



## Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed Finally

**File created:** 2/28/2020      **In control:** Committee on Public Works

**On agenda:** 3/3/2020      **Final action:** 3/17/2020

**Enactment date:** 3/17/2020      **Enactment #:** 126

**Effective date:** 3/17/2020

**Title:** Resolution taking, appropriating and condemning by the City of Pittsburgh, for public roadway purposes certain property in the 18th Ward of the City of Pittsburgh, owned by Michael Gene Elden, and known as 320 Arlington Avenue, authorizing the payment of just compensation and necessary and incidental acquisition costs related thereto.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Summary 2020-0158

Date	Ver.	Action By	Action	Result
3/17/2020	1	City Council	Passed Finally	Pass
3/17/2020	1	Mayor	Signed by the Mayor	
3/11/2020	1	Standing Committee	Affirmatively Recommended	Pass
3/3/2020	1	City Council	Read and referred	

Resolution taking, appropriating and condemning by the City of Pittsburgh, for public roadway purposes certain property in the 18th Ward of the City of Pittsburgh, owned by Michael Gene Elden, and known as 320 Arlington Avenue, authorizing the payment of just compensation and necessary and incidental acquisition costs related thereto.

**WHEREAS**, the Pennsylvania Eminent Domain Code, 26 Pa. C.S. § 101 *et seq.*, authorizes the City of Pittsburgh to take by eminent domain private property for a public purpose.

**WHEREAS**, the Pennsylvania General Municipal Law, 53 P.S. § 1081, authorizes the City of Pittsburgh to take by eminent domain private property for roadway purposes.

**WHEREAS**, landslides on the property known as 320 Arlington Avenue endanger the stability of William Street and other public assets.

**WHEREAS**, the City of Pittsburgh deems it proper and expedient to exercise the power of eminent domain invested in it for the acquisition 320 Arlington Avenue in fee simple hereinafter to be used for the express public purpose of public highway purposes to mitigate any further risk to public assets and infrastructure, including Arlington Avenue and William Street.

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

## Section 1.

320 Arlington Avenue, Block 3-E, Lot No. 12 (3-E-12), in the 18th Ward of the City Pittsburgh owned by Michael Gene Elden shall be and the same is hereby taken in fee simple for public highway purposes, said property being more fully described as follows:

ALL of the following lot or piece of ground situate in the 18<sup>th</sup> Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, together bounded and described as follows:

BEGINNING at a point on the Southerly line of Arlington Avenue, formerly Brownsville Avenue, as now located, and at line of land now or formerly of George Shaffer; thence South 52 ° 15' 30" East, Thirty and nine tenths (30.9) feet to a point at line of land now or formerly of J.J. Morgan; thence along the last mentioned line, and continuing along line of land now or formerly of T. Bonanno, South 24 ° 10' West, One Hundred Fifty-one and Seventy-nine hundredths (151.79) feet to William Street; thence along William Street, North 65 ° 50' West, Twenty nine and eight-nine hundredths (29.89) feet to line of land now or formerly of Shaffer aforementioned; thence along the last mentioned line North 24 ° 10' East, One Hundred Fifty-nine and one hundredths (159.01) feet to New Arlington Avenue, at the place of beginning. For difference see Ord. Vol. 6, page 246.

HAVING erected thereon a 2 story frame dwelling known and numbered as 320 Arlington Avenue, Pittsburgh, PA 15210.

BEING designated as Block 3-E, Lot No. 12 (3-E-12), in the Deed Registry Office of Allegheny County.

BEING the same premises which the Estate of Helen Pauline Sacco, also known as Helen Paula Sacco, by a deed dated December 4, 2018, and recorded January 11, 2019 in Deed Book Volume 17489, Page 343, granted and conveyed unto Michael Gene Elden, the condemnee herein.

The City of Pittsburgh does hereby elect and resolve to take, use, appropriate and condemn in fee simple said real estate for public safety and highway purposes.

**Section 2.** The Director of the Department of Mobility and Infrastructure is hereby authorized to use, occupy, and control the property required.

**Section 3.** The cost and expense of this condemnation, including but not limited to payment of estimated just compensation, appraisal fees, and expert witness fees in the amount of One Thousand Dollars (\$1,000.00) are hereby authorized and shall be chargeable and payable from JDE: 11101.108000.58.58105.2020.

**Section 4.** 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.