Text File

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Committee: Committee on Public Works **Status:** Passed Finally

Resolution accepting the dedication of a portion of Blair Street and Hazelwood Avenue in the SP-10, Hazelwood Green Specially Planned District in the 4th and 15th Wards, 5th Council District of the City of Pittsburgh.

WHEREAS, Almono LP (Almono), owner of certain properties in the Hazelwood Green Project in the 4th and 15th Wards, wishes to dedicate certain streets and other public improvements to the City for public highway and utility purposes, and the City wishes to accept the dedication.

WHEREAS, CSX Transportation, Inc. (CSX), owner of certain property in the Hazelwood Green Project, granted Almono an easement over said property, and pursuant to that First Amendment to Agreement dated July 31, 2018 consented to Almono's dedication to and the City of Pittsburgh's acceptance of public roads, bike trails, and pedestrian sidewalks for public use.

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

Section 1.

The dedication of the following streets is hereby accepted:

Blair Street & Hazelwood Avenue (Parcel G REVISED)

All that certain Parcel of Ground being known and recorded as Parcel G Revised **that includes a portion of Lands of CSX referenced thereon** in The Hazelwood Green Plan No. 1 to be recorded, situate in the 4th and 15th ward of the City of Pittsburgh, County of Allegheny County, Commonwealth of Pennsylvania and as more fully described here to wit:

Beginning at a point on the westerly edge of the herein described at a point of common corner to Parcel A-1, Parcel A-2, Parcel N as recorded in the Almono Plan No. 1 - Revision 2 as recorded in Plan Book Volume 289 page 18, and the herein described Parcel G Revised said point being the same point being of common corner to Parcel A, Parcel N as recorded in the Almono Plan No. 1 as recorded in Plan Book Volume 286 page 126 and the herein described Parcel G Revised;

Thence from said point of beginning and along the dividing line between the said Parcel A1 and the herein described Parcel G Revised, North 56° 06' 58" East a distance of 18.74' to an angle point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 223.00', for an arc distance of 322.28' to a point of tangent;

Thence continuing along the said dividing line, North 56° 04' 31" East for a distance of 70.45' to a point

of curve;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 50.00', for an arc distance of 78.54' to a point of tangent;

Thence continuing along the said dividing line, North 33° 55' 29" West for a distance of 50.00' to an angle point in the said line;

Thence continuing along the said dividing line, North 56° 04' 31" East for a distance of 10.00' to a point on the westerly right of way line of Second Avenue;

Thence continuing along the dividing line between the said westerly right of way line of Second Avenue and the herein described in a generally southerly direction, South 33° 55' 29" East for a distance of 260.00' to a point on a the said westerly right of way line of Second Avenue at a point of common corner to Parcel B1 as recorded in the said Almono Plan No. 1 - Revision 2 and the herein described Parcel G Revised;

Thence continuing along the dividing line between the said Parcel B1 and the herein described, South 56° 04' 31" West for a distance of 10.00' to an angle point in the said line;

Thence continuing along the said dividing line, North 33° 55' 29" West for a distance of 50.00' to a point of curve;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 50.00', for an arc distance of 78.54' to a point of tangent;

Thence continuing along the said dividing line, South 56° 04' 31" West for a distance of 70.45' to a point of curve;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 163.00', for an arc distance of 255.92' to a point of tangent;

Thence continuing along the said dividing line, South 56° 06' 59" West for a distance of 8.00' to an angle point in the said line;

Thence continuing along the said dividing line, South 33° 53' 01" East for a distance of 300.09' to a point of curve;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 2171.00', for an arc distance of 196.36' to a point of tangent;

Thence continuing along the said dividing line, South 39° 03' 57" East for a distance of 374.75' to a point of curve;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 779.00', for an arc distance of 256.17' to a point of tangent;

Thence continuing along the said dividing line, South 20° 13' 29" East for a distance of 905.39' to a point of curve;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 1,029.00', for an arc distance of 68.45' to a point of tangent;

Thence continuing along the said dividing line and coincident with Parcel B2 , South 16° 24' 49" East for a distance of 829.53' to an angle point in the said line;

Thence continuing along the said dividing line of Parcel B2, South 17° 22' 15" East for a distance of 8.87' to a point of curve;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 287.00', for an arc distance of 4.11' to a point of tangent;

Thence continuing along said dividing line and coincident with Parcel labeled CSX East Revised South 34° 55' 28" East for a distance of 39.92' to a point;

Thence continuing along said CSX East Revised dividing line South 55° 46’ 05” East for a distance of 52.97’ to a point of curve;

Thence continuing, by the arc of a circle curving to the right, having a radius of 21.00’, for an arc distance of 19.22’ to a point of tangent;

Thence continuing along dividing line of CSX East Revised and coincident with Parcel C Revised, South 03° 20’ 11” East for a distance of 51.71’ to a point of curve in the said line;

