b>	<b>2015</b>	<b>\$70,000.00</b>	<b>PAYGO</b>

**Section 3.** In all other respects, Resolution No. 246, effective April 23, 2015, remains unchanged and in full force and effect.