



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 15, 2024

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street 2nd FL
Harrisburg, PA 17120

A-2024-3048837

RE: Emergency Application of the Department of Transportation of the Commonwealth of Pennsylvania and the City of Pittsburgh for approval to abolish the public above grade crossing and remove the bridge carrying the abandoned cartway of Pittsburgh & West Virginia Railway Company (and the West Side Belt Railroad Company) above S.R. 0051, DOT Number 472 968G in the City of Pittsburgh, Allegheny County and the allocation of costs incident thereto.

Dear Secretary Chiavetta,

Enclosed for filing please find the Department and City's *Petition for Special Relief Under 66 Pa.C.S § 2702(f)* in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in cursive script that reads "Karen L. Cummings".

Karen L. Cummings
Senior Counsel

cc: Parties of Record
Mark Chappell, P.E., Utilities and Right of Way Section Chief
Daniel Leonard, Grade Crossing Engineer, Central Office
Douglas M. Seeley, P.E., Asst. District Executive, District 11-0
Sarah Fenton, Grade Crossing Engineer, Central Office
Michele Acitelli, Manager, District 11-0
John F. Doherty, Associate Solicitor
Kevin T. Freyder, Assistant Solicitor

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re. Emergency Application of the Department of	:	
Transportation of the Commonwealth of Pennsylvania	:	A-2024-3048837
and the City of Pittsburgh for approval to abolish the	:	Electronically Filed
public above grade crossing and remove the bridge	:	
carrying the abandoned cartway of Pittsburgh & West	:	
Virginia Railway Company (and the West Side Belt	:	
Railroad Company) above S.R. 0051, DOT Number	:	
472 968G in the City of Pittsburgh, Allegheny County	:	
and the allocation of costs incident thereto.	:	

PETITION FOR SPECIAL RELIEF
UNDER 66 Pa.C.S. § 2702(f)

The Department of Transportation (PennDOT) and the City of Pittsburgh (City), collectively, the “Petitioners,” file this Petition for Special Relief pursuant to 52 Pa. Code § 5.41.

1. This matter concerns a severely deteriorated bridge crossing over State Route (SR) 51 (Bridge) in the City of Pittsburgh that serves as an access and parking lot for a single private property owner.

2. The Bridge formally carried tracks of the Pittsburgh & West Virginia Railway above grade of Saw Mill Run Boulevard.

3. The Bridge was originally established as a highway-rail crossing pursuant to an Order of the Pennsylvania Public Service Commission (PSC) on June 4, 1929, Docket Number 20890-1929. The PSC Order is attached as Exhibit 1.

4. The former crossing was constructed by the Pittsburgh & West Virginia Railway Company in or around 1929.

5. The Wheeling and Lake Erie Railroad (Railroad) is the successor in interest to the Pittsburgh & West Virginia Railway Company.

6. It is Petitioner’s understanding the tracks were removed sometime prior to the early

1960's when the Bridge began operating as an access point and/or parking for the single private property that it serves.

7. The parcel where the Bridge is located and the property adjacent to the Bridge was sold in 1961 by Railroad to Hahn Furniture-Company, a non-railroad entity, and was ultimately acquired by Wabash Properties LLC (Wabash) in 2004. Deeds evidencing the chain of title are attached as Exhibit 2.

8. The Railroad, however, did not apply to the Public Utility Commission (PUC or Commission), the PSC's successor, to abolish the crossing upon removal of the rails as required by 66 Pa.C.S §2702.

9. The City assumed responsibility to support the tracks and roadbed on the Bridge in 1929 via Ordinance 1929 No. 247. The Ordinance is attached as Exhibit 3.

10. The City acquired certain parcels near the Bridge from the Pittsburgh & West Virginia Railway Company by deed dated February 18, 1927 and recorded in the Allegheny County Recorder of Deeds Office at Deed Book Volume 2323, Page 197; and from Charles G. Schade, 2nd, et ux., by deed dated June 27, 1908 and recorded in the Allegheny County Recorder of Deeds Office at Deed Book Volume 1636, Page 209.

11. The City transferred a portion of those parcels, together with an easement for direct access to Saw Mill Run Boulevard to the Hahn Furniture Company by deed dated August 1, 1961 and recorded on September 1, 1961 in the Allegheny County Recorder of Deeds Office at Deed Book Volume 3923, Page 98. A copy of the Deed is attached as Exhibit 4.

12. SR 51 is classified as a principal arterial highway and is a critical part of the urban transportation network in Pittsburgh.

13. SR 51 carries an average daily traffic volume of 34,337 vehicles with 5% trucks.

14. The most recent bridge inspection report for the nearly 100-year-old Bridge indicates that deterioration has seriously affected the primary structural components.

15. Due to the condition rating of the Bridge, inspections under the National Bridge Inspection Program are now required every three months rather than the standard two-year inspection cycle.

16. Wabash and/or Wabash's tenants operate an automobile parts wholesale distribution business (Business) on the property adjacent to the Bridge and use the Bridge for employee parking.

17. Pursuant to an action (Complaint) against the City filed by Wabash in the Court of Common Pleas of Allegheny County, Case Number GD23-002842, the Business employs approximately 60 employees.

18. The Business's employees park their vehicles on the Bridge. Photographic evidence is attached as Exhibit 5.

19. Large delivery vehicles access the Business via the Bridge.

20. Since October 2020, the City, Wabash, and PennDOT have closed portions of the Bridge to traffic and/or parking. Photographic evidence is attached as Exhibit 6.

21. In December 2023, PennDOT closed the Bridge to traffic entirely by erecting barriers on both ends of the structure. Photographic evidence is attached as Exhibit 7.

22. Since that time the business conducted on Wabash's property has continued and ingress and egress is made through a curb cut along SR 51 south of the Bridge.

23. Inspection load ratings indicate that the bridge can barely support its own dead load and that minor changes to its steel cross-sections could lower that rating drastically due to buckling or local failure modes of the columns.

24. Continued employee parking and deliveries to the Business via the Bridge will only further compromise the Bridge's integrity and increase the danger to vehicular and pedestrian traffic in this area of SR 51.

25. In addition, the Bridge's columns are in critical condition and significantly compromised due to deterioration and the presence of approximately six feet of earthen fill between the superstructure and the pavement of the Bridge.

26. Petitioners are very concerned for the safety of the traveling public should the Bridge remain in place.

27. PennDOT is monitoring the situation and will consider closing SR 51 if it is deemed necessary to protect the public.

28. Closing SR 51 will create a significant safety concern due to the need to establish a detour and the congestion that it will create around the entire south side of the City.

29. The car detour would be approximately 5 miles and the truck detour would be approximately 8.4 miles.

30. Petitioners have been coordinating with each other on plans to remove the Bridge.

31. PennDOT has agreed to manage the project on behalf of the City and letting of the project was completed on April 18, 2024.

32. PennDOT anticipated issuing the selected contractor a Notice to Proceed on May 20, 2024.

33. On March 1, 2023, Wabash filed its Complaint seeking declaratory and injunctive relief from the City's decision to remove the Bridge.

34. Wabash's Complaint alleges: 1) violation of the Takings Clause of the United States Constitution; 2) violation of the Due Process Clause of the Fourteenth Amendment; 3)

violation of City Ordinance No. 72, 1925 and Ordinance No. 247, 1929; and 4) breach of covenants and warranties running with the land.

35. By Order dated March 22, 2024, PennDOT was joined in that lawsuit and the Court of Common Pleas directed counsel for PennDOT to notify the Public Utility Commission (PUC) of the action.

36. Pursuant to that direction, PennDOT formally notified the PUC by letter dated April 1, 2024. The letter is attached as Exhibit 8.

37. On April 17, 2024, PennDOT received a reply from the PUC's Director of Technical Utility Services (TUS) directing PennDOT to "take appropriate action to ensure proper disposition of the crossing." The reply is attached as Exhibit 9.

38. Thereafter, Petitioners filed an Emergency Application with the PUC on May 2, 2024 seeking to formally abolish the former highway-rail crossing and remove the Bridge.

39. An application to abolish a crossing usually involves the removal of the rails, ties, and warning devices and is generally filed after the railroad company receives approval from the Surface Transportation Board to abandon rail service on the line. See <https://www.puc.pa.gov/rail/rail-safety-section-responsibilities/>.

40. It is Petitioner's understanding that all rail facilities, including any rails, ties, and warning devices, were removed from the Bridge at some point prior to the early 1960's.

41. The rail line over the Bridge previously ran in a north-eastern direction through the Wabash Tunnel and crossed the Monongahela River over the Wabash Bridge. A map showing the rail line is attached as Exhibit 10.

42. The Wabash Tunnel was closed in 1946 after a fire destroyed the downtown Pittsburgh train terminal and thereafter, the Wabash Bridge was demolished in 1948.

43. Since that time, there has not been a bridge for rail cars to cross the

Monongahela River from the Wabash tunnel.

44. The Bridge that is the subject of this proceeding would have been at or near the end of the operational rail line on the south side of Pittsburgh since 1946.

45. No railroad company has had any ownership or operating rights over the Bridge since at least 1961.

46. A historic aerial map from 1957 shows the Bridge with what appears to be a rail car using the line. The photo is attached as Exhibit 11.

