



Text File

Introduced: 2/17/2017

Bill No: 2017-1255, **Version:** 1

Committee: Committee on Finance and Law

Status: Passed Finally

Resolution authorizing the City Solicitor, on behalf of the CITY OF PITTSBURGH ("City") to Petition the Court of Common Pleas of Allegheny County to transfer a certain lot, known as **1811 Brownsville Road, Pittsburgh, PA 15210, Block and Lot No. 60-L-252** (the "Subject Property"), to CARNEGIE LIBRARY OF PITTSBURGH ("CLP"), in "as is" condition with the understanding that the building will be demolished and replaced with a new facility, and further without any representations as to the quality of title, for the sum of One Dollar (\$1.00), plus all necessary or appropriate expenses incurred by the City, and / or upon such other terms and conditions as the Court or the City may authorize and/or direct.

WHEREAS, the Subject Property was purchased by the City from Daniel Seemiller and Valerie Seemiller, his wife, and Pat Cox and Catherine Cox, his wife, ("Seemiller and Cox") as part of a tract of land consisting of 9,600 square feet more or less, and duly recorded at Deed Book Volume 8654, Page 510, dated February 11, 1992, recorded February 13, 1992, in the Allegheny County Department of Real Estate, formerly known as the Recorder of Deeds Office, with Subject Property being 9,600 square feet more or less, thereof, said Property then being designated as Block and Lot No. 60-L-252, and now being designated as Block and Lot No. 60-L-252; and

WHEREAS, the Subject Property was solely used as a public library; however, Subject Property is now obsolete for modern library purposes in terms of modern technologies and children's activities; and

WHEREAS, having subsequently received a development plan from CLP to redevelop Subject Property into a larger facility with infrastructure for modern library technologies and children's activities; and

WHEREAS, pursuant to the restrictive notice duly recorded at Deed Book Volume 8654, Page 510, and more particularly at Page 512 therein, dated February 11, 1992, recorded February 13, 1992, in the Allegheny County Department of Real Estate, formerly known as the Recorder of Deeds Office, and approved and adopted by the General Assembly of the Commonwealth of Pennsylvania as "Act of Jul. 17, 1957, P.L. 984, No. 431, Cl. 52," approved July 1, 1958, the title and rights to any and all coal beneath the Subject Property, designated as Block and Lot No. 60-L-252, the City does not have to convey the coal and mining rights, as they belong to a third-party to this transaction and are not included in this conveyance; and

WHEREAS, the Subject Property's underlying coal and right of support continues to belong to Dora Lowy ("Lowy") and their beneficiaries as evinced by the vesting deed duly recorded at Deed Book Volume 4176, Page 502, dated November 22, 1965, recorded November 23, 1965; and

WHEREAS, the City is now seeking City Council permission to petition for court-approval to transfer the Subject Property to CLP in compliance with the Commonwealth's law, which may include 53 P.S. § 3381 *et seq.*, 53 P.S. § 24102, and/or the public trust doctrine, as applicable; and

WHEREAS, City Council has made the necessary findings below to authorize such petition and any court-approved transfer to move forward.

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

Section 1.

- A. After careful consideration, this Council hereby finds:
 - 1. The Subject Property has is no longer practicable or possible for modern library technological needs and the need for children's activities; and
- B. Based on the above, this Council further finds:
 - 1. The new library will be larger and have a broader range of amenities to better serve the public interest, including necessary infrastructure to satisfy the common need of modern libraries for computer and electronic media based activities; and
 - 2. Transferring the Subject Property to the CLP will allow it to continue to be used for library purposes; and
 - 3. The public interest is best served by allowing the Subject Property to be redeveloped into a larger, modernized library, with more children's activities to better serve the City's residents.

Section 2. Based on such findings, the City Solicitor, on behalf of the City, is hereby authorized to file a Petition with the Court of Common Pleas to authorize the transfer of that certain Subject Property currently known as **Block and Lot No. 60-L-252**, to the Carnegie Library of Pittsburgh, for the sum of One Dollar (\$1.00), plus all necessary or appropriate expenses incurred by the City, and / or upon such other terms and conditions as the Court or the City may authorize and/or direct.