



Text File

Introduced: 11/14/2022

Bill No: 2022-0976, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Resolution authorizing the Mayor and the Directors of the Departments of Finance and Mobility and Infrastructure (DOMI) to enter into an agreement or agreements, or contract or contracts, pursuant to the Act of October 29, 2020, P.L. 782, No. 96, § 106, with the Municipality of Penn Hills and/or Tamion Enterprises, to provide for the maintenance of East Hills Drive.

Whereas, the City has received petitions and requests from residents and taxpayers in the East Hills neighborhood for the maintenance of East Hills Drive; and,

Whereas, East Hills Drive has three sections: Two of these sections are situated within the boundaries of the City of Pittsburgh (a home rule municipality classified as a city of the second class), are public highways and are maintained by the City, but the third section is an approximately nine-hundred foot section neither owned by the Municipality of Penn Hills (a home rule municipality classified as a township of the first class) nor accepted or recorded as a public right-of-way but which twice crosses a border between the two municipalities;

Whereas, the deteriorating condition of this right-of-way has already led to Pittsburgh Regional Transit, the former Port Authority of Allegheny County, being forced to re-route bus service to the community, which has decreased the community's transit access; and,

Whereas, an evaluation of the community and the immediately surrounding communities reveals that the only residents serviced by this roadway are resident in the City of Pittsburgh; and,

Whereas, the maintenance of this roadway, by the Municipality of Penn Hills, would constitute a disproportionate burden to the Municipality while the benefits would accrue almost solely to the benefit of City of Pittsburgh residents; and,

Whereas, the City, on behalf of the nearly 3,000 city residents most immediately affected, is prepared to assume the burden of the roadway's maintenance, but currently cannot, as the maintenance of an extraterritorial private right-of-way is counter to public policy; and,

Whereas, state roadway laws do permit for an intergovernmental cooperation agreement which would permit the city to maintain the roadway, once the owner dedicates and the Municipality of Penn Hills accepts the right-of-way as a public highway; and,

Whereas, City Council does hereby find that such agreement(s) or contract(s) beneficially serve the public interest, are a public purpose and are proper subjects of public funds, and understands the critical necessity of executing an intergovernmental cooperation and maintenance agreement as a condition precedent to the acceptance of the right-of-way as a public highway.

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Be it therefore resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. - the Mayor and the Directors of the Departments of Finance and Mobility and Infrastructure (DOMI) are hereby authorized and directed to enter into an agreement or agreements, or contract or contracts, in a form approved by the City Solicitor, with the Municipality of Penn Hills and/or Tamion Enterprises, to provide for the maintenance, by the City of Pittsburgh, of the extraterritorial portion(s) of East Hills Drive, currently contained within Block Number 231-D, Lot Number 6 in the Allegheny County Block and Lot System, in the Municipality of Penn Hills, under the auspices of the Act of October 29, 2020, P.L. 782, No. 96, § 106, also known as 53 Pa. Stat. § 57097, or upon the findings of the Solicitor.

Section 2. Any Ordinance or Resolution, or parts thereof, which are inconsistent with this Resolution are repealed only to the extent of their inconsistency.