



Text File

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Bill No: 2019-2078, **Version:** 1

Committee: Committee on Finance and Law

Status: Passed Finally

Resolution authorizing the Mayor to enter into an Amendment to Contribution Agreement with the Commonwealth of Pennsylvania, acting through the Department of Transportation; the County of Allegheny; the Port Authority of Allegheny County; Holdings Acquisition Co, L.P.; and the Pittsburgh Steelers for the purpose of the City making final payments to the Commonwealth due towards projects related to proposed roadway infrastructure improvements on the City's North Shore; and further authorizing the City Solicitor to enter into an amended Consent Order to document any revised obligations consistent with this Resolution.

(Executive Session held 10/1/2019)

WHEREAS, in 2007, Pittsburgh Steelers Sports, Inc. and PSSI Stadium Corp. (the "Steelers") and Pittsburgh Associates LP (the "Pirates") instituted actions in the Pennsylvania Supreme Court challenging the decision of the Planning Commission of the City of Pittsburgh regarding PITG Gaming, LLC's ("PITG's") application for approval for project development plans necessary for the completion of its casino project; and

WHEREAS, pursuant to a Consent Order of Court dated November 16, 2007, the parties agreed to a settlement that included the withdrawal of the appeals by the Steelers and Pirates; and

WHEREAS, as part of the settlement, the Steelers, Pirates, PITG, City, and Allegheny County (the "County") agreed to enter into a Contribution Agreement with the Commonwealth of Pennsylvania, acting through the Department of Transportation ("Commonwealth") and the Port Authority of Allegheny County ("PAAC") pursuant to which the Commonwealth was to undertake and initially fund a group of projects consisting of a system of signing and lane controls, a pedestrian walkway, and a feasibility study to improve roadway infrastructure on the City's North Side (collectively the "Projects"); and

WHEREAS, the Commonwealth, the County, PAAC, PITG, the Steelers, the Pirates, and the City subsequently entered into a Contribution Agreement dated February 29, 2008 pursuant to which the City was responsible for certain costs relating to two of the Projects: 5% of the costs for the West End Bridge and South End Approach Intersection Lane Controls (the "Lane Controls") and 12.5% of the costs for an Overhead Pedestrian Walkway (the "Walkway") connecting Heinz Field to PAAC's North Shore Connector project; and

WHEREAS, thereafter, the Commonwealth completed two of the three Projects, consisting of the Lane Controls and a Feasibility Study; and

WHEREAS, it was ultimately determined that the Walkway project be terminated due to changed circumstances; and

WHEREAS, the City must now reimburse the Commonwealth for its share of the costs and document its ownership and maintenance responsibilities relating to the Lane Controls project as well as reimburse the

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Commonwealth for design costs relating to the discontinued Walkway project, which the Commonwealth must, in turn, use to repay to the Federal Highway Administration; and

WHEREAS, to accomplish the updated reimbursement amounts due, the applicable parties will need to amend the original Contribution Agreement and Consent Order.

Section 1. The Mayor, on behalf of the City, is authorized to enter into an Amendment to Contribution Agreement with the Commonwealth of Pennsylvania, acting through the Department of Transportation; the County of Allegheny; the Port Authority of Allegheny County; Holdings Acquisition Co, L.P.; and the Pittsburgh Steelers for the purpose of the City making reimbursement payments to the Commonwealth for its share of the costs of the Lane Controls and Walkway projects.

A. A reimbursement payment in the amount of Sixty-Eight Thousand, Seven Hundred Thirteen Dollars (\$68,713.00) is authorized for the Lane Controls project consistent with the City's obligation under the original Consent Order. Amounts are payable from JDE: 11101.108000.58.58105.2019
_____.

B. A reimbursement payment in the amount of Two Hundred Fifteen Thousand, Nine Hundred Sixty-One Dollars (\$215,961.00) is authorized to be made to the Commonwealth for the Walkway project. Amounts are payable from JDE: 11101.108000.58.58105.2019_____.

Section 2. The City Solicitor, on behalf of the City, is further authorized to enter into an amended Consent Order to document any revised obligations consistent with this Resolution.