47. A historic aerial map from 1967 shows that, at some point since 1957, a large building was erected on the property now owned by Wabash and a new access from Woodruff Street to the approach to the Bridge was constructed. The photo is attached as Exhibit 12.

48. The crossing was effectively abolished more than 60 years ago.

49. The Petitioner's application to abolish the former crossing is an administrative formality filed in order to comply with TUS's April 17, 2024 letter and satisfy the Court of Common Pleas' direction in the civil matter brought by Wabash.

Request for the Commission to Find an Immediate Danger to the Public

50. Petitioners' primary concern in this matter is to protect the safety of the public.

51. The condition of the Bridge presents an immediate danger to the public.

52. The Public Utility Code provides a mechanism to address immediate dangers to the public.

53. Section 2702(f) of the Public Utility Code provides that "[u]pon the commission's finding of an immediate danger to the safety and welfare of the public at any such crossing, the commission shall order the crossing to be immediately altered, improved, or suspended. Thereafter hearing shall be held and costs shall be allocated in the manner prescribed in this part."

66 Pa. C.S. § 2702(f).

54. The potential impact on the safety of travelers on SR 51 due to the serious condition of the Bridge warrants proceeding under 66 Pa.C.S. § 2702(f).

55. To protect the safety and welfare of the public, it is necessary for the Commission to grant the Petitioner's emergency application to abolish the former crossing and order the immediate removal of the Bridge and schedule a hearing thereafter to address any remaining issues.

56. The interests of Wabash, if any, can be adequately remedied pursuant to the PUC's authority to appropriate property under 66 Pa.C.S. §§ 2702(d) and 2704, and/or under the Eminent Domain Code, 26 Pa.C.S. § 502(c) in the appropriate forum.

Based on the foregoing facts and the emergent circumstances, Petitioners respectfully request the following just and reasonable relief:

- a. The Commission find that there is an immediate danger to the safety and welfare of the public due to the condition of the Bridge.
- b. Pursuant to 66 Pa.C.S. §§ 2702(c) and (f), the Commission:
 - 1) formally abolish the former crossing;
 - 2) order the Bridge be immediately removed in accordance with the City and PennDOT's existing plans; and
 - 3) schedule a hearing on any remaining issues at a later date.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Karen L. Cummings

Senior Counsel

Pennsylvania Attorney I.D. Number 85556

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CITY OF PITTSBURGH

/s/ John F. Doherty
Krycia M. Kubiak, Solicitor
John F. Doherty, Associate Solicitor
Kevin T. Freyder, Assistant Solicitor City
of Pittsburgh, Department of Law City-
County Building, Suite 313
414 Grant Street
Pittsburgh, PA 15219

DATED: May 15, 2024

VERIFICATION

I, Michele Acitelli, hereby state that the facts set forth in the above Petition for Special Relief Under 66 Pa.C.S. § 2702(f) are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Date: 5/15/24

Michele
Acitelli

 Digitally signed by Michele
Acitelli
Date: 2024.05.15 09:05:11
-04'00'

Michele Acitelli, P.E.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re. Emergency Application of the Department of :
Transportation of the Commonwealth of Pennsylvania : A-2024-3048837
and the City of Pittsburgh for approval to abolish the : **Electronically Filed**
public above grade crossing and remove the bridge :
carrying the abandoned cartway of Pittsburgh & West :
Virginia Railway Company (and the West Side Belt :
Railroad Company) above S.R. 0051, DOT Number :
472 968G in the City of Pittsburgh, Allegheny County :
and the allocation of costs incident thereto. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below:

Service by Electronic Mail

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Michael.lichte@alcosan.org

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



Karen L. Cummings

Senior Counsel

Office of Chief Counsel

P.O. Box 8212

Harrisburg, PA 17105-8212

Telephone No.: 717/787-3128

Fax No.: 717/772-2741

DATED: May 15, 2024

THE PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF PENNSYLVANIA

Application Docket No. 20890-1929.

In re: Application of the COUNTY OF ALLEGHENY for the approval of the construction of a highway crossing on the Saw Mill Run Boulevard, under the tracks and right of way of the Pittsburgh & West Virginia Railway Company, in the City of Pittsburgh, Allegheny County, Pennsylvania.

REPORT & ORDER

BY THE COMMISSION:

This matter being before the Commission upon petition of the COUNTY OF ALLEGHENY, dated April 30, 1929, for the approval of the construction of a highway crossing on the Saw Mill Run Boulevard, under the tracks and right of way of the Pittsburgh & West Virginia Railway Company, in the City of Pittsburgh, Allegheny County, Pennsylvania, in accordance with the plan and petition filed; and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, the Commission finds and determines that the approval of the construction of highway crossing, in accordance with plan and petition filed, and the issuance of a certificate of public convenience in evidence thereof, is necessary and proper for the service, accommodation, convenience and safety of the public;

NOW, to-wit, June 4, 1929, IT IS ORDERED:
That a certificate of public convenience issue evidencing the Commission's approval of the construction of highway crossing, as above determined.

THE PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF PENNSYLVANIA

Wm. D. B. Ainey, Chairman.

ATTEST:

John S. [Signature]
Secretary.

MICROFILMED



Allegheny County
Valerie McDonald Roberts
Recorder of Deeds
Pittsburgh, PA 15219

Instrument Number: 2004-28505

Recorded On: August 18, 2004 As-Deed

Parties: UNIVERSAL AUTO RADIATOR MANUFACTURING CO

To WABASH PROPERTIES L L C

of Pages: 8

Comment:

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

Deed		51.00
Pages > 4	3	
Names > 4	0	
Total:		51.00

Realty Transfer Stamp

Affidavit Attached-No	Stamp Num-T193781
PITTSBURGH	
Ward-19-BROOKLINE-MTWASHINGTON-BEECHVIEW	
Blk/Lot-5 S 125	Value 1,600,000.00
Commonwealth of Pennsylvania	16,000.00
Munic-Pittsburgh City of	24,000.00
School District-Pittsburgh	16,000.00
	56,000.00

Deed Registry Stamp

OFFICE OF PROPERTY ASSESSMENTS	-	BLOCK AND LOT NUMBER
<i>Valerie McDonald Roberts</i>		5-S-125
Date: 8-18-2004	- Int. By: VZ	5-S-200
		5-S-250

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Allegheny County, PA

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Document Number: 2004-28505
 Receipt Number: 282195
 Recorded Date/Time: August 18, 2004 12:35P
 Book-Vol/Pg: BK-DE VL-12160 PG-292
 User / Station: J Mann - Cash Super 06

Record and Return To:

HIRSHBERG GUSTINE & STRAKA
 1 OXFORD CTR STE 450
 301 GRANT ST
 PITTSBURGH PA 15219



Valerie McDonald Roberts
 Valerie McDonald-Roberts Recorder of Deeds

7

THIS DEED

MADE this 17th day of August, 2004,

BETWEEN:

**UNIVERSAL AUTO RADIATOR MANUFACTURING COMPANY ("Grantor"),
BY THE MERIDIAN GROUP, RECEIVER, and pursuant to an Order of the Court
of Common Pleas of Allegheny County dated July 20, 2004, at G.D. 02-16071**

AND

WABASH PROPERTIES, LLC

(hereinafter collectively called "Grantee")

WITNESSETH, That the said Grantor in consideration of **ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) AND OTHER GOOD AND VALUABLE CONSIDERATION** paid to The Meridian Group, Receiver, on behalf of the Grantor by the Grantee, receipt of which is hereby acknowledged, does grant, bargain, sell and convey to the said Grantee, its successors and assigns, all the Grantor's right, title and interest in and to the following property:

ALL that certain improved property in the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as more fully set forth on Exhibit "A" attached hereto.

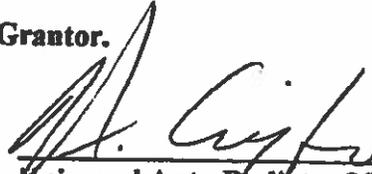
UNDER AND SUBJECT TO: mining rights and all rights and privileges incident to the mining of coal heretofore conveyed, excepted or reserved by instruments of record; the right of surface, lateral or adjacent support; or any surface subsidence.

with the appurtenances: **TO HAVE AND TO HOLD** the same to and for the use of the said Grantee, **Grantee's** successors and assigns forever.

NOTICE - THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE/HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE

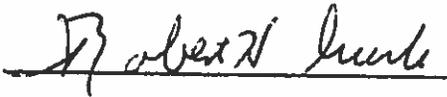
DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957 P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any).

WITNESS the hand and seal of the said Grantor.


Universal Auto Radiator Manufacturing
Company, by The Meridian Group,
Receiver

NOTICE - THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS,ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS




Wabash Properties, LLC, Manager

STATE OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY) SS:

On this 17th day of August, 2004, before me, a notary public, personally appeared Nick Arrington, duly authorized representative of The Meridian Group, Receiver, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained on behalf of the Receiver.

In witness whereof, I hereunto set my hand and official seal.

