



Text File

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Committee: Committee on Public Works

Status: Passed Finally

Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into a Sidewalk and Streetscape Easement and Maintenance Agreement with Vitmore Baum L.P. Corporation construct new sidewalks and landscaping improvements in the Street public right-of-way situated in the 8th Ward of the City of Pittsburgh (CITY) as defined in Exhibit A.

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

Section 1. The Mayor and the City of Pittsburgh Department of Public Works are hereby authorized to enter into a Sidewalk and Streetscape Easement and Maintenance Agreement with Vitmore Baum, L.P. Corporation located at Baum Boulevard and South Graham Street in the 8th Ward in the City of Pittsburgh (CITY).

The City of Pittsburgh has been working and building support with neighborhood community groups to promote economic development and improve the public safety, access, and mobility for pedestrian, bicycle, and vehicle travel.

Section 2. The Mayor and the Director of the Department of Public Works, on behalf of the City of Pittsburgh are hereby authorized to execute an agreement granting Vitmore Baum, L.P. Corporation to construct new sidewalk and landscaping improvements along Baum Boulevard and South Graham Street in the Friendship neighborhood. This agreement too shall be in the form approved by the City Solicitor and shall contain such terms and conditions for the protection of the CITY as the Solicitor may require.

Section 3. The Mayor and the Director of the Department of Public Works, on behalf of the City of Pittsburgh are hereby authorized to accept from Vitmore Baum L.P., Corporation, in the same agreement described above in Section 1, a non-exclusive easement for use by the general public, over, upon, across in and through portions of Vitmore Baum L.P., Corporation's property as depicted in Exhibit A. This agreement too shall be in the form approved by the City Solicitor and shall contain such terms and conditions for the protection of the CITY as the Solicitor may require.

Section 4. The privileges and easement hereby granted, Vitmore Baum, L.P. Corporation grant the CITY a Sidewalk/Streetscape Easement subject to the following terms and conditions set forth in the agreement authorized by this Resolution:

- Vitmore Baum, L.P. Corporation will undertake to construct certain new sidewalk, and streetscape public improvements along South Graham Street and Baum Boulevard;

- Vitmore Baum, L.P. Corporation will indemnify, save harmless, and defend the City from any and all damages or claims for damages, weather to property or person, arising from the public improvement construction work;
- Upon completion of the public improvement construction project and approval by the City, Vitmore Baum, L.P. Corporation will be responsible for the maintenance, repair and/or replacement of the walkway and all landscaped areas including landscaped areas in the Right of Way and easement area;
- The City and Vitmore Baum, L.P. Corporation undertake to make the Easement Agreement binding upon and insure to the benefit of their respective successors, assigns, and lessees;
- The Agreement is subject to the provisions of the Pittsburgh Home Rule Charter, and the liability of the City under this Agreement is limited to the sum of zero dollars (\$0.00);
- No funding is required for this legislation although future maintenance responsibilities will impact the City's Operating Budget.

Section 5. 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.