

**TOWNSHIP OF SOUTH FAYETTE  
ALLEGHENY COUNTY, PENNSYLVANIA**

**RESOLUTION**

No. 03 of 2023

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA AUTHORIZING THE FILING OF A DECLARATION OF TAKING FOR A PORTION OF PROPERTY LOCATED AT 4103 BATTLERIDGE ROAD, BLOCK AND LOT 325-J-36, SOUTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, FOR THE CONNECTION OF BATTLERIDGE ROAD TO MOHAWK ROAD AS AUTHORIZED BY SECTION 1901 OF THE FIRST-CLASS TOWNSHIP CODE, 53 P.S. §56901.**

**WHEREAS**, the Township of South Fayette is a First-Class Township located in Allegheny County, Pennsylvania; and

**WHEREAS**, the Township requires additional property to properly administer its governmental function of providing safe, necessary, navigable, and adequate roadways for transportation in South Fayette; and

**WHEREAS**, the Township of South Fayette desires to connect Battleridge Road to the Mohawk Road right of way in a certain location to foster the safe and efficient flow of traffic along such roadways; and

**WHEREAS**, a portion of real property known as 4103 Battleridge Road, Block & Lot 325-J-36 is located in an area which requires additional right of way to provide for a safe and adequate connection to Mohawk Road; and

**WHEREAS**, the Board of Commissioners of South Fayette have examined the property and find that the property meets the criteria specified in the Commonwealth of Pennsylvania Eminent Domain Code specifically set in 26 P.S.C.S.A. §§ 201 et seq., as private property for public use; and

**WHEREAS**, THE Township is authorized to acquire private property for roadway purposes pursuant to Section 1901 of the First-Class Township Code, 53 P.S. §56901.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH FAYETTE AS FOLLOWS:**

**Section 1.** The Board of Commissioners of South Fayette Township pursuant to the power authorized by the Pennsylvania Eminent Domain Code, 26 P.S.C.S.A. §§ 201 et seq. and Section 1901 of the First Class Township Code, 53 P.S. § 56901, does hereby elect and resolve to take use and appropriate, and it does hereby take use and appropriate for the public purpose of connection of Battleridge Road to the Mohawk Road right of way, including improvements and fixtures situate within the Township of South Fayette, Allegheny County, Pennsylvania specifically described in Exhibit “A” attached hereto and made part hereof and Map attached hereto and made part hereof as Exhibit “B”.

**Section 2.** The Board of Commissioners of South Fayette Township intends to acquire the aforesaid described real estate including improvements and fixtures by a fee simple title therein including all the interests or interest, whether the same be of fee simple or lesser estate of the record owner or owners therein, the price thereof not having been agreed upon between the aforesaid parties and the Township of South Fayette, which parcels of land are situate in the Township of South Fayette County of Allegheny and Commonwealth of Pennsylvania and described in “Exhibit A” attached hereto and made a part hereof and Map attached hereto and made part hereof as Exhibit “B”.

**Section 3.** The Township Manager John M. Barrett of the Township of South Fayette is hereby authorized to proceed in the name of and on behalf of the Township of South Fayette to prosecute condemnation proceedings in the proper Court or Courts of Allegheny County Pennsylvania.

**Section 4.** The said Township Manager is hereby authorized in the name and on behalf of the Township of South Fayette to:

- a. To file with the Court of Common Pleas Declaration of Taking as provided by law and to execute and deliver from time to time on behalf of the Township of south Fayette as principal obligor, bonds or other appropriate forms of security to the owner and tenants, if any, of the property in the above referenced parcels of land, payment to them for such amounts of damages as the parties shall be entitled to receive as the result of the aforesaid taking and appropriation, the signature the Township Manager and the seal of the Township of South