Catherine P. Ferretti

Notary Public

My Commission Expires:

Notarial Seal
Catherine P. Ferretti, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires May 13, 2006
Member, Pennsylvania Association Of Notaries

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee is: *LLC*
Wabash Properties, c/o David A. Rohrich
2116 West Liberty Avenue
Pittsburgh, PA 15216

[Signature]

AGENT

**LEGAL DESCRIPTION
EXHIBIT "A"**

ALL those two certain pieces or parcels of ground situate in the 19th Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows:

FIRST DESCRIBED

ALL that certain piece of ground situate in the 19th Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point on the dividing line between the property herein described and property now or late of The Pittsburgh & West Virginia Railway Company, said point being distant 38.29 feet measured, South 26' 54' 40" West, along said dividing line, from the Southwesterly side of Saw Mill Run Boulevard; thence by a line parallel with and distant 35 feet from the said side of Saw Mill Run Boulevard, South 39' 10' 35" East, 316.62 feet to a point; thence by other land of the City of Pittsburgh, South 72' 25' 45" West, 246.34 feet to a point on line of land now or late of The Pittsburgh & West Virginia Railway Company; thence by said land, the following four courses and distances: North 29' 16' 50" West, 34.49 feet to a point; thence North 6' 20' 20" West, 108.59 feet to a point; thence South 85' 05' 40" West, 30.00 feet to a point; thence North 26' 54' 40" East, 206.77 feet to the place of beginning.

TOGETHER with an easement or right of way for ingress, egress and regress over a strip of land, 35 feet wide, bounded and described as follows:

BEGINNING at a point at the Southeasterly corner of the land above described; thence along said land, North 39' 10' 35" West, 35.00 feet to a point; thence North 72' 25' 45" East, 37.64 feet to a point on the Southwesterly side of Saw Mill Run Boulevard; thence along said side of Saw Mill Run Boulevard, South 39' 10' 35" East, 35.00 feet to a point; thence by other land of the City of Pittsburgh, South 72' 25' 45" West, 37.64 feet to the place of beginning.

SECOND DESCRIBED

ALL that certain piece of ground situate in the 19th Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point on the Southeasterly side of Woodruff Street at the dividing line between Lots Nos. 141 and 142 in the Walsh and Wilbert Plan of Lots, recorded in the Recorder's Office of Allegheny County in Plan Book Volume 4, page 324; thence by said dividing line, South 64' 10' 20" East, 100 feet to a point; thence South 35' 24' 55" West, 50.56 feet to a point on the dividing line between Lots Nos. 143 and 144 in said plan; thence by said dividing line, South 64' 10' 20" East, 105.43 feet to a point on the Northwesterly side of Rubicon Street; thence by said side of Rubicon Street, South 25' 50' 40" West, 124.56 feet to a point on the Northeasterly side of Leaton Way; thence by said side of Leaton way, North 54' 03' 50" West, 100.88 feet to a point at the corner of Lots Nos. 147 and 149 in said plan; thence South 43' 31' 40" West, and in part along the Southeasterly side of what was formerly Millstone Way, 50.27 feet to a point on the dividing line between Lots Nos. 151 and 152 in said plan; thence by said dividing line, South 46' 28' 20" East, 100 feet to a point on the Northwesterly side of Rubicon Street; thence by said side of Rubicon Street, South 43' 31' 40" West, 418.92 feet to an angle; thence continuing by said side of Rubicon Street South 72' 52' 40" West, 520.76 feet to an angle; thence along the end of Rubicon Street South 26' 54' 40" West, 34.26 feet to a point on the Northeasterly side of Saw Mill Run Boulevard; thence South 26' 54' 40" West, crossing Saw Mill Run Boulevard, 76.57 feet to a point on the Southwesterly side of Saw Mill Run Boulevard; thence by land now or late of the City of Pittsburgh, the following four courses and distances: South 26' 54' 40" West, 245.06 feet to a point thence North 85' 05' 40" East, 30 feet to a point; thence South 6' 20' 20" East, 108.59 feet to a point; thence South 29' 16' 50" East, 34.49 feet to a point; thence by other land of The Pittsburgh & West Virginia Railway Company, South 72' 25' 45" West, 31.71 feet to a point on the Easterly right of way line of The Pittsburgh & West Virginia Railway Company, said point being 41.57 feet distant from the monumented center line of said Railway Company when measured North 48' 16' 40" East, from Survey-Station 118+66.9; thence along the Easterly right of way line of the said Railway Company, North 38' 38' 20" West, 347.80 feet to a point, said point being 60.28 feet distant from the monumented center line of said Railway Company when measured, North 48' 16' 40" East, from a point of tangent at Survey-Station 115+19.6; thence continuing along the Easterly right of way line of the said Railway Company on the same course,, North 38' 38' 20" West, a distance of 155.61 feet to a point; thence by other lands of said Railway Company, North 22' 43' 10" East, a distance of 224.71 feet to the Southerly line of Woodruff Street, formerly Woodville Avenue in an Easterly direction, crossing Saw Mill Run Boulevard, by an arc of a circle curving to the left, having a radius of 865 feet; an arc distance of 448.43 feet to a point of tangent; thence continuing along the Southerly side of Woodruff

Street, formerly Woodville Avenue, North 67' 19' 55" East, a distance of 67.91 feet to a point of curve; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, in an Easterly direction by an arc of a circle curving to the left, having a radius of 1,165 feet, an arc distance of 648.96 feet to a point of tangent; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, North 35' 24' 55" East, a distance of 149.05 feet to a point at the place of beginning.

TOGETHER with any right, title, interest, claim and demand which Hahn Furniture Company has or may have in and to any lands lying between the tract of land above described and Woodruff Street, formerly Woodville Avenue, as presently constituted.

EXCEPTING AND RESERVING, however, that portion conveyed by Hahn Furniture Company, a Pennsylvania corporation, to Port Authority of Allegheny County, a Pennsylvania corporation, dated November 30, 1971 and recorded December 1, 1971 in Deed Book Volume 5036, page 487.

EXCEPTING AND RESERVING therefrom and thereout unto the Grantor, its successors and assigns, all its right, title, interest and estate, if any, it may be seized of or hold in and to the viaduct crossing Saw Mil Run Boulevard, the pillars and other appurtenances thereof and the land underlying same, it being understood that the within conveyance does not cover or include, nor is it intended to cover or include, the said viaduct, pillars and appurtenances, it being the understanding of the parties hereto that said viaduct, pillars and appurtenances are the property of the City of Pittsburgh pursuant to Ordinance No. 72, 1925 and Ordinance No. 247, 1929.

TOGETHER WITH a right of way over the aforesaid viaduct for ingress, egress, and regress, for pedestrian and vehicular traffic to the Grantee herein, its successors and assigns.

BEING designated as Block & Lot: 5-S-125, 5-S-200 and 5-S-250 in the Deed Registry Office of Allegheny County, Pennsylvania.

BEING the same property which Chartiers Valley Industrial & Commercial Development Authority, a public instrumentality of the Commonwealth of Pennsylvania and a body corporate and politic, by deed dated July 19, 1985 and recorded in the Recorder's Office of Allegheny County, Pennsylvania in Deed Book Volume 7122, page 198, conveyed to Universal Auto Radiator Manufacturing Company.

EXCEPTING AND RESERVING therefrom and thereout that portion of the aforesaid premises as a required right of way of the Commonwealth of Pennsylvania, conveyed to the Commonwealth of Pennsylvania, Department of Transportation from Universal Auto Radiator Manufacturing Company by deed dated August 5, 1999 and recorded in deed Book Volume 10590, page 50.

1-c-T
S.S.

BLOCK & LOT NO.	DEED REGISTRY	DATE: <i>7/17/85</i>	Init:
		<i>Wm. J. D. ...</i>	

DEED

INDENTURE made this 19th day of July, in the year of our Lord, one thousand nine hundred and eighty-five (1985),

BETWEEN

CHARIERS VALLEY INDUSTRIAL & COMMERCIAL DEVELOPMENT AUTHORITY, a public instrumentality of the Commonwealth of Pennsylvania and a body corporate and politic, hereinafter referred to as "Grantor"; party of the first part,

A
N
D

UNIVERSAL AUTO RADIATOR MANUFACTURING COMPANY, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, hereinafter referred to as "Grantee", party of the second part.

NOW, THIS INDENTURE WITNESSETH, That Grantor, for and in consideration of the sum of One and No/100 (\$1.00) Dollar, and other good and valuable consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, released and conveyed, and by these presents does grant, bargain, sell, release and convey unto the said Grantee, its successors and assigns, forever,

ALL those two certain pieces or parcels of ground situate in the 19th Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to-wit:

FIRST DESCRIBED

ALL that certain piece of ground situate in the 19th Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the dividing line between the property herein described and property now or late of The Pittsburgh & West Virginia Railway Company, said point being distant 38.29 feet measured, South 26° 54' 40" West, along said dividing line, from the Southwesterly side of Saw Mill Run Boulevard; thence by a line parallel with and distant 35 feet from the said side of Saw Mill Run Boulevard, South 39° 10' 35" East, 316.62 feet to a point; thence by other land of the City of Pittsburgh, South 72° 25' 45" West, 246.34 feet to a point on line of land now or late of The Pittsburgh & West Virginia Railway Company; thence by said land, the following four courses and distances: North 29° 16' 50" West, 34.49 feet to a point; thence North 6° 20' 20" West, 108.59 feet to a point; thence South 85° 05' 40" West, 30.00 feet to a point; thence North 26° 54' 40" East, 206.77 feet to the place of beginning.

