



Legislation Details (With Text)

File #: 2016-1090 **Version:** 1

Type: Resolution **Status:** Passed Finally

File created: 12/16/2016 **In control:** Committee on Finance and Law

On agenda: 12/20/2016 **Final action:** 1/10/2017

Enactment date: 1/10/2017 **Enactment #:** 5

Effective date: 1/15/2017

Title: Resolution authorizing the City Solicitor, on behalf of the City of Pittsburgh ("City") to Petition the Court of Common Pleas of Allegheny County to transfer a certain lot (the "Subject Property"), now part of East Liberty Park, to the Housing Authority of the City of Pittsburgh ("HACP"), for the sum of One Dollar (\$1.00), plus all necessary or appropriate expenses incurred by the City, and / or upon such other terms and conditions as the Court or the City may authorize and/or direct.

Sponsors:

Indexes: SALE OF PROPERTY - PETITION

Code sections:

Attachments: 1. Summary 2016-1090

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------------|---------------------------|--------|
| 1/15/2017 | 1 | Mayor | Signed by the Mayor | |
| 1/10/2017 | 1 | City Council | Passed Finally | Pass |
| 1/4/2017 | 1 | Standing Committee | AFFIRMATIVELY RECOMMENDED | Pass |
| 12/20/2016 | 1 | City Council | Read and referred | |

Resolution authorizing the City Solicitor, on behalf of the City of Pittsburgh ("City") to Petition the Court of Common Pleas of Allegheny County to transfer a certain lot (the "Subject Property"), now part of East Liberty Park, to the Housing Authority of the City of Pittsburgh ("HACP"), for the sum of One Dollar (\$1.00), plus all necessary or appropriate expenses incurred by the City, and / or upon such other terms and conditions as the Court or the City may authorize and/or direct.

WHEREAS, pursuant to Chapter 121.02(e) of the City Code, the Director of Finance has the responsibility for the disposition of city-owned property and has responsibility for the disposition of City controlled property; and

WHEREAS, the Subject Property was purchased by the City from the Urban Redevelopment Authority of Pittsburgh ("URA") as part of a tract of land consisting of 5,054 acres more or less, and duly recorded at Deed Book Volume 5306, Page 461, dated December 24, 1973, recorded January 22, 1974, in the Allegheny County Department of Real Estate, formerly known as the Recorder of Deeds Office, with Subject Property being 1.897 acres more or less, thereof, said Property then being designated as Block and Lot No. 83-S-192, and now being designated as Block and Lot No. 84-D-160; and

WHEREAS, pursuant to "Modification No. 2 - Redevelopment Area Plan - Urban Renewal Plan" for Redevelopment Area No. 10 (East Liberty), duly recorded at Deed Book Volume 4706, Page 633, and more particularly at Pages 635 and 698 therein, dated February 7, 1969, recorded March 11, 1969, in the Allegheny

County Department of Real Estate, formerly known as the Recorder of Deeds Office, and approved and adopted by the Council of the City of Pittsburgh by Ordinance No. 361, approved August 9, 1966, the Subject Property, then designated as Block and Lot No. 83-S-192, and now being designated as Block and Lot No. 84-D-160, was by said Redevelopment Area Plan and City Council Ordinance dedicated for park use; and

WHEREAS, the Subject Property was subdivided to a tract of land consisting of 1.897 acres more or less, as evinced by the Larimer Avenue Park Plan of Lots duly recorded at Plan Book Volume 249, Page 5, dated January 24, 2005, recorded January 28, 2005 in the Allegheny County Department of Real Estate, formerly known as the Recorder of Deeds Office; and

WHEREAS, the Subject Property was solely used as a baseball field; however, no application has been made nor permit issued to use it for this purpose since 2013; and

WHEREAS, in 2013, City Council authorized the City to enter into a Cooperation Agreement with the HACP to Serve as Co-Applicant for the purposes of filing an Application with the U.S. Department of Housing and Urban Development (“HUD”) for a Choice Neighborhoods Initiative Grant in the amount of thirty million dollars (\$30,000,000) and pledging City financial support in the amount of twelve million dollars (\$12,000,000) for the project and City Owned Land to Effectuate the Purposes of the Larimer/East Liberty Choice Neighborhood Transformation Plan (the “Transformation Plan”); and

WHEREAS, having subsequently received a Choice Neighborhoods Implementation Grant from HUD to implement the Transformation Plan, the HACP has proposed to acquire Subject Property in conjunction with the goals of said grant, subject to requirements of applicable law; and

WHEREAS, the redevelopment plan includes using the Subject Property for affordable housing and replacing the existing park space with a larger neighborhood park directly across the street; and

WHEREAS, the City is now seeking City Council permission to petition for court-approval to transfer the Subject Property to the HACP in compliance with the Commonwealth’s law, which may include 53 P.S. § 3381 *et seq.*, 53 P.S. § 24102, and/or the public trust doctrine, as applicable; and

WHEREAS, City Council has made the necessary findings below to authorize such petition and any court-approved transfer to move forward.

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

Section 1.

A. After careful consideration, this Council hereby finds:

- 1) The Subject Property has not been sought or permitted as a ballfield since 2013; and
- 2) There are three (3) existing City ball fields that are 0.7 miles from the Subject Property, located at Mellon Park, also there is one (1) existing ball field that is 1.6 miles from the Subject Property, located at Fort Pitt Field, which adequately serve the needs of City residents seeking to play baseball in the general vicinity of the Subject Property; and
- 3) Deed restrictions imposed by the URA upon the Subject Property requiring that the Subject Property be used for park purposes expired on June 6, 2003, pursuant to the

Disposition Contract found at Deed Book Volume 5306, at Page 182, recorded January 22, 1974 in the Allegheny County Real Estate Department, formerly known as the Allegheny County Recorder of Deeds Office, and the original grantor URA supports this transfer; and

- 4) A new park or parks in three different zones are currently planned for development in conjunction with the Choice Neighborhoods Implementation Grant and Transformation Plan; and
- 5) One of these new park zones is slated to be located directly across the street from the Subject Property; and
- 6) The new park will be larger and have a broader range of amenities to better serve the public interest, including Larimer and East Liberty communities' needs for space for recreational and other outdoor programming and activities; and
- 7) The aforementioned new park will be transferred to the City, upon which the City's Department of Public Works will be responsible for maintaining the new park, and will rely in part on resources that are currently dedicated to the Subject Property; and
- 8) Transferring the Subject Property to the HACP will allow it to be used for affordable housing.

B. Based on the above, this Council further finds:

- 1) The Subject Property is no longer needed or required for park purposes or for public use;
- 2) The continuation of the original use of the Subject Property as a ball field or other park purpose is no longer practicable because of the new park that will be built across the street in addition to the other parks in the area and thus the ball field has ceased to serve the public interest; and
- 3) The public interest is best served by allowing the Subject Property to be developed as part of an overall redesign of the immediate area that will result in more park space and affordable housing.

Section 2. Based on such findings, the City Solicitor, on behalf of the City, is hereby authorized to file a Petition with the Court of Common Pleas to authorize the transfer of that certain Property formerly known as Block and Lot No. 83-S-192, and now being designated as Block and Lot No. 84-D-160, to the Housing Authority of the City of Pittsburgh, for the sum of One Dollar (\$1.00), plus all necessary or appropriate expenses incurred by the City, and / or upon such other terms and conditions as the Court or the City may authorize and/or direct, which may include, but will not be limited to a swap of properties for park and recreational use.