



Text File

Introduced: 2/15/2019

Bill No: 2019-1407, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Resolution vacating a portion of Spruce Way situated in the 6th Ward, 7th Council District in the City of Pittsburgh,

WHEREAS, it appears by the petition and affidavit on file in the Office of the City Clerk that the owners of all the property fronting or abutting on the line of this portion of Spruce Way situated in the 6th Ward, 7th Council District in the City of Pittsburgh have petitioned the Council of the City of Pittsburgh to enact a resolution for the vacation of same, and

WHEREAS, said petition contains inter-alia, an indemnification of the City from any claims and from the payment of any damages whatsoever resulting to any properties owned by the petitioners or by any persons whatsoever, abutting or non-abutting, for or by reason of said vacation; and

WHEREAS, the proposed vacation may contain areas wherein by operation of law, the City may have waived certain rights to open the area as public right-of-way in the future; therefor

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

Section 1.

Vacating a portion of Spruce Way situated in the 6th Ward, 7th Council District in the City of Pittsburgh, as follows:

Segment "A"

Commencing at a corner at the intersection of the Northwestern side of Smallman Street with the Northeasterly side of 28th Street, thence along the Northeasterly side of 28th Street North $40^{\circ}37'47''$ West, a distance of 30.74 feet to a point at the Southwesterly corner of Allegheny County Parcel 25-F-155 now or formerly owned by Three Crossings 2.0 L.P., as recorded in Deed Book Volume 16987, Page 179 of the Allegheny County records, thence along said Three Crossings 2.0 L.P. property in a Northerly direction, by the arc of a curve deflecting to the left a distance of 95.76 feet to a point, said curve having a radius of 440 feet and a chord which bears North $09^{\circ}35'30''$ East, a distance of 95.58 feet; thence continuing in a Northerly direction by the arc of a curve deflecting to the right a distance of 40.60 feet to the South-easterly side of Spruce Way (unopened) being the Principal Place of Beginning for the area herein described, said curve having a radius of 620 feet and a chord which bears North $05^{\circ}39'51''$ East a distance of 40.59 feet;

Course No. 1 thence North $40^{\circ}35'52''$ West a distance of 12.00 feet to a point along the centerline of side of said Spruce Way (unopened);

Course No. 2 thence along said centerline of Spruce Way North $49^{\circ}24'08''$ East, a distance of 137.54 feet to a

point at a Westerly corner of land of David J. Berger & Malcolm P. Berger, Deed Book Volume 14772, Page 92; Course No. 3 thence through said Spruce Way (unopened) South 40°40'56" East, a distance of 12.00 feet to a point on the Southeasterly line of said Spruce Way (unopened); Course No. 4 thence South 49°24'08" West, a distance of 137.56 feet to the Place of Beginning, said area containing 0.0379 acres or 1,650 square feet of land being the same more or less and being subject to all legal highways and easements.

Segment "B"

Commencing at a corner at the intersection of the Northwestern side of Smallman Street with the Northeasterly side of 28th Street, thence along the Northeasterly side of 28th Street North 40°37'47" West, a distance of 30.74 feet to a point at the Southwesterly corner of Allegheny County Parcel 25-F-155 now or formerly owned by Three Crossings 2.0 L.P., as recorded in Deed Book Volume 16987, Page 179 of the Allegheny County records, thence along said Three Crossings 2.0 L.P. property in a Northerly direction, by the arc of a curve deflecting to the left a distance of 95.76 feet to a point, said curve having a radius of 440 feet and a chord which bears North 09°35'30" East, a distance of 95.58 feet; thence continuing in a Northerly direction by the arc of a curve deflecting to the right a distance of 40.60 feet to the Southeasterly side of Spruce Way (unopened) and the Principal Place of Beginning, said curve having a radius of 620 feet and a chord which bears North 05°39'51" East a distance of 40.59 feet, thence North 40°35'52" West through Spruce Way a distance of 12.00 feet to a point, thence North 49°24'08" East along the centerline of said Spruce Way a distance of 24.99 feet to a point, said point also being the Place of Beginning for the area herein described;

Course No. 1 thence North 40°35'52" West a distance of 12.00 feet to a point along the Northwestern side of said Spruce Way (unopened);

Course No. 2 thence along said Spruce Way North 49°24'08" East, a distance of 112.53 feet to a point at a Westerly corner of land of David J. Berger & Malcolm P. Berger, Deed Book Volume 14772, Page 92;

Course No. 3 thence through said Spruce Way (unopened) South 40°40'56" East, a distance of 12.00 feet to a point on the centerline of line of said Spruce Way (unopened);

Course No. 4 thence South 49°24'08" West, a distance of 112.55 feet to the Place of Beginning, said area containing 0.0310 acres or 1,350 square feet of land being the same more or less and being subject to all legal highways and easements.

Segment "C"

Commencing at a corner at the intersection of the Northwestern side of Smallman Street with the Northeasterly side of 28th Street, thence along the Northeasterly side of 28th Street North 40°37'47" West, a distance of 30.74 feet to a point at the Southwesterly corner of Allegheny County Parcel 25-F-155 now or formerly owned by Three Crossings 2.0 L.P., as recorded in Deed Book Volume 16987, Page 179 of the Allegheny County records, thence along said Three Crossings 2.0 L.P. property in a Northerly direction, by the arc of a curve deflecting to the left a distance of 95.76 feet to a point, said curve having a radius of 440 feet

and a chord which bears North 09°35'30" East, a distance of 95.58 feet; thence continuing in a Northerly direction by the arc of a curve deflecting to the right a distance of 40.60 feet to the Southeasterly side of Spruce

way (unopened) being the Principal Place of Beginning for the area herein described, said curve having a radius of 620 feet and a chord which bears North 05°39'51" East a distance of 40.59 feet;

Course No. 1 thence along said Southeasterly side of Spruce Way South 49°24'08" West, a distance of 102.80 feet to a point on the Northeasterly side of said 28th Street;

Course No. 2 thence along said Northeasterly side of said 28th Street North 40°37'47" West, a distance of 24.00 feet to a point on the Northwesterly side of said Spruce Way;

Course No. 3 thence North 49°24'08" East along the Northwesterly side of Said Spruce Way also being a Southeasterly line of Allegheny County Parcel 25-F-138 now or formerly owned by Three Crossings 2.0 LP as recorded in Volume 16987, Page 179 of the Allegheny County records, a distance of 127.80 feet to a Westerly corner of Allegheny County parcel 25-F-159 now or formerly owned by the Gilda's Club Western Pa, as recorded in Deed Book Volume 12182, Page 468 of the Allegheny County Records;

Course No. 4 thence South 40°35'52" East along a Southwesterly line of said Gilda's Club Western Pa Land, a distance of 12.00 feet to a point;

Course No. 5 thence South 49°24'08" West along a Northwesterly line of said Gilda's Club Western Pa Land, a distance of 24.99 feet to a point;

Course No. 6 thence South 40°35'52" East along a Southwesterly line of said Gilda's Club Western Pa Land, a distance of 12.00 feet to the Place of Beginning, said area containing a total of 0.0636 acres or 2,772 square feet, being the same more or less and being subject to all legal highways and easements.

The above description of Segments A, B and C, being all of that portion of Spruce Way right-of-way being vacated for the partial vacation of Spruce Way as prepared in accordance with a plan entitled "ALTA/NSPS LAND TITLE SURVEY" prepared by Langan Engineering and Environmental Services, Inc., Job No. 250020027, Drawing No. VL101.