



Text File

Introduced: 8/20/2021

Bill No: 2021-1742, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Resolution amending Resolution 127 of 2020, entitled “322-324 Arlington Avenue in the 18th Ward of the City of Pittsburgh experienced land movement that threatens the safe maintenance and operation of the street for public travel. In order to stabilize the slope and restore the street, the Department of Mobility and Infrastructure must acquire the property at 322-324 for construction of a retaining structure. Resolution 746 of 2019 authorized the acquisition. This amendment to Resolution 746 of 2019 amends the JDE account information to reflect the 2020 operating budget. This resolution is to authorize the acquisition of the property at a cost not to exceed \$10,000, while the project costs will be legislated separately and paid from the capital budget.” To update the operating budget year for 2021.

WHEREAS, the Pennsylvania Eminent Domain Code, 26 Pa. C.S. § 101 et seq., authorizes the City of Pittsburgh to take by eminent domain private property for a public purpose.

WHEREAS, the Pennsylvania General Municipal Law, 53 P.S. § 1081, authorizes the City of Pittsburgh to take by eminent domain private property for roadway purposes.

WHEREAS, landslides on the property known as 322-324 Arlington Avenue endanger the stability of William Street and other public assets.

WHEREAS, the City of Pittsburgh deems it proper and expedient to exercise the power of eminent domain invested in it for the acquisition 322-324 Arlington Avenue in fee simple hereinafter to be used for the express public purpose of mitigating land movement activities and mitigate any further risk to public assets and infrastructure, including Arlington Avenue and William Street.)

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

Section 1 of Resolution No 127 effective May 17th, 2020 which previously reads as follows and remains unchanged:

322-324 Arlington Avenue, Block 3-E, Lot No. 14 (3-E-14), in the 18th Ward of the City Pittsburgh owned by 2826 Edwards Way and Associates, LLC, shall be and the same is hereby taken in fee simple for public highway purposes, said property being more fully described as follows:

ALL of the following two contiguous pieces of ground situate in the 18th Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, and being one equal half part of each of Lot Nos. 3 and 4 in a Plan of Lots laid out by William Hodgson, together bounded and described as follows:

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BEGINNING on Arlington Avenue, formerly the Brownsville Turnpike Road, at the corner of Lot No. 2 in said plan, formerly owned by John Brown; thence along said Arlington Avenue, South 50 degrees 53' East, 62.08 feet to a pin; thence South 24 degrees 10' West, 52 feet (being half way to Gray's Road); thence in a straight line to the line of the aforesaid lot formerly owned by John Brown, North 78 degrees 23' 16" West, 62.04 feet to a point; thence North 24 degrees 34' 29" East, 81.50 feet to New Arlington Avenue at the place of beginning.

This legal description is in accordance with that certain survey prepared by Henry J. Martone, Registered Surveyor, dated April 29, 2004 at Drawing No. F-7689.

HAVING ERECTED THEREON a dwelling known as 322-324 Arlington Avenue.

BEING designated as Block 3-E, Lot No. 14 (3-E-14), in the Deed Registry Office of Allegheny County and also described in a Deed recorded March 24, 2015 in the Office of the Recorder of Deeds in Deed Book Volume 15917, Page 397.

BEING the same premises which Deutsche Bank National Trust Company as Trustee in Trust for the Registered Holders of Morgan Stanley Home Equity Loan Trust 2007-2 Mortgage PassThrough Certificates, Series 2007-2 by a deed dated March 10, 2015, and recorded March 24, 2015, in Deed Book Volume 15917, Page 397, granted and conveyed unto 2826 Edwards Way and Associates, LLC, the condemnee herein.

The City of Pittsburgh does hereby elect and resolve to take, use, appropriate and condemn in fee simple said real estate for public safety and highway purposes.

Section 2 of Resolution No 127 effective May 17th, 2020 which previously reads as follows and remains unchanged:

The Director of the Department of Mobility and Infrastructure is hereby authorized to use, occupy, and control the property required

Section 3 of Resolution No 127 effective May 17th, 2020 which previously reads as follows:

The cost and expense of this condemnation, including but not limited to payment of estimated just compensation, appraisal fees, and expert witness fees in the amount of Ten Thousand Dollars (\$10,000.00) are hereby authorized and shall be chargeable and payable from JDE: 11101.108000.58.58105.2019

Is hereby amended to read as follows:

The cost and expense of this condemnation, including but not limited to payment of estimated just compensation, appraisal fees, and expert witness fees in the amount of Ten Thousand Dollars (\$10,000.00) are hereby authorized and shall be chargeable and payable from JDE: 11101.108000.58.58105.2021

Section 4 of Resolution No 127 effective May 17th, 2020 which previously reads as follows and remains unchanged:

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.