

RESOLUTION 12-09-10 -01

A RESOLUTION OF THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY REVISING AND AMENDING RESOLUTION 09-10-01-1 AUTHORIZING THE CONSTRUCTION OF THE UPPER SCOTTS RUN SANITARY SEWER EXTENSION PROJECT AND AUTHORIZING AND DIRECTING THAT THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY BOARD TAKE ALL NECESSARY STEPS AND ACTIONS TO ACQUIRE THE NECESSARY RIGHT -OF -WAYS AND FINANCING AND TO PETITION FOR A BOARD OF VIEWERS TO DETERMINE AND ESTABLISH A BENEFIT ASSESSMENT AGAINST ALL PROPERTIES SERVED BY THE UPPER SCOTTS RUN SANITARY SEWER EXTENSION PROJECT

WHEREAS, it is required for the general welfare of the residents of the Township of Collier, and it being the duty and obligation of the Municipal Authority to provide sanitary sewage with the Township of Collier; and,

WHEREAS, the Collier Township Municipal Authority, in order to provide for the development of the Township and to prevent a health hazard, has been required to provide sanitary sewage service to the Upper Scotts Run area along Baldwin Road, McMichael Road, Ridge Road and parts of Burrell Drive, Mary Drive, Scotts Run Road and other areas within the Scotts Run watershed area; and,

WHEREAS, the Collier Township Municipal Authority has determined that it is necessary to construct a line extension to be known as the Upper Scotts Run Sanitary Sewer Extension which is designed to provide sewer service to residential units and several commercial units in and along all or portions of Baldwin Road, McMichael Road, Ridge Road and parts of Burrell Drive, Mary Drive, Upper Scotts Run Road and other areas within the Scotts Run watershed area; and, all of which make up and constitute the Upper Scotts Run watershed area of the Collier Township Municipal Authority sewer service area; and,

WHEREAS, certain plans and specifications are on file in the office of the Authority for the construction of a main interceptor line along certain portions of the Upper Scotts Run Sanitary Sewer Extension areas and then connecting into ALCOSAN; and,

WHEREAS, NIRA Consulting Engineers has previously been authorized to design the Upper Scotts Run Sanitary Sewer Extension sewer project and the consulting engineer has determined the required design layout for the project and has prepared right-of-ways or easement drawings and descriptions, which have been submitted to the owners of the property, through properties where said right-of-ways are required; and,

WHEREAS, the consulting engineers have determined that no fee simple taking of property is required for this project and that only temporary construction right-of-ways and easements along with permanent right-of-ways and easements for the installation and maintenance of the sewer lines are needed; and,

WHEREAS, the vast majority of property owners have agreed to the right-of-way or easement location and have entered into recorded agreements allowing for the construction of this needed sewer line in a right-of-way or easement which has been recorded in the Office of the Department of Real Estate for Allegheny County; and,

WHEREAS, some property owners have either failed to respond to the request for required right-of-ways and easements or have refused to grant the right-of-ways or easements required to build the project and it is necessary that the remaining right-of-ways and easements be acquired; and,

WHEREAS, it is the determination of the Authority that it is necessary to acquire right-of-ways for the construction, installation, and maintenance of the interceptor lines and to confirm and approve the design of the Upper Scotts Run Sanitary Sewer Extension line extension and to authorize the Chairman and other officers of the Collier Township Municipal Authority to begin the process of financing the project and to take all other necessary steps to complete the construction of this line extension; and,

WHEREAS, the Collier Township Municipal Authority has determined that the project is to be financed, in part, by benefit assessments on all property served by this project with the amount of the benefit to be determined by the Allegheny County Board of Viewers. Accordingly, upon the completion of the project and a final determination of the costs, the Collier Township Municipal Authority directs that a Petition for the Appointment of a Board of Viewers be prepared and filed so as to determine damages, if any, to those properties where a right-of way or easement has been taken and to assess benefits against those properties served by this construction.