*Map 5-3-100
Pt 5-3-280*

TOGETHER WITH an easement or right-of-way for ingress, egress and regress only over a strip of land, 35 feet wide, bounded and described as follows:

BEGINNING at a point at the Southeasterly corner of the land above described; thence along said land, North $39^{\circ} 10' 35''$ West, 35.00 feet to a point; thence North $72^{\circ} 25' 45''$ East, 37.64 feet to a point on the Southwesterly side of Saw Mill Run Boulevard; thence along said side of Saw Mill Run Boulevard, South $39^{\circ} 10' 35''$ East, 35.00 feet to a point; thence by other land of the City of Pittsburgh, South $72^{\circ} 25' 45''$ West, 37.64 feet to the place of beginning.

SECOND DESCRIBED

ALL that certain tract of land situate in the 19th Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the Southeasterly side of Woodruff Street at the dividing line between Lots Nos. 141 and 142 in the Walsh and Wilbert Plan of Lots, recorded in the Recorder's Office of Allegheny County in Plan Book Volume 4, Page 324; thence by said dividing line, South $64^{\circ} 10' 20''$ East, 100 feet to a point; thence South $35^{\circ} 24' 55''$ West, 50.56 feet to a point on the dividing line between Lots Nos. 143 and 144 in said plan; thence by said dividing line, South $64^{\circ} 10' 20''$ East, 105.43 feet to a point on the Northwesterly side of Rubicon Street; thence by said side of Rubicon Street, South $25^{\circ} 50' 40''$ West, 124.56 feet to a point on the Northeasterly side of Leaton Way; thence by said side of Leaton Way, North $54^{\circ} 03' 50''$ West, 100.88 feet to a point at the corner of Lots Nos 147 and 149 in said plan; thence South $43^{\circ} 31' 40''$ West, and in part along the Southeasterly side of what was formerly Millstone Way, 50.27 feet to a point on the dividing line between Lots Nos. 151 and 152 in said plan; thence by said dividing line, South $46^{\circ} 28' 20''$ East, 100 feet to a point on the Northwesterly side of Rubicon Street; thence by said side of Rubicon Street, South $43^{\circ} 31' 40''$ West, 418.92 feet to an angle; thence continuing by said side of Rubicon Street South $72^{\circ} 52' 40''$ West, 520.76 feet to an angle; thence along the end of Rubicon Street South $26^{\circ} 54' 40''$ West, 34.26 feet to a point on the Northeasterly side of Saw Mill Run Boulevard; thence South $26^{\circ} 54' 40''$ West, crossing Saw Mill Run Boulevard, 76.57 feet to a point on the Southwesterly side of Saw Mill Run Boulevard; thence by land now or late of the City of Pittsburgh, the following four courses and distances: South $26^{\circ} 54' 40''$ West, 245.06 feet to a point; thence North $85^{\circ} 05' 40''$ East, 30 feet to a point; thence South $6^{\circ} 20' 20''$ East, 108.59 feet to a point; thence South $29^{\circ} 16' 50''$ East, 34.49 feet to a point; thence by other land of The Pittsburgh & West Virginia Railway Company, South $72^{\circ} 25' 45''$ West, 31.71 feet to a point on the Easterly right-of-way line of The Pittsburgh & West Virginia Railway Company, said point being 41.57 feet distant from the monumented center line of said Railway Company when measured North $48^{\circ} 16' 40''$ East, from Survey-Station 118+66.9; thence along the Easterly

right-of-way of line of the said Railway Company, North 38° 38' 20" West, 347.80 feet to a point, said point being 60.28 feet distant from the monumented center line of said Railway Company when measured, North 48° 16' 40" East, from a point of tangent at Survey-Station 115+19.6; thence continuing along the Easterly right-of-way line of the said Railway Company on the same course, North 38° 38' 20" West, a distance of 155.61 feet to a point; thence by other lands of said Railway Company, North 22° 43' 10" East, a distance of 224.71 feet to the Southerly line of Woodruff Street, formerly Woodville Avenue; thence along the said Southerly side of Woodruff Street, formerly Woodville Avenue in an Easterly direction, crossing Saw Mill Run Boulevard, by an arc of a circle curving to the left, having a radius of 865 feet, an arc distance of 448.43 feet to a point of tangent; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, North 67° 19' 55" East, a distance of 67.91 feet to a point of curve; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, in an Easterly direction by an arc of a circle curving to the left, having a radius of 1,165 feet, an arc distance of 648.96 feet to a point of tangent; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, North 35° 24' 55" East, a distance of 149.05 feet to a point at the place of beginning.

TOGETHER WITH any right, title, interest, claim and demand which Hahn Furniture Company has or may have in and to any lands lying between the tract of land above described and Woodruff Street, formerly Woodville Avenue, as presently constituted.

EXCEPTING AND RESERVING, however, that portion conveyed by Hahn Furniture Company, a Pennsylvania corporation, to Port Authority of Allegheny County, a Pennsylvania corporation, dated November 30, 1971 and recorded December 1, 1971, in Deed Book Volume 5036, Page 487.

EXCEPTING AND RESERVING therefrom and thereout unto the Grantor, its successors and assigns, all its right, title, interest and estate, if any, it may be seized of or hold in and to the viaduct crossing Saw Mill Run Boulevard, the pillars and other appurtenances thereof and the land underlying same, it being understood that the within conveyance does not cover or include, nor is it intended to cover or include, the said viaduct, pillars and appurtenances, it being the understanding of the parties hereto that said viaduct, pillars and appurtenances are the property of the City of Pittsburgh pursuant to Ordinance No. 72, 1925 and Ordinance No. 247, 1929.

TOGETHER WITH a right-of-way over the aforesaid viaduct for ingress, egress, and regress, for pedestrian and vehicular traffic to the Grantee herein, its successors and assigns.

UNDER AND SUBJECT TO:

1. Coal and mining rights and all rights and privileges incident to the mining of coal here-

tofore conveyed or reserved by instruments of record; right of surface, lateral or subjacent support; or any surface subsidence.

2. Drainage easements and easements in slopes of cuts and fills as reserved in deed from The Pittsburgh & West Virginia Railway Company to the City of Pittsburgh, dated February 18, 1927 and recorded in Deed Book Volume 2323, Page 197, and in deed from The Pittsburgh & West Virginia Railway Company to Hahn Furniture Company, dated August 25, 1961 and recorded in Deed Book Volume 3950, Page 687.
3. Rights of others in and to Saw Mill Run.
4. Rights of the public in and to the following roads:
 - (a) Saw Mill Run Boulevard.
 - (b) Leaton Way (formerly Lee Alley) as shown on the Walsh and Gilbert Plan, recorded in Plan Book Volume 4, Page 324.
 - (c) Millstone Way (formerly May Alley) as shown on the Walsh and Gilbert Plan, recorded in Plan Book Volume 4, Page 324.
5. Drainage easements and easements in cuts and fills of slopes along the State or Federal road known as Saw Mill Run Boulevard.
6. Existing utility lines, if any.

BEING designated Block 5-S, Lots Nos. 125, 200 and 250, in the Deed Registry Office of Allegheny County.

BEING the same premises conveyed to Grantor by deed from Hahn Furniture Company, a Pennsylvania corporation dated July 19, 1985 and to be recorded in the Allegheny County Recorder of Deeds Office prior hereto.

TOGETHER WITH the appurtenances.

TO HAVE AND TO HOLD the same unto and for the use of said Grantee, its successors and assigns, forever.

AND the said Grantor, for itself, its successors and assigns, covenant with the said Grantee, its successors and assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, Grantor, shall and will, subject aforesaid SPECIALLY WARRANT AND DEFEND.

NOTICE -- THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the grantee to be-

1000 Saw Mill Run Boulevard
Pittsburgh, PA 15220

Margaret Uaita
Agent

RECORDER OF DEEDS
ALLEGHENY COUNTY, PA
JUL 22 4 08 PM '85

STATE OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) S.S.

RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC. IN AND FOR THE SAID COUNTY, ON THE 22nd DAY OF July 1985, IN Deed BOOK VOL 7122 PAGE 198. WITNESS MY HAND AND SEAL OF SAID OFFICE THE DAY AND YEAR AFORESAID.

Michael J. Feltham RECORDER



JUL 22 85 63447

Pgh 19-66
FROM
CHARTERS VALLEY INDUSTRIAL & COMMERCIAL DEVELOPMENT AUTHORITY

TO
UNIVERSAL AUTO RADIATOR MANUFACTURING COMPANY

*1550ac
165
m2*

DEED

AFFIDAVIT

MAIL TO:
William D. Sutton, Esq.
One Riverfront Center
Pittsburgh, PA 15222.