Fayette to be attested by the Secretary of the Township of South Fayette;

b. To tender security to the owner or owners thereof as provided by law, including the payment of the Township's estimate of damages;

c. To make application to the Court of Common Pleas of Allegheny County to have the value of the Property and the damages suffered by the condemnation legally ascertained in the manner provided by law;

d. To give the owners, tenants and occupants thereby notice to remove in the manner provided by law;

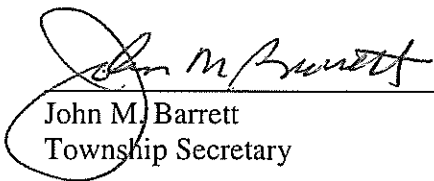
e. To take all other necessary steps to enable the Township of South Fayette to acquire title to and to enter into immediate possession of the parcels of land herein above described; and

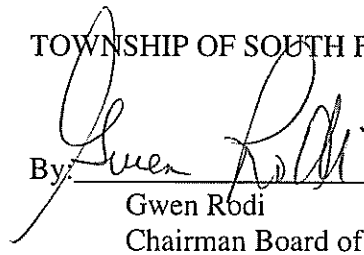
f. To continue to negotiate with the Property owner or owners a fair and reasonable Price for the fee simple purchase of the aforesaid described land in lieu of the above authorized condemnation proceedings until aforesaid action is confirmed by the Court of Common Pleas of Allegheny County, Pennsylvania.

RESOLVED AND ENACTED this 12<sup>th</sup> day of April 2023 by the Board of Commissioners of the Township of South Fayette, in this lawful session regularly assembled.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE

  
\_\_\_\_\_  
John M. Barrett  
Township Secretary

By:   
\_\_\_\_\_  
Gwen Rodi  
Chairman Board of Commissioners

# Property Description

Report Created: 4/10/2023  
Time: 2:14pm

**Project:** Mowhawk

**Description:**

**File Name:** U:\South Fayette Twp\16322 Mohawk-Battleridge Road Connector Road\Inroads\Mowhawk - ROW.alg

**Last Revised:** jonh 4/10/2023 2:08:46 PM

**Input Grid Factor:** 1.00000000

**Note:** All units in this report are in feet unless specified otherwise.

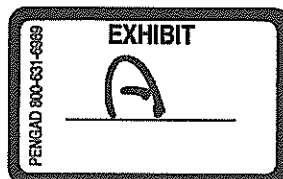
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**Alignment Name:** 02-Cuddy RROW

**Alignment Description:**

Beginning at a point along the LROW for the Township thence N 69°18'05" E a distance of 95.96 feet thence S 6°41'25" E a distance of 68.55 feet thence N 70°24'00" E a distance of 85.46 feet thence S 18°15'23" E a distance of 88.16 feet thence S 73°54'33" W a distance of 169.66 feet thence N 25°46'04" W a distance of 38.21 feet thence along an arc 65.73 feet to the right, having a radius of 233.50 feet, the chord of which is N 17°42'13" W for a distance of 65.51 feet, thence N 9°38'21" W a distance of 21.24 feet thence along an arc 18.69 feet to the right, having a radius of 483.50 feet, the chord of which is N 8°31'55" W for a distance of 18.69 feet, the POINT OF BEGINNING.