WHEREAS, since the date of the adoption of Resolution 09-10-2010-01 the Collier Township Municipal Authority has encounter substantial public resistance and opposition to the proposed project and the absolute refusal of certain property owners to a sewer line crossing their property. Accordingly, the Collier Township Municipal Authority has determined that the cost and expenses related to the taking of private property, the limited assets of the Authority and the substantial financial burden that the construction of certain portions of this project require that several portions of the proposed project be deferred and delayed until required right of ways are obtained without condemnation; and,

WHEREAS, the Collier Township Municipal Authority has in place a long standing uniform policy of paying a standard pre foot rate for sewer easements and a standard rate for each manhole on the property and the authority has determined that condemnation of right of way and the demands of certain property owner has caused the project to become economically unfeasible and would require all existing customers of the authority to face rate increases to construct the three remaining phase of the project; and,

WHEREAS, the Collier Township Municipal Authority has been able to secure the necessary permits and right of way along with the cooperation of the property owners to allow for the construction of sewer service line to the Upper Scotts Run, Baldwin Road East and West, Phase 1 which is now being completed; and

WHEREAS, the following sections of the project are to be indefinitely delayed because of the property owners resistance to the project and refusal to provide necessary and required right of way the following sections of the project are to be deferred until such time that all right of ways are secured without condemnation and sufficient resources become available to allow for reconsideration of any one or more of the following deferred phases; and,

Possible Future Phase A - all of those lines or line designed to provide service to the Upper Scotts Run/McMichael Road area with said this line extending come off of the Baldwin Road West line and the crossing under Baldwin Road.

Possible Future Phase B - all of those lines or line designed to provide service to the Upper Scotts Run, Fort Pitt area , which line would extend from the existing pump station, crossing Baldwin Road and then through the valley along Baldwin Road East.

Possible Future Phase C- all of those lines or line designed to provide service to the Upper Scotts Run/Ridge Road/Burrell area by a point of connection in or along the property line of the Centennial Pointe properties.

NOW, THEREFORE, be it resolved:

1. That it is directed that a Notice of Taking, along with all other required documents, which are required to obtain the necessary permanent right-of-ways and temporary construction right-of-ways in, over and through abandoned property or property where the owner is unknown of private properties within the Township of Collier, be prepared, executed, filed, and served and processed as authorized by law and that such taking of the various right-of-ways needed for the installation of the interceptor lines is hereby authorized.
2. It is directed that all of the proper officers and employees of the Collier Township Municipal Authority do all things necessary to accomplish the said taking of the permanent right -of-ways and temporary construction right-of-ways in, over and through private properties within the Township of Collier, including but not limited to the execution of all documents as required by the Eminent Domain Code of the Commonwealth of Pennsylvania, payment of all fees and costs, including the preparation and posting of an open end bond by the Authority to secure any damages which may be occasioned by the taking.
3. It is specifically resolved that the Collier Township Municipal Authority acquire permanent right-of-ways and temporary construction right-of-ways in, over and through private properties or abandoned property or property where the owner is unknown within the Township of Collier as identified in engineering drawings prepared by NIRA Consulting Engineers, said properties being generally identified and listed in the Declaration of Taking which is to be filed to secure the remaining necessary and required right-of ways.

4. A Petition for the Appointment of a Board of Viewers is to be prepared and filed so as to determine damages, if any, to those properties where a right-of way or easement has been taken and to assess benefits against those properties and all other properties served by this construction. The assessments authorized by this section is now to be limited to the area of sewer service line as now constructed to provide sewer services to the Upper Scotts Run, Baldwin Road East and West, Phase 1 which is now being completed. This phase did not require any property taking and does not involve any taking damages.

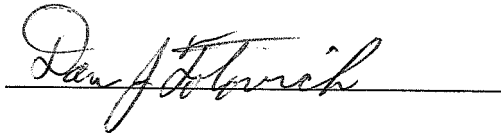
Adopted at a regular meeting of the Collier Township Municipal Authority held the 9th h day of December, 2010.

COLLIER TOWNSHIP MUNICIPAL AUTHORITY



Daniel Oberleitner, Chairman

ATTEST:



Dan Fotovich, Secretary