

CITY OF JEANNETTE
COUNTY OF WESTMORELAND

BILL No. 04-13

ORDINANCE NO. 04-14

**AN ORDINANCE OF THE CITY OF JEANNETTE,
WESTMORELAND COUNTY, PENNSYLVANIA AMENDING
ORDINANCE NO.04-11, AUTHORIZING THE ACQUISITION OF
PROPERTIES AND THE FILING OF CONDEMNATION
PROCEEDINGS IN FURTHERANCE OF PHASE II IN THE
EMERGENCY STREAM BANK PROTECTION PROJECT.**

WHEREAS, the Commonwealth of Pennsylvania, Department of Environmental Protection, (hereinafter referred to as the “Commonwealth”) has entered into Agreements dated May 18, 1988 and December 16, 1996 (hereinafter referred to as “Agreements”) with the City of Jeannette, Westmoreland County, Pennsylvania (hereinafter referred to as the “City”), whereby the Commonwealth has agreed to install certain flood control improvements along the channel of Brush Creek and three of its tributaries (hereinafter referred to as the “Project”), also known as Project known as “Project No. DGS182-7”, to alleviate, in part, flood damage and to prevent, as much as feasible, the recurrence of flood damage; and

WHEREAS, consistent with the terms of those Agreements, the City of Jeannette adopted Ordinance No.04-11:

**AN ORDINANCE OF THE CITY OF JEANNETTE AUTHORIZING THE
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STREAM BANK PROTECTION PROJECT**

and

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WHEREAS, such Ordinance contemplates the acquisition of various interests in those real estate as itemized in Exhibit "A", attached thereto; and

WHEREAS, such Ordinance authorizes the filling of Declarations of Taking associated therewith and the acquisition of property interests in lieu of formal condemnation proceedings; and

WHEREAS, such Ordinance contemplates the acquisition of interests in real estate situate in Hempfield Township, Westmoreland County, Pennsylvania and the Borough of Penn, Westmoreland County, Pennsylvania, said municipalities being outside the geopolitical boundaries of the City of Jeannette, Westmoreland County, Pennsylvania; and

WHEREAS, the City desires to enter into certain Intergovernmental Cooperation Agreements with the Township of Hempfield and Borough of Penn in order to acquire those necessary interests in real estate within those municipalities through condemnation proceedings, if necessary; and

WHEREAS, following the adoption of Ordinance No.04-11 above, it was discovered that there have been changes in record ownership of some of those properties referenced in Exhibit "A" to such Ordinance; and

WHEREAS, the Council of the City of Jeannette desires to make certain amendments to Ordinance No.04-11, to make provision for the Intergovernmental Cooperation Agreements referenced above and those changes in title ownership of the properties in which interests are to be acquired.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 10th DAY OF NOVEMBER, 2004 HEREBY ORDAINS AND ENACTS AS FOLLOWS:

1. The list of properties to be acquired set forth as Exhibit "A" in Paragraph One (1) in Ordinance No.04-11 is hereby deleted and shall be replaced by Exhibit "A" attached hereto.

2. The Declaration of Taking and Offers of Just Compensation for the real property interests set forth in Exhibit "B" to Paragraph Two (2) of Ordinance No.04-11, is hereby deleted and replaced by Exhibit "B" attached hereto. Such Declaration of Taking shall be filed following final passage of this amending Ordinance by the Solicitor of the City.

3. Paragraph five of Ordinance No.04-11 is hereby deleted in its entirety. Such paragraph shall be replaced by the following:

"5. RECORDING AND NOTICE. A copy of this Ordinance shall be recorded on or before December 1, 2004 in the Office of the Recorder of Deeds in and for Westmoreland County, Pennsylvania and shall be indexed in the name of the property owners affected hereby. A copy of this Ordinance, without all exhibits, but containing sufficient notice and information to advise such property owner of the nature and extent of the taking and the just compensation for the interest in such property to be acquired, shall be sent by Registered Mail referenced in Exhibit "A" attached hereto at his or her last known address"

With respect to those properties referenced in Exhibit "A" situate in the Township of Hempfield, Westmoreland County, Pennsylvania and the Borough of Penn, Westmoreland County, Pennsylvania, the City shall enclose, along with such Notice, a copy of the Intergovernmental Cooperation Agreement entered between the City

and their respective municipality to provide notice to the property owner of the City's ability to exercise powers of eminent domain outside its geopolitical boundaries to acquire those interests in property referenced herein.

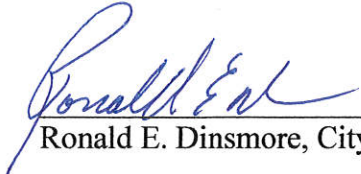
This Ordinance, to the extent it authorizes the acquisition of property interests outside the geopolitical boundaries of the City in the Township of Hempfield and the Borough of Penn referenced above, shall become effective with the execution of the Intergovernmental Cooperation Agreement by the City, the Township of Hempfield and the Borough of Penn referenced above on the date of such Agreement.

4. All other provisions of Ordinance No.04-11 not otherwise affected by this Ordinance shall continue in full force and effect.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 10th DAY OF NOVEMBER, 2004 AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:

THE CITY OF JEANNETTE:



Ronald E. Dinsmore, City Clerk

By: 

John J. Kisic, Mayor and
President of Council