



Legislation Details (With Text)

File #: 2021-1963 **Version:** 1

Type: Resolution **Status:** Passed Finally

File created: 10/1/2021 **In control:** Committee on Public Works

On agenda: 10/5/2021 **Final action:** 10/12/2021

Enactment date: 10/12/2021 **Enactment #:** 679

Effective date: 10/14/2021

Title: Resolution authorizing the Mayor and the Directors of the Department of Public Works and the Department of Finance, on behalf of the City of Pittsburgh, to execute a Declaration of Restrictions and Covenants over a certain City parcel known as Sheraden Park Ravine: 1) to provide notice and to ensure the operation and maintenance, and necessary access for operation and maintenance of the Post Construction Stormwater Management Best Management Practices on the Property, and 2) to prevent the use or development of the Property in any manner that may impair or conflict with the operation and maintenance of the Post Construction Stormwater Management Best Management Practices, as required by law.

Sponsors:

Indexes: MISCELLANEOUS

Code sections:

Attachments: 1. 2021-1963 Cover Letter-LETTER Sheraden Park ALCOSAN 9-29-21, 2. Summary 2021-1963

Date	Ver.	Action By	Action	Result
10/14/2021	1	Mayor	Signed by the Mayor	
10/12/2021	1	City Council	Passed Finally	Pass
10/6/2021	1	Standing Committee	Affirmatively Recommended	Pass
10/5/2021	1	City Council	Read and referred	
10/5/2021	1	City Council	Waived under Rule 8	Pass

Resolution authorizing the Mayor and the Directors of the Department of Public Works and the Department of Finance, on behalf of the City of Pittsburgh, to execute a Declaration of Restrictions and Covenants over a certain City parcel known as Sheraden Park Ravine: 1) to provide notice and to ensure the operation and maintenance, and necessary access for operation and maintenance of the Post Construction Stormwater Management Best Management Practices on the Property, and 2) to prevent the use or development of the Property in any manner that may impair or conflict with the operation and maintenance of the Post Construction Stormwater Management Best Management Practices, as required by law.

WHEREAS, the City owns land in the 20th Ward containing +/- 64.36 acres, being Allegheny County Block and Lot No. 0042-A-00010-0000-00, and being more particularly described in that certain Deed recorded in the Allegheny County Department of Real Estate at Deed Book Volume 4447, Page 246 as Instrument No. 0526084 (the "Property"); and

WHEREAS, the Property is included within the boundary of an individual National Pollution Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities, or the general NPDES Permit for Discharges of Stormwater Associated with Construction Activities which

identifies certain Post Construction Stormwater Management Best Management Practices (PCSM BMPs) located on the Property; and

WHEREAS, 25 Pa. Code §102.8(m)(2) states: “For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees, and provide proof of filing with the notice of termination.”; and

WHEREAS, the City is required to provide this Instrument to protect the PCSM BMPs as mandated by the Allegheny County Conservation District for the Notice of Termination of the applicable permit related to the project to fully restore the hydrology of the Sheraden Park ravine, install step pool, remove invasive species, create vernal pools in the floodplain, and restore native plants to the ravine and the floodplain on the Property; and

WHEREAS, ALCOSAN has agreed to be responsible for implementation of the approved Operation and Maintenance Plan and the City has agreed to provide for necessary access, to applicable parties, related to long-term operation and maintenance of the PCSM BMPs; and

WHEREAS, the City of Pittsburgh wishes to now file a Declaration of Restrictions and Covenants over the Property; therefore

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

Section 1. The Mayor and the Directors of the Department of Public Works and the Department of Finance, on behalf of the City of Pittsburgh, authorizing the Mayor and the Directors of the Department of Public Works and Department of Finance, on behalf of the City of Pittsburgh, to execute a Declaration of Restrictions and Covenants over a certain City parcel, Allegheny County Block and Lot No. 0042-A-00010-0000-00, and being more particularly described in that certain Deed recorded in the Allegheny County Department of Real Estate at Deed Book Volume 4447, Page 246 as Instrument No. 0526084 and known as Sheraden Park Ravine. This Declaration of Restrictions and Covenants will: 1) provide notice and to ensure the operation and maintenance, and necessary access for operation and maintenance of the Post Construction Stormwater Management Best Management Practices on the Property, and 2) prevent the use or development of the Property in any manner that may impair or conflict with the operation and maintenance of the Post Construction Stormwater Management Best Management Practices, as required by law.