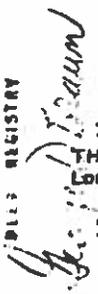
DEED
REGISTRY
Jul 24 '85

COMMONWEALTH OF
PENNSYLVANIA
ALLEGHENY COUNTY



COMMONWEALTH OF PENNSYLVANIA
TITLE INSURANCE COMPANY
A Mutual Group Company
UNION TITLE DIVISION
210 Grant Street
Pittsburgh, PA 15210

1-C-1
5-3

BLOCK & LOT NO.	P.L.S. REGISTRY		Int:
			DATE:

DEED

THIS INDENTURE made this 19th day of July, in the year of our Lord, one thousand nine hundred and eighty-five (1985),

BETWEEN

HAHN FURNITURE COMPANY, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, hereinafter referred to as "Grantor"; party of the first part,

A
N
D

CHARTIERS VALLEY INDUSTRIAL & COMMERCIAL DEVELOPMENT AUTHORITY, a public instrumentality of the Commonwealth of Pennsylvania, and a body corporate and politic, hereinafter referred to as "Grantee", party of the second part.

NOW, THIS INDENTURE WITNESSETH, That Grantor, for and in consideration of the sum of One and No/100 (\$1.00) Dollar, and other good and valuable consideration, unto it well and truly paid by the said Grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, released and conveyed, and by these presents does grant, bargain, sell, release and convey unto the said Grantee, its successors and assigns, forever,

ALL those two certain pieces or parcels of ground situate in the 19th Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to-wit:

FIRST DESCRIBED

ALL that certain piece of ground situate in the 19th Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the dividing line between the property herein described and property now or late of The Pittsburgh & West Virginia Railway Company, said point being distant 38.29 feet measured, South 26° 54' 40" West, along said dividing line, from the Southwesterly side of Saw Mill Run Boulevard; thence by a line parallel with and distant 35 feet from the said side of Saw Mill Run Boulevard, South 39° 10' 35" East, 316.62 feet to a point; thence by other land of the City of Pittsburgh, South 72° 25' 45" West, 246.34 feet to a point on line of land now or late of The Pittsburgh & West Virginia Railway Company; thence by said land, the following four courses and distances: North 29° 16' 50" West, 34.49 feet to a point; thence North 6° 20' 20" West, 108.59 feet to a point; thence South 85° 05' 40" West, 30.00 feet to a point; thence North 26° 54' 40" East, 206.77 feet to the place of beginning.

TOGETHER WITH an easement or right-of-way for ingress, egress and regress only over a strip of land, 35 feet wide, bounded and described as follows:

BEGINNING at a point at the Southeasterly corner of the land above described; thence along said land, North 39° 10' 35" West, 35.00 feet to a point; thence North 72° 25' 45" East, 37.64 feet to a point on the Southwesterly side of Saw Mill Run Boulevard; thence along said side of Saw Mill Run Boulevard, South 39° 10' 35" East, 35.00 feet to a point; thence by other land of the City of Pittsburgh, South 72° 25' 45" West, 37.64 feet to the place of beginning.

SECOND DESCRIBED

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right-of-way of line of the said Railway Company, North 38° 38' 20" West, 347.80 feet to a point, said point being 60.28 feet distant from the monumented center line of said Railway Company when measured, North 48° 16' 40" East, from a point of tangent at Survey-Station 115+19.6; thence continuing along the Easterly right-of-way line of the said Railway Company on the same course, North 38° 38' 20" West, a distance of 155.61 feet to a point; thence by other lands of said Railway Company, North 22° 43' 10" East, a distance of 224.71 feet to the Southerly line of Woodruff Street, formerly Woodville Avenue; thence along the said Southerly side of Woodruff Street, formerly Woodville Avenue in an Easterly direction, crossing Saw Mill Run Boulevard, by an arc of a circle curving to the left, having a radius of 865 feet, an arc distance of 448.43 feet to a point of tangent; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, North 67° 19' 55" East, a distance of 67.91 feet to a point of curve; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, in an Easterly direction by an arc of a circle curving to the left, having a radius of 1,165 feet, an arc distance of 648.96 feet to a point of tangent; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, North 35° 24' 55" East, a distance of 149.05 feet to a point at the place of beginning.

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EXCEPTING AND RESERVING therefrom and thereout unto the Grantor, its successors and assigns, all its right, title, interest and estate, if any, it may be seized of or hold in and to the viaduct crossing Saw Mill Run Boulevard, the pillars and other appurtenances thereof and the land underlying same, it being understood that the within conveyance does not cover or include, nor is it intended to cover or include, the said viaduct, pillars and appurtenances, it being the understanding of the parties hereto that said viaduct, pillars and appurtenances are the property of the City of Pittsburgh pursuant to Ordinance No. 72, 1925 and Ordinance No. 247, 1929.

TOGETHER WITH a right-of-way over the aforesaid viaduct for ingress, egress, and regress, for pedestrian and vehicular traffic to the Grantee herein, its successors and assigns.

UNDER AND SUBJECT TO:

1. Coal and mining rights and all rights and privileges incident to the mining of coal here-

tofore conveyed or reserved by instruments of record; right of surface, lateral or subjacent support; or any surface subsidence.

2. Drainage easements and easements in slopes of cuts and fills as reserved in deed from The Pittsburgh & West Virginia Railway Company to the City of Pittsburgh, dated February 18, 1927 and recorded in Deed Book Volume 2323, Page 197, and in deed from The Pittsburgh & West Virginia Railway Company to Hahn Furniture Company, dated August 25, 1961 and recorded in Deed Book Volume 3950, Page 687.
3. Rights of others in and to Saw Mill Run.
4. Rights of the public in and to the following roads:
 - (a) Saw Mill Run Boulevard.
 - (b) Leaton Way (formerly Lee Alley) as shown on the Walsh and Gilbert Plan, recorded in Plan Book Volume 4, Page 324.
 - (c) Millstone Way (formerly May Alley) as shown on the Walsh and Gilbert Plan, recorded in Plan Book Volume 4, Page 324.
5. Drainage easements and easements in cuts and fills of slopes along the State or Federal road known as Saw Mill Run Boulevard.
6. Existing utility lines, if any.

BEING designated Block 5-S, Lots Nos. 125, 200 and 250, in the Deed Registry Office of Allegheny County.

BEING the same premises conveyed to Hahn Furniture Company, a Pennsylvania corporation, by: (1) deed from the City of Pittsburgh, dated August 16, 1961 and recorded in Deed Book Volume 3923, Page 98, and (b) deed from The Pittsburgh & West Virginia Railway Company, dated August 25, 1961 and recorded in Deed Book Volume 3950, Page 687.

TOGETHER WITH the appurtenances.

TO HAVE AND TO HOLD the same unto and for the use of said Grantee, its successors and assigns, forever.

AND the said Grantor, for itself, its successors and assigns, covenant with the said Grantee, its successors and assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, Grantor, shall and will, subject aforesaid SPECIALLY WARRANT AND DEFEND.

NOTICE -- THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON

OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

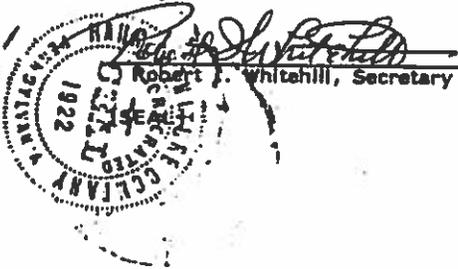
THIS DEED is made under and by virtue of a Resolution of the Board of Directors of the Grantor made pursuant to a unanimous Consent and Agreement of Directors executed on the 18th day of July, 1985, which Resolution authorized and directed the execution, acknowledgment and delivery of this Deed.

IN WITNESS WHEREOF, the said Grantor has caused its common and corporate seal to be affixed to these presents by the hand of its President and the same to be duly attested by its Secretary.

Dated the day and year first above written.

ATTEST:

HAHN FURNITURE COMPANY



By Stanley L. Hahn, President

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

APPROVED: Joseph P. White

CHARTERS VALLEY INDUSTRIAL & COMMERCIAL DEVELOPMENT AUTHORITY

By Joseph P. White

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY)

ss:

On this 19th day of July, 1985, before me, a Notary Public, the undersigned officer, personally appeared STANLEY L. HAHN, who acknowledged himself to be the President of HAHN FURNITURE COMPANY, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official

seal



Florida S. Links
Notary Public

FLORIDA S. LINKS, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES MARCH 15, 1989
Member, Pennsylvania Association of Notaries

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the grantee to be-

c/o Universal Auto Radiator Manufacturing Company
1000 Saw Mill Run Boulevard
Pittsburgh, PA 15220

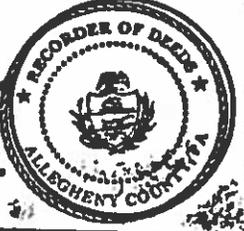
Margaret Urata
Agent

RECORDER OF DEEDS
ALLEGHENY COUNTY, PA
Jul 22 4 08 PM '85

STATE OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) S.S.

RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC. IN AND FOR THE SAID COUNTY, ON THE 22nd DAY OF July 1985 IN DEED BOOK VOL. 7122 PAGE 197. WITNESS MY HAND AND SEAL OF SAID OFFICE THE DAY AND YEAR AFORESAID.

Michael J. Kelly RECORDER



JUL 22 85 631116
Pg 19-64 (1)

FROM
HAIN FURNITURE COMPANY

TO
CHARTIERS VALLEY INDUSTRIAL & COMMERCIAL DEVELOPMENT AUTHORITY

DEED

AFFIDAVIT

MAIL TO:
Jacqueline Weitzel
Buchanan Ingersoll
57th Floor, 600 Grant Street
Pittsburgh, PA 15219

DEED
REGISTRY
Jul 24 '85
COUNTY OF
ALLEGHENY, PA.

COMMONWEALTH LAND
TITLE INSURANCE COMPANY
A National Group Company
UNION TITLE DIVISION
210 Grant Street
Pittsburgh, PA 15219

Made the 30th day of November, in the year of our Lord, one thousand nine hundred and seventy-one (1971).

BETWEEN HAHN FURNITURE COMPANY, a Pennsylvania corporation, having its domicile in the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, party of the first part,

A
N
D

PORT AUTHORITY OF ALLEGHENY COUNTY, a corporation under the laws of the Commonwealth of Pennsylvania, pursuant to the Second Class County Port Authority Act, having its domicile in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE HUNDRED TEN THOUSAND AND 00/100 (\$110,000.00) DOLLARS, lawful money of the United States of America, unto the party of the first part well and truly paid by the said party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said party of the second part, its successors and assigns,

ALL those certain parcels of ground situate in the 19th Ward, City of Pittsburgh, County of Allegheny, Pennsylvania, being all of Parcels 332, 331, 331-A and portions of Parcels 330 and 329, as shown on the Property Acquisition Map for the Transit Expressway Revenue Line, as prepared by Kaiser Engineers dated September 2, 1971 and surveyed by Lorenzi, Dodds & Gunnill in September, 1971, revised October 28, 1971, R/W 139-2 marked Exhibit A and to be recorded herewith.

FIRST: BEGINNING at a point on the southeasterly line of Woodruff Street, 60 feet wide, on the dividing line between Lot No. 141 and No. 142 in the Walsh and Wilbert Plan, as recorded in the Recorder of Deeds, Plans, etc., Office of Allegheny County, Pennsylvania, in Plan Book Volume 4, page 324; thence along said dividing line South 62° 42' 20" East, a distance of 100.00 feet to a point; thence through Lots Nos. 142 and 143 South 36° 52' 55" West, a distance of 50.56 feet to a point on the dividing line between Lots Nos. 143 and 144 in said plan; thence along said line dividing Lots Nos. 143 and 144 South 62° 42' 20" East, a distance of 105.43 feet to a point on the northwesterly line of Rubicon Street, 40 feet wide; thence along the northwesterly line of Rubicon Street, South 27° 18' 40" West, a distance of 124.56 feet to a point; thence along the northeasterly line of Leaton Way, 16 feet wide, North 52° 35' 50" West, a distance of 100.88 feet to a point; thence crossing Leaton Way and along the southeasterly line of Millstone Way, 16 feet wide, South 44° 59' 40" West, a distance of 50.27 feet to a point at the dividing line between Lots 151 and 152 in aforesaid Walsh and Wilbert Plan; thence along said line dividing Lots Nos. 151 and 152, South 45° 00' 20" East, a distance of 100.00 feet to a point on the aforesaid northwesterly line of Rubicon Street; thence along the northwesterly line of Rubicon Street, South 44° 59' 40" West, a distance of 418.92 feet to a point; thence by the same South 74° 20' 40" West, a distance of 230.00 feet to a point; thence through lands of the grantor herein, North 26° 31' 49" West, a distance of 182.78 feet to a point on the aforesaid southeasterly line of Woodruff Street; thence along the southeasterly line of Woodruff Street, by an arc of a circle curving to the left, having a radius of 1,165.00 feet, for an arc distance of 502.00 feet

5 M 55
GLOBE 10169
5 M 65
P. O. 1900
5 S
CUSTODIAN
DATE 12-7-71

(PART OF 5-S-125
TO BE 5-S-100)

5-M-55
5-M-60
5-M-65

CONTAINING approximately 100,750.00 square feet and subject to the rights of the public in Millstone and Loaton Ways.

EXCEPTING AND RESERVING forever for the use of the grantor, its successors, transferees and assigns, and in common with the grantee herein, the use of and the right of ingress, egress and regress thereto and therefrom, that portion of the above described property that is now used as a driveway and the center line of which is described as follows:

BEGINNING at a point on the southeasterly line of Woodruff Street at the center line of a 25-foot wide driveway, said point of beginning is also located 693.04 feet along said southeasterly line of Woodruff Street in a southwesterly direction from the aforesaid dividing line of Lots Nos. 141 and 142 in the Walsh and Wilbert Plan; thence in a southeasterly direction along the center line of a 25-foot wide driveway, a distance of 45 feet, more or less, to a point; thence in a southwesterly direction along the center line of a 15-foot wide driveway, a distance of 45 feet, more or less, to a point on other lands of the grantor herein.

The party of the second part hereby agrees to make all repairs necessary for the maintenance and upkeep of the said Woodruff ^{driveway} and to pay all expenses incurred in connection therewith.

SECOND: TOGETHER WITH a strip of land over part of the remaining property of the grantor herein, running in a southwesterly direction, from the southwesterly line of the parcel above described, to the northwesterlymost line of the remaining property of the grantor. The center line of the strip is described as follows:

BEGINNING at a point on the center line of the aforesaid strip of land on the southwesterly, or westerlymost, line of the above described parcel, said point also being located South 26° 31' 49" West along said line, a distance of 32.11 feet from the southeasterly line of Woodruff Street, 60 feet wide; thence along the center line of said strip of land the following courses:

FIRST: By an arc of a circle curving to the right, having a radius of 950.00 feet for an arc distance of 41.64 feet to a point. (Station S C 566 + 11.570)

SECOND: With a spiral curve deflecting to the right, having the following properties: angle 4° 31' 24.1", length on tangent 149.91 feet, offset from tangent 3.95 feet, for a length of 150.00 feet to a point. (Station T S 564 + 61.570)

THIRD: South 76° 13' 00" West, a distance of 424.007 feet to a point. (Station S T 560 + 37.563)

FOURTH: With a spiral curve deflecting to the left, having the following properties: angle 9° 32' 57.5" length on tangent 199.45 feet, offset from tangent 11.90 feet for a length of 15.70 feet to a point of ending on the line dividing property of the grantor herein from lands now or formerly of Pittsburgh and West Virginia Railway Company.

Said point of ending being located North 24° 11' 10" East, a distance of 122.73 feet from the westerlymost corner of the property of the grantor herein.

The southerly line of said strip of land is 15.00 feet distant therefrom, and parallel with, the above described center line.

PART OF 5-5-125
AND R - 5-5-250
— 5-5-130

The northerly line of said strip of land follows the southerly line of Woodruff Street for that portion eastwardly of the easterly line of Saw Mill Run Boulevard, and is 15.00 feet distant therefrom, and parallel with, the above described center line for the portion westwardly of the easterly line of Saw Mill Run Boulevard.

EXCEPTING AND RESERVING from the above description, that portion of right-of-way in Saw Mill Run Boulevard, bounded and described as follows:

BEGINNING at a point on the westerly right-of-way line of Saw Mill Run Boulevard at its intersection with the Port Authority of Allegheny County Transit Expressway Revenue Line, at Station 561 + 81.10; thence along the said westerly line of Saw Mill Run Boulevard, North 37° 42' 35" West, a distance of 16.41 feet to a point on the northerly right-of-way line of the Transit Expressway Revenue Line; thence crossing Saw Mill Run Boulevard and along said northerly right-of-way line, North 76° 13' 00" East, a distance of 194.64 feet to a point on the easterly right-of-way line of Saw Mill Run Boulevard; thence in a southwesterly direction along the easterly right-of-way line of Saw Mill Run Boulevard, by an arc of a circle curving to the left, having a radius of 80.00 feet for an arc distance of 43.31 feet to a point on the southerly right-of-way line of the Transit Expressway Revenue Line; thence crossing Saw Mill Run Boulevard, South 76° 13' 00" West, a distance of 150.82 feet to the afore-said westerly right-of-way line of Saw Mill Run Boulevard; thence along said westerly right-of-way line of Saw Mill Run Boulevard, North 37° 42' 35" West, a distance of 16.41 feet to the point of beginning.

EXCEPTING AND RESERVING therefrom forever for the use of the grantor, its successors, transferees and assigns, the property, as well as the right of ingress, egress and regress thereto and therefrom, situate below the aerial structures to be erected by the grantee and to be used for the Transit Expressway Revenue Line, provided, however, that the grantor, its successors, transferees and assigns shall use the surface property under the aerial structures for (a) parking and similar incidental purposes; (b) any use not inconsistent with the operation of the Transit Expressway Revenue Line; (c) no use which shall endanger the structure, or the health, safety or welfare of the traveling public; (d) no flammables, explosives, dangerous or hazardous materials shall be used, placed or stored under the aerial easement; (e) or for any use not inconsistent with the operations of the Transit Expressway Revenue Line; and provided further that if it becomes necessary for the grantor to relocate the existing gas pumps and tanks, grantee shall reimburse grantor for all costs of such relocation; and provided further that any proposed uses other than those herein stipulated must be agreed to in writing by grantee.

BEING part of the same premises as the Pittsburgh and West Virginia Railway Company by deed dated August 25, 1961 and recorded in the Recorder's Office of Allegheny County granted and conveyed to the grantor herein in Deed Book Volume 3950, page 687.