Thence continuing along the said dividing line of Parcel C Revised, by the arc of a circle curving to the left, having a radius of 19.00’, for an arc distance of 7.94’ to a point of compound curve in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 313.00’, for an arc distance of 112.90’ to a point of tangent;

Thence continuing along the said dividing line, South 06° 36’ 41” East for a distance of 51.51’ to a point of curve in the said line;

Thence continuing along the said dividing line of Parcel C Revised and coincident with Parcel J-6, by the arc of a circle curving to the right, having a radius of 792.89’, for an arc distance of 305.94’ to a point of tangent;

Thence continuing along the said dividing line Parcel J-6 and coincident with Parcel J-5, South 07° 52’ 37” West for a distance of 187.73’ to a point of curve in the said line;

Thence continuing along the said dividing line of Parcel J-5, by the arc of a circle curving to the left, having a radius of 1935.78’, for an arc distance of 486.39’ to a point of tangent;

Thence continuing along the said dividing line, South 06° 31’ 09” East for a distance of 117.41’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 1511.79’, for an arc distance of 282.76’ to a point of tangent;

Thence continuing along the said dividing line, South 17° 14’ 08” East for a distance of 199.59’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 1171.00’, for an arc distance of 218.37’ to a point of tangent;

Thence continuing along the said dividing line of Parcel J-5 and coincident with Parcel J-4 and J-3, South 27° 55’ 12” East for a distance of 619.20’ to a point of curve point in the said line;

Thence continuing along the said dividing line of Parcel J-3, by the arc of a circle curving to the left, having a radius of 1529.00’, for an arc distance of 360.10’ to a point of tangent;

Thence continuing along the said dividing line, South 14° 25’ 36” East for a distance of 96.76’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 100.00’, for an arc distance of 157.08’ to a point of tangent;

Thence continuing along the said dividing line of Parcel J-3 and coincident with Parcel J-7 and J-1, North 75° 34’ 26” East for a distance of 229.83’ to an angle point in the said line;

Thence continuing along the said dividing line of Parcel J-1, South 14° 25’ 34” East for a distance of 7.50’ to an angle point in the said line;

Thence continuing along the said dividing line of Parcel J-1, North 75° 34’ 26” East for a distance of 402.20’ to a point of common corner to lands now or formerly designated as “Proposed Road Right of Way to be Dedicated to the City of Pittsburgh”, the said Parcel J and on a line of the herein described Parcel G Revised;

Thence along the dividing line between the said lands of Pittsburgh and the herein described Parcel G

Revised, North 75° 34’ 26” East for a distance of 83.55’ to a point of common corner 195.34 to lands identified as Hazelwood Avenue and Second Avenue as shown upon the aforementioned Almono Plan No. 1;

Thence along and through the said Hazelwood Avenue and Second Avenue and the herein described Parcel G Revised, South 09° 16’ 43” East for a distance of 14.06’ to and angle point in the said line;

Thence continuing along the said dividing line, South 73° 37’ 48” West for a distance of 41.38’ to an angle point in the said line;

Thence continuing along the said dividing line, South 07° 56’ 04” East for a distance of 65.01’ to a point of common corner to lands identified as “Reserved Lot for Public Improvements” and the herein described at a point on the Westerly right of way line of Gloster Street;

Thence along a line of lands “Reserved for Public Improvements” and the herein described Parcel G Revised, South 75° 34’ 26” West for a distance of 46.63’ to a point of common corner to Parcel O and the said lands “Reserved for Public Improvements”, on a line of the herein described Parcel G Revised;

Thence continuing along the dividing line between the said Parcel O and the herein described Parcel G Revised, North 75° 34’ 26” East for a distance of 389.15’ to an angle point in the said line;

Thence continuing along the said dividing line, South 14° 25’ 34” East for a distance of 7.50’ to an angle point in the said line;

Thence continuing along the said dividing line, South 75° 34’ 26” West for a distance of 195.34’ to a point on a line of the herein described Parcel G Revised at a point of common corner to Parcel D and the said Parcel O;

Thence along the dividing line between the said Parcel D and the herein described Parcel G Revised, South 75° 34’ 26” West for a distance of 92.03’ to a point of curve in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 40.00’, for an arc distance of 58.95’ to a point of tangent;

Thence continuing along the said dividing line, South 75° 34’ 26” West for a distance of 67.31’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 33.33’, for an arc distance of 20.97’ to a point of tangent;

Thence continuing along the said dividing line, North 50° 28’ 35” West for a distance of 27.01’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 71.67’, for an arc distance of 64.02’ to a point of tangent;

Thence continuing along the said dividing line, North 00° 42’ 30” East for a distance of 21.27’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 500.00’, for an arc distance of 132.06’ to a point of tangent;

Thence continuing along the said dividing line, North 14° 25’ 34” West for a distance of 32.73’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 1465.00’, for an arc distance of 345.03’ to a point of tangent;

Thence continuing along the said dividing line, North 27° 55’ 12” West for a distance of 619.20’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 1235.00’, for an arc distance of 230.30’ to a point of tangent;

