



Legislation Details (With Text)

File #: 2022-0988 **Version:** 1
Type: Resolution **Status:** Passed Finally
File created: 11/18/2022 **In control:** Committee on Public Works
On agenda: 11/21/2022 **Final action:** 12/6/2022
Enactment date: 12/6/2022 **Enactment #:** 696
Effective date: 12/9/2022

Title: Resolution taking, appropriating and condemning by the City of Pittsburgh, for public roadway purposes certain property in the 5th Ward of the City of Pittsburgh, owned by Brian and Donna Albert, located along Andover Terrace, and authorizing the payment of just compensation and necessary and incidental acquisition costs related thereto; and further authorizing, in lieu of eminent domain, the Director of the Department of Mobility and Infrastructure on behalf of the City of Pittsburgh, to enter into certain temporary and permanent easements on this property and other certain separate properties necessary for completion of temporary support work for land stabilization around Andover Terrace.

Sponsors:

Indexes: MISCELLANEOUS

Code sections:

Attachments: 1. 2022-0988 Cover Letter-Andover Terrace Takings-Easement Letter, Letterhead - signed, 2. 2022-0988-210-2022-0607 (4259 Andover) 1, 3. 2022-0988-Exhibit A(2) 1, 4. Summary 2022-0988

Date	Ver.	Action By	Action	Result
12/9/2022	1	Mayor	Signed by the Mayor	
12/6/2022	1	City Council	Passed Finally	Pass
11/30/2022	1	Standing Committee	Affirmatively Recommended	Pass
11/21/2022	1	City Council	Read and referred	

Resolution taking, appropriating and condemning by the City of Pittsburgh, for public roadway purposes certain property in the 5th Ward of the City of Pittsburgh, owned by Brian and Donna Albert, located along Andover Terrace, and authorizing the payment of just compensation and necessary and incidental acquisition costs related thereto; and further authorizing, in lieu of eminent domain, the Director of the Department of Mobility and Infrastructure on behalf of the City of Pittsburgh, to enter into certain temporary and permanent easements on this property and other certain separate properties necessary for completion of temporary support work for land stabilization around Andover Terrace.

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; and

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; and

WHEREAS, shifting land around Andover Terrace, a public street, endangers the stability of Andover Terrace and certain other public assets; and

WHEREAS, the City of Pittsburgh deems it proper and expedient to exercise the power of eminent domain for the acquisition of certain easement rights over a parcel located along Andover Terrace in fee simple hereinafter to be used for the express public purpose of mitigating land movement through installation and maintenance of sub-surface soil nails to prevent further risk to public assets and infrastructure, including Andover Terrace; and

WHEREAS, in lieu of taking by eminent domain, the Director of the Department of Mobility and Infrastructure is authorized to enter into easements and other agreements for property rights as needed from this certain parcel and other parcels in the area necessary to complete a temporary stabilization project to mitigate land movement that threatens public assets and infrastructure including Andover Terrace.

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

Section 1. Certain easement rights in property along Andover Terrace, designated by the following Block and Lot numbers: 27-C-122, in the 5th Ward of the City Pittsburgh owned by Brian and Donna Albert, shall be and are hereby taken in fee simple for public safety and public 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, in the amount not to exceed Twenty-Six Thousand Dollars (\$26,000) is hereby authorized and shall be chargeable and payable from the following accounts:

JDE Job No.	JDE Fund	Budget Year	Amount	Source
6091032119	40019	2019	\$13,003.82	Bond
6091031722	40022	2022	\$12,996.18	Bond
			\$26,000.00	

Section 4. The area of the easement rights taken at Parcel 27-C-122 are further described in the plan attached hereto as Exhibit A.

Section 5. In lieu of taking by eminent domain the designated property rights at Parcel 27-C-122, the Director of the Department of Mobility and Infrastructure, on behalf of the City of Pittsburgh, is authorized to enter into an easement or other necessary property agreements with the owners of said property.

Section 6. The Director of the Department of Mobility and Infrastructure, on behalf of the City of Pittsburgh and in lieu of a taking by eminent domain, is authorized to enter to easements, temporary construction easements, or other necessary property agreements with owners of certain properties designated as Parcels 27-C-126, 27-G-40, 27-G-43, 27-G-45, 27-C-196, 27-C-198, as further described in Exhibit A and the plan attached hereto as Exhibit B, as necessary to complete a temporary stabilization project to mitigate land movement that threatens public assets and infrastructure including Andover Terrace.