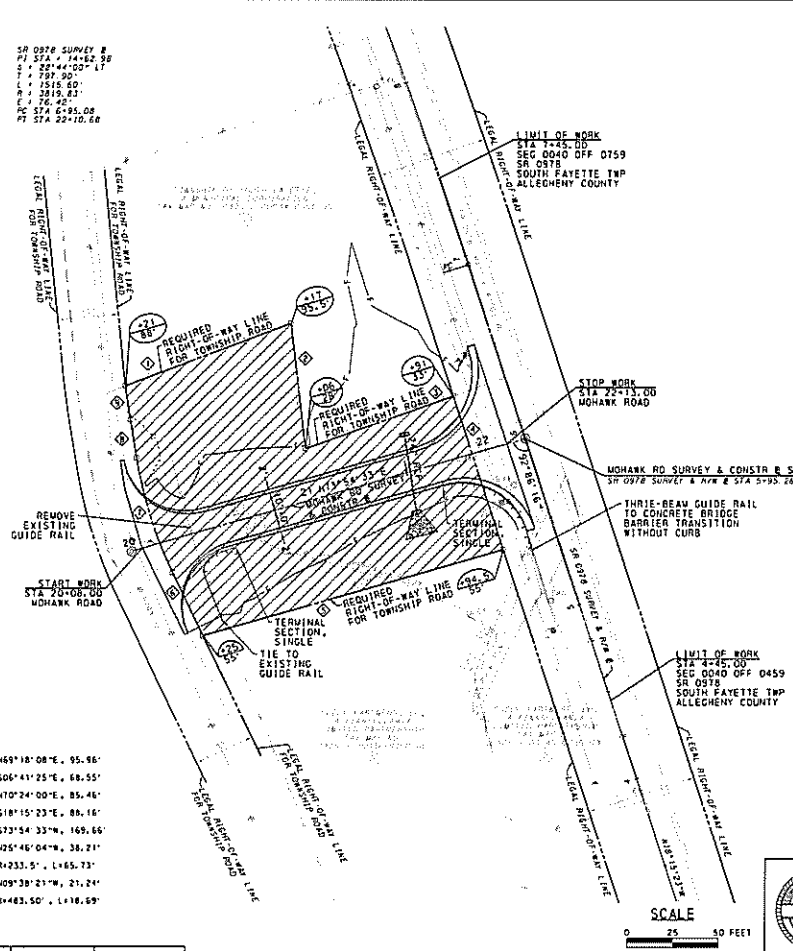
The above described parcel contains ± 0.47 acres (20609.98 sq. ft.)



POSTED: 4/02/2021  
 FILE NAME: I:\13\South Fayette\Map\1322 Mohawk Battle Ridge Road Connector\1322 Mohawk-BRM.dwg  
 DESIGNED BY: JPC | DRAWN BY: EMB | CHECKED BY: DPK

SR 0578 SURVEY B  
 PJ STA 14+52.38  
 L 22'44"00" LF  
 R 139.90'  
 L 1545.50'  
 R 28'38.31'  
 E 76.42'  
 PC STA 6+95.08  
 PT STA 22+10.68

OWNER: CUDDY PARTNERS, LP, A PENNSYLVANIA LIMITED PARTNERSHIP  
 TAX MAP: 0325-J-00036-0000-00  
 DEED BOOK 14135, PAGE 455  
 INSTRUMENT #2009-33822  
 AREA OF REQUIRED RIGHT-OF-WAY: 20,610 SF (0.47 AC)  
 DISCLAIMER NOTICE:  
 THIS PLOT OF REQUIRED RIGHT-OF-WAY IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.



- ◇ N69°18'08"E, 95.98'
- ◇ S06°41'25"E, 68.55'
- ◇ N70°24'00"E, 85.46'
- ◇ S18°15'23"E, 88.16'
- ◇ S73°54'33"W, 169.65'
- ◇ N25°46'04"W, 38.21'
- ◇ R+233.5', L+65.73'
- ◇ N09°38'21"W, 21.24'
- ◇ R+483.50', L+18.59'

**LEGEND**

- ⊕00⊖ SCALED DIMENSION
- ▨ REQUIRED RIGHT-OF-WAY FOR TOWNSHIP ROAD
- C-F- CONSTRUCTION CUT/FILL
- SLOPE LIMITS



DATE	BY	REVISION

**RIGHT-OF-WAY EXHIBIT**  
 MOHAWK-BATTLE RIDGE ROAD  
 CONNECTION ROAD  
 LOCAL ROAD  
 HIGHWAY OCCUPANCY PLANS  
 for  
 EPS #291314  
 SOUTH FAYETTE TWP, ALLEGHENY COUNTY



SCALE  
 0 25 50 FEET

SHEET 1 OF 1