Thence continuing along the said dividing line, North 17° 14’ 08” West for a distance of 199.59’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 1575.79’, for an arc distance of 294.73’ to a point of tangent;

Thence continuing along the said dividing line, North 06° 31’ 09” West for a distance of 117.41’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 1999.78’, for an arc distance of 502.47’ to a point of tangent;

Thence continuing along the said dividing line, North 07° 52’ 38” East for a distance of 187.73’ to a point of curve in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 728.89’, for an arc distance of 236.24’ to a point of compound curve in said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 200.00’, for an arc distance of 47.91’ to a point of tangent;

Thence continuing along the said dividing line, North 24° 25’ 01” West for a distance of 88.59’ to a point on a line of the Easterly right of way line of CSX Easement or R/W as recorded in Deed Book Volume 1190, page 6 and as shown upon the aforementioned Almono Plan No. 1;

Thence by a line through the said CSX easement, North 24° 25’ 02” West for a distance of 121.67’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 200.00’, for an arc distance of 21.05’ to a point on the Westerly right of way line of the said CSX Easement or Right of Way at a point of common corner to the aforementioned Parcel N in the said Almono Plan No. 1;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 200.00’, for an arc distance of 10.22’ to a point of tangent;

Thence continuing along the said dividing line, North 15° 27’ 22” West for a distance of 225.92’ to an angle point in the said line;

Thence continuing along the said dividing line, North 16° 24’ 49” West for a distance of 690.03’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 965.00’, for an arc distance of 64.19’ to a point of tangent;

Thence continuing along the said dividing line, North 20° 13’ 29” West for a distance of 905.39’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the left, having a radius of 715.00’, for an arc distance of 235.12’ to a point of tangent;

Thence continuing along the said dividing line, North 39° 03’ 57” West for a distance of 374.75’ to a point of curve point in the said line;

Thence continuing along the said dividing line, by the arc of a circle curving to the right, having a radius of 2,235.00’, for an arc distance of 202.15’ to a point of tangent;

Thence continuing along the said dividing line, North 33° 53’ 01” West for a distance of 298.00’ to an angle point in the said line;

Thence continuing along the said dividing line, South 56° 06’ 59” West for a distance of 5.00’ to an angle point in the said line;

Thence continuing along the said dividing line, North 33° 53' 01" West for a distance of 29.86' to a point, said point being of common corner to the aforementioned Parcel N, Parcel A-1, Parcel A-2, and the herein described Parcel G Revised at the point of beginning.

Said Parcel G Revised as herein described contains an area of 520,297 SF or 11.944 Acres. **Said Lands of CSX herein described contains an area of 3,485 SF or 0.08 acres, of which Parcel G Revised includes a portion.**

Section 2. The grading, paving, curbing, sidewalks, cycle track, light pole foundations, street lighting, street trees, planted bump-outs, site furnishings (benches, waste receptacles, and bicycle racks), and the storm, sanitary and water systems within the public right-of-way of the streets listed in Section 1, portion of Hazelwood Avenue and Blair Street; fixing the width and position of the roadways and sidewalks, Accession Numbers A(019)-028 to A(019)-166 on as-built drawings, are hereby accepted.

Section 3. This dedication is subject to the terms, conditions and provisions of all matters of public record, including, without limitation, the **First Amendment to Agreement by and between CSX Transportation, Inc. and Almono dated July 31, 2018 and the** Environmental Covenant by and between Almono and the Pennsylvania Department of Environmental Protection ("Department") recorded on August 9, 2017 in the Real Estate Department of Allegheny County, Pennsylvania in Deed Book Volume 16897, page 426 (the "Covenant"), including the following activity and use limitations:

a. Prohibition of groundwater use for drinking or agricultural purposes;

b. Construction and utility workers shall utilize a health and safety plan;

c. Buildings constructed on Area B, as identified in Exhibit C of the Covenant, will include vapor barriers or active ventilation mitigation systems to prevent volatile compound intrusion into the air;

d. A solid cover of either asphalt or concrete surfaces or 12 inches of clean fill will be placed on all areas prior to reuse;

e. A witness barrier (an engineered permeable barrier), will be placed on top of the original site soils in all residential areas not initially covered by deep fill; and

f. The current owner shall have a continuing duty to maintain the protective soil or fill cover, pavement caps, and/or structures overlying contaminated soils and shall not allow any excavations of an approved cap without adherence to the Soil Management Plan attached to the Covenant as Exhibit D.

Section 4. This dedication is subject to a reservation in favor of Almono and **CSX and their** respective successors and assigns of an easement in, on, over, under, and through Parcel G Revised **that includes a portion of Lands of CSX, subject to that First Amendment to Agreement,** for the benefit of Almono's properties identified in the Hazelwood Green Plan No. 1 in the 4th and 15th Wards at all times and for any

purpose to go upon, across and recross, and to use the easement area in a manner consistent with the existing nature of the properties, including without limitation, for overhead, underground, and surface utilities and drainage.