TOGETHER with all and singular the improvements, ways, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions, and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said party of the first part, in law, equity or otherwise, however, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said described parcel of land, the

only proper use and behoof of the said party of the second part, its successors and assigns forever.

AND the said party of the first part, its successors and assigns, by these presents does covenant, grant and agree to and with the said party of the second part, its successors and assigns that the said party of the first part, its successors and assigns, all and singular the hereditaments and premises hereinabove described and granted, or mentioned, and intended so to be, with the appurtenances, unto the said party of the second part, its successors and assigns, against it, the said party of the first part, and its successors and assigns, and against all and every other person or persons whomsoever, lawfully claiming or to claim the same or any part thereof, SHALL AND WILL SPECIALLY WARRANT AND FOREVER DEFEND.

This Deed is made under and by virtue of a Resolution of the Board of Directors of the party of the first part duly passed at a regular meeting thereof, held on the 11th day of November, A.D. 19 71, a full quorum being present, authorizing and directing the same to be made and done.

IN WITNESS WHEREOF, the said Corporation, party of the first part, has caused its common and corporate seal to be affixed to these presents by the hand of its President and the same to be duly attested by its Secretary, the day and year first above written.

ATTEST:

HANN FURNITURE COMPANY

E. J. Damaska
Secretary

By Saul O. Pader
President



STATE OF PENNSYLVANIA

COUNTY OF ALLEGHENY

SS:

On this, the 30th day of November, 1971,
before me, a Notary Public in and for the Commonwealth of
Pennsylvania, the undersigned officer, personally appeared
Stanley L. Hahn and E. J. Damaske
who acknowledged themselves to be the President and Secretary
of Hahn Furniture Company, and being authorized to do so, executed
the foregoing instrument for the purposes therein contained by
signing the same of the Corporation by themselves as officers.

IN WITNESS WHEREOF, I hereunto set my hand and official
seal.


Anthony R. Cgmport (SEAL)
Notary Public

My Commission Expires:

ANTHONY R. CGMPORT, Notary Public
PITTSBURGH, ALLEGHENY COUNTY, PA.
MY COMMISSION EXPIRES
JANUARY 22, 1973

CERTIFICATE OF RESIDENCE

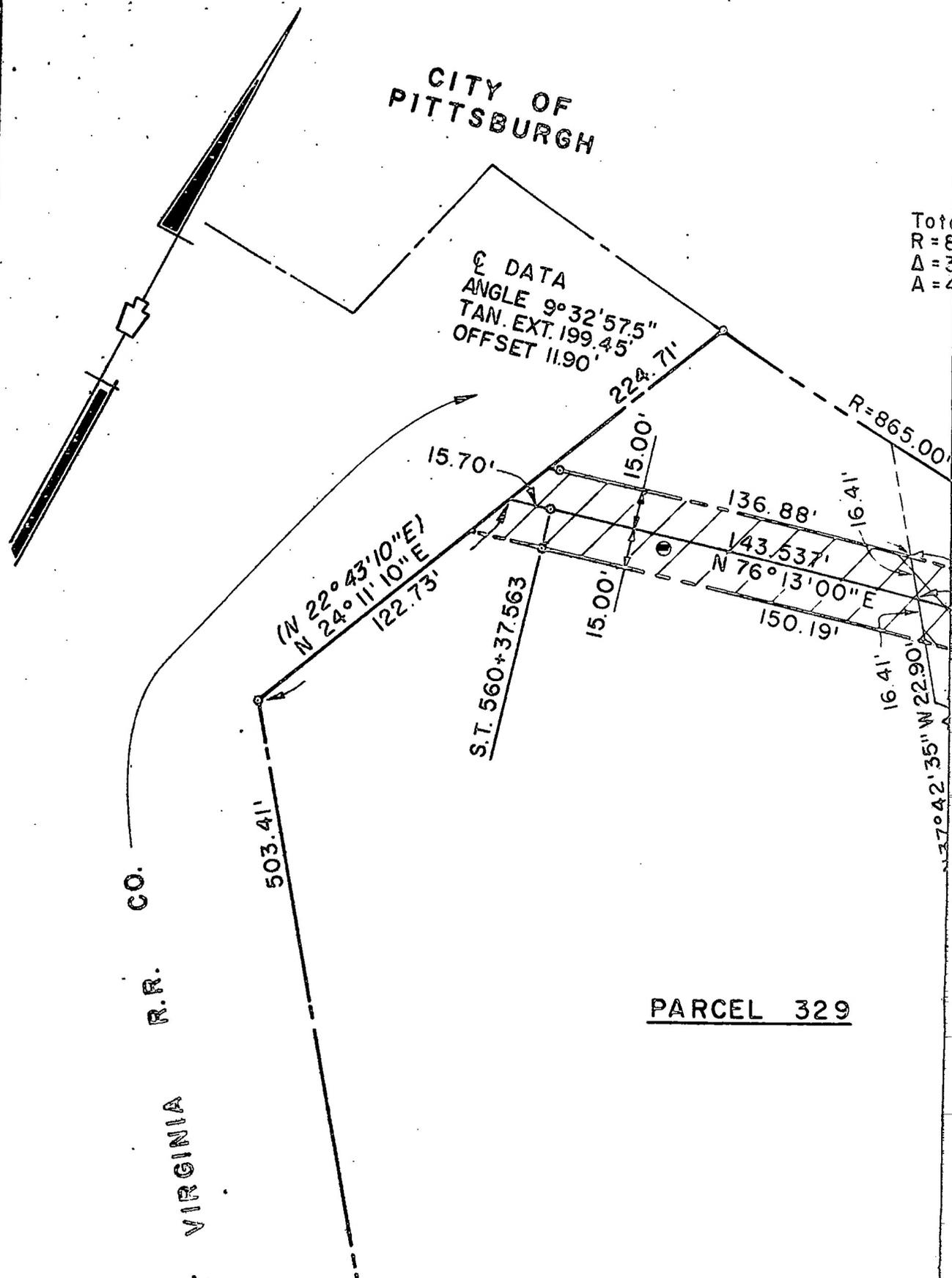
I hereby certify that Grantee's precise address is
Port Authority of Allegheny County, 100 Fifth Avenue, Pittsburgh,
Pennsylvania 15222, c/o Early Action Program.

Mary Ann Miller

CITY OF
PITTSBURGH

Total
R=8
Δ=3
A=2

Q DATA
ANGLE 9°32'57.5"
TAN. EXT. 199.45'
OFFSET 11.90'



R.R. CO.

ST VIRGINIA

ST VIRGINIA

PARCEL 329

503.41'

(N 22°43'10"E)
N 24°11'10"E
122.73'

S.T. 560+37.563

224.71'

R=865.00'

15.70'

15.00'

136.88'

16.41'

143.537'

N 76°13'00"E

150.19'

15.00'

16.41'

37°42'35" W 22.90'

AND
PITTSBURGH

(N 38° 38' 20" W)
(N 37° 10' 20" W)

PARCEL

31.71'

N 73° 53' 45" E
(N 72° 25' 45" E)

264.34'

SURVEYED BY
LORENZI, DODDS AND GUNNILL Inc.
CONSULTING ENGINEERS
PITTSBURGH PA.
SEPT. 1971 614-C BOOK I No 21057



Donald T. McQuillan
D.T. McQUILLAN - R.S.

60809	BRAUN & FULTON SURVEY C-8383
DWG. No.	REFERENCE

CONS
PITT

R = 80.00'
Δ = 2° 40' 16"
A = 3.73'

R = 80.00'
Δ = 31° 01' 17"
A = 43.31'

R = 865.00'
Δ = 10° 05' 02"
A = 152.24'

R = 950.00' Δ = 2° 30' 41.4"
A = 41.64'

0.00'
3° 41' 33"
7.04'

N 11° 07' 03" W

N 21° 12' 05" W

Δ = 29° 42' 11"

A = 448.43'

CH = 443.42'

T = 229.37

(N 67° 19' 55" E)
N 68° 47' 55" E

82° 02' 05" E
0.31'

150.82'

424.007'
122.997'

150'

SPIRAL

207.57'

70'

S 73° 48' 40" E

R = 80.00'
Δ = 53° 53' 55"
A = 75.26'

T.S. 564 + 61.570

G. DATA
ANGLE 4° 31' 24.1"
TAN. EXT. 149.91'
OFFSET 3.95'

PARCEL 330

S.C. 566 + 11.570
N 18° 18' 24.1" W

N 37° 42' 35" W

N 37° 42' 35" W

N 74° 20' 40" E
(N 72° 52' 40" E)

76.53'
149.121'
34.26'

290.76'

R = 965.00'
Δ = 2° 37' 13.9"
A = 44.14'

38.29'
28° 22' 40" E
54° 40" E

D 11

VOL. 3036

38
N 28° 00' 00" E
N 26° 54' 00" E

316.62'

BLVD.

