



Legislation Details (With Text)

File #: 2019-1910 **Version:** 3

Type: Resolution **Status:** Passed Finally

File created: 7/23/2019 **In control:** Committee on Public Works

On agenda: 7/24/2019 **Final action:** 9/17/2019

Enactment date: 9/17/2019 **Enactment #:** 584

Effective date: 9/19/2019

Title: Resolution vacating a portion of the Right of Way at South Negley Avenue at Eva Street in the 8th Ward, 9th Council District of the City of Pittsburgh.
(Public Hearing held 9/10/19)

Sponsors: Reverend Ricky V. Burgess

Indexes: VACATING A STREET

Code sections:

Attachments: 1. 2019-1910-Eva Street Vacation Packet, 2. 2019-1910 attachment

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-----------------------------------|--------|
| 9/19/2019 | 2 | Mayor | Signed by the Mayor | |
| 9/17/2019 | 3 | City Council | Passed Finally, As Amended | Pass |
| 9/17/2019 | 3 | City Council | AMENDED | Pass |
| 9/11/2019 | 2 | Standing Committee | Affirmatively Recommended | Pass |
| 9/10/2019 | 2 | Committee on Hearings | Public Hearing Held | |
| 7/24/2019 | 2 | Standing Committee | Held for Cablecast Public Hearing | Pass |
| 7/24/2019 | 1 | City Council | Waived under Rule 8 | Pass |
| 7/24/2019 | 2 | Standing Committee | AMENDED | Pass |
| 7/24/2019 | 1 | City Council | Read and referred | |

Resolution vacating a portion of the Right of Way at South Negley Avenue at Eva Street in the 8th Ward, 9th Council District of the City of Pittsburgh.
(Public Hearing held 9/10/19)

WHEREAS, Pennley Park South, Inc., (“PPS”) has owned since 1966 that certain 7.09 +/- acre parcel known as 5600 Penn Avenue and 5704 Penn Avenue, Pittsburgh, Pennsylvania, which is known in the Office of Deed Registry of Allegheny County, Pennsylvania as Block and Lot No. 83-N-125 (the “Property”); and

WHEREAS, the City, PPS, and other interested parties entered into a Consent Order of Court dated October 17, 2017 docketed at No. SA 17-0050 in the Court of Common Pleas of Allegheny County, Pennsylvania (“Consent Order”); and

WHEREAS, as part of the Consent Order, the City agreed to engage in the appropriate actions to facilitate the reconfiguration of Enright Park in accordance therewith, and

WHEREAS, in order to accomplish this reconfiguration of Enright Park, the City must vacate a portion of Eva Street as set forth herein; and

WHEREAS, an application for the vacation of a portion of Eva Street was filed on or about February 28, 2019 (“the Application”), has been considered by the City and is now affirmatively recommended; and

WHEREAS, the City now desires to act on the Application; therefor

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

Section 1. That vacating a portion of the Right of Way at South Negley and Eva Street as described:

All that certain portion of a public right of way, situate in the 8th Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly described as follows:

Beginning at a point on the easterly right of way line of South Negley Avenue, variable feet wide, at the right of way between said South Negley Avenue and Eva Street, 40 feet wide; thence by a line being an extension of the easterly right of way line of said South Negley Avenue N 24° 52' 21.6" E a distance of 8.04 feet to a point; thence by a line being an extension of the northerly right of way line of said Eva Street S 65° 07' 38.4" E a distance of 295.00 feet to a point on the easterly right of way line of said Eva Street; thence by a line being an extension of the easterly right of way line of said Eva Street S 24° 52' 21.6" W a distance of 8.04 feet to a point on the southerly right of way line of said Eva Street; thence by a line being an extension of the southerly right of way line of said Eva Street; thence by a line being an extension of the southerly right of way line of said Eva Street N 65° 07' 38.4" W a distance of 295.00 feet to a point on the easterly right of way line of said South Negley Avenue at the point of beginning.

Containing an area of 2,372 square feet.

The above description is in accordance with the description prepared by The Gateway Engineers, Inc. dated October 26, 2018, and sealed by Patrick T. Cooper, PE, PLS

Section 2. This vacation, and the subsequent easements are subject to the following reservations in favor of the City of Pittsburgh:

1. The portion of “new” Eva Street which connects from South Negley Avenue to Amber Street, absent emergency or construction, shall always remain open, providing for residents to retain the same level of vehicular access they currently possess;
2. Any proposed permanent change in Eva Street (i.e. conversion to one-way or unidirectional traffic as opposed to the proposed two-way or bi-directional alignment) shall be subject to review and approval by the Department of Mobility and Infrastructure prior to implementation of the same;
3. The City will own from the southerly side (back of curb) of “new” Eva Street. Therefore, there will always be unfettered pedestrian and bicycle access from South Negley Avenue to South Euclid Avenue;
4. Any closure of “new” Eva Street from South Euclid Avenue to Amber Street would apply to vehicular traffic only, ensuring that Eva Street shall always be open to pedestrian and bicycle traffic.

Section 3. The proper officials of the City are hereby authorized to take the steps necessary to effectuate the

purpose of this Resolution.

Section 4. This resolution, however, shall not take effect or be of any force or validity unless Pennley Park South, Inc. shall, within sixty (60) days after the effective date of this resolution, remit to the Treasurer, City of Pittsburgh, the sum of nineteen thousand four hundred seventy-four dollars and twelve cents (\$19,474.12).

Section 5. The City Treasurer shall transmit notice to the City Clerk and the City Solicitor upon payment as described in Section 4.