PITTSBURGH

RUN

MILL

SAW

CITY

329 A

N 37° 42' 35" W
N 39° 10' 35" W
OF

EASEMENT FOR
INGRESS, EGRESS AND REGRESS

278.05'

35.00'

37.64'

37.64'

35.00'

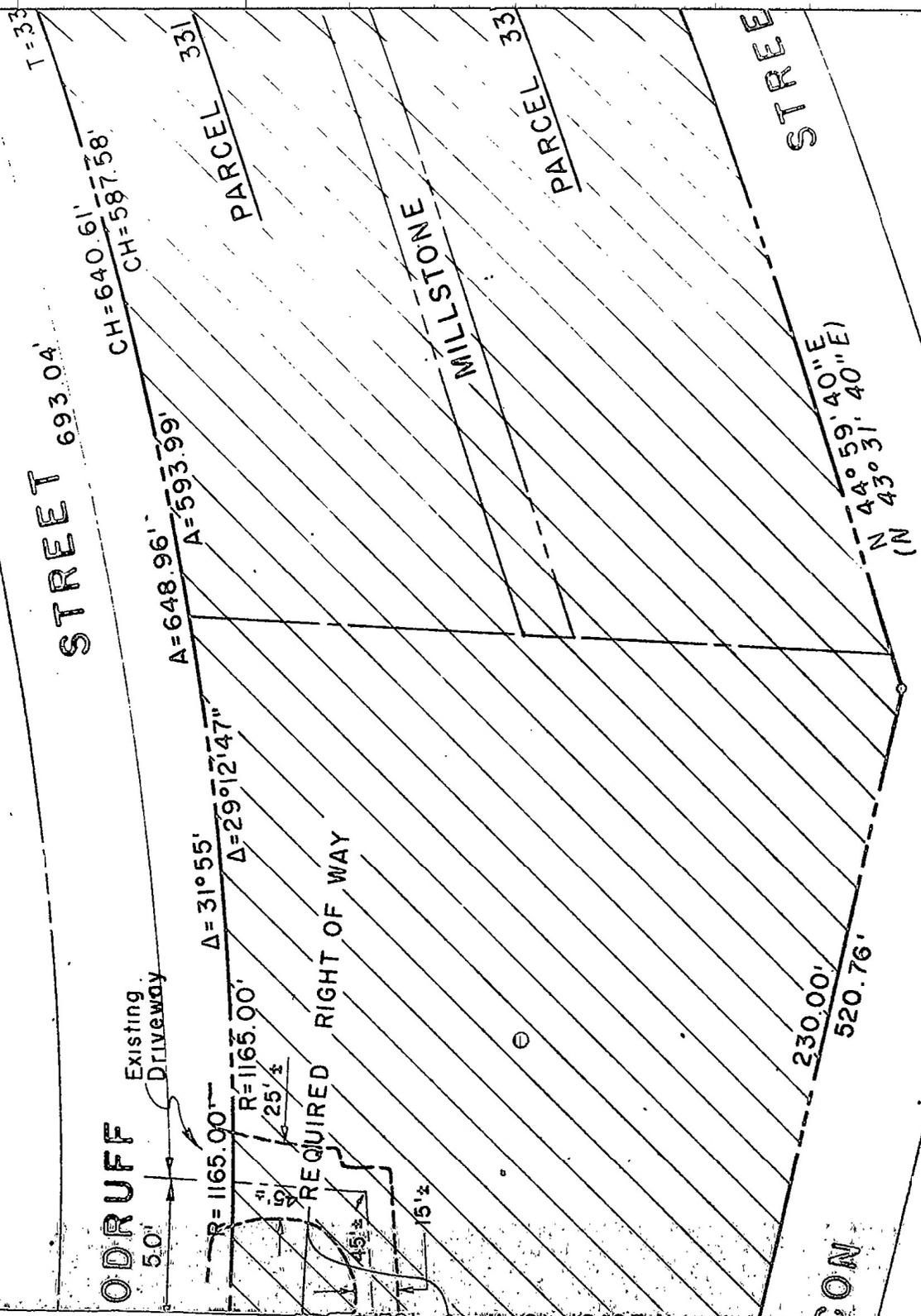
RICHARDSON, GORDON AND ASSOCIATES

CONSULTING ENGINEERS

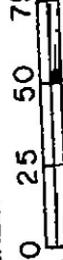
SUBMITTED BY

PITTSBURGH, PENNSYLVANIA

2	10-28-71
1	9-23-71
No.	DATE

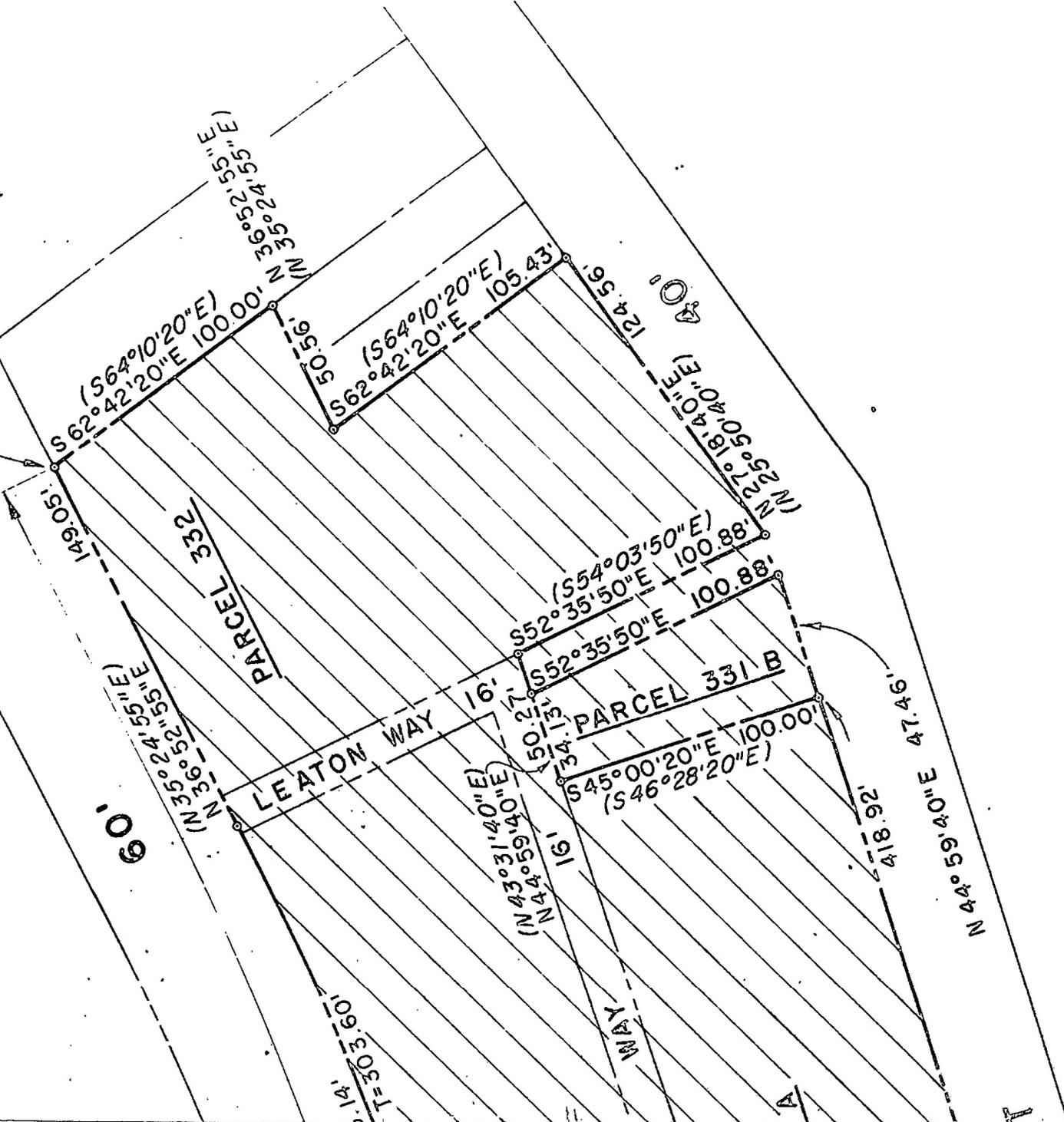


CITY OF PITTSBURGH	
19 TH WARD CITY OF PITTSBURGH COUNTY OF ALLEGHENY PENNA.	
PARCEL 331 B	DEED C.P. 7-15/551
	BLOCK - LOT 5 - M - 20

ADD'L DIMENSION AND DRIVEWAY INFO ADD'L TAKE AREA THRU PARCELS 329 & 330 DESCRIPTION REVISIONS	DESIGNED: DRAWN: B.M.C. 9-1-71 CHECKED: M.A.H. 9-2-71 APPROVED: DATE: SCALE: 0 25 50 75 
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TYPED
 REC
 AUTH
 COLL
 PRE
 AGRE
 PC
 KALS
 NOT
 WA

DESCRIPTION'S
(DIVIDING LINE BETWEEN LOTS 141 & 142 IN THE WALSH & WILBERT PLAN)



60'
(N 35° 24' 55" E)
(N 36° 52' 55" E)

LEATON WAY 16'

PARCEL 332

(N 43° 31' 40" E)
(N 44° 59' 40" E)

PARCEL 331 B

(S 54° 03' 50" E) 100.88'
(S 52° 35' 50" E) 100.88'
(S 52° 35' 50" E) 100.88'
(S 45° 00' 20" E) 100.00'
(S 46° 28' 20" E)

WAY

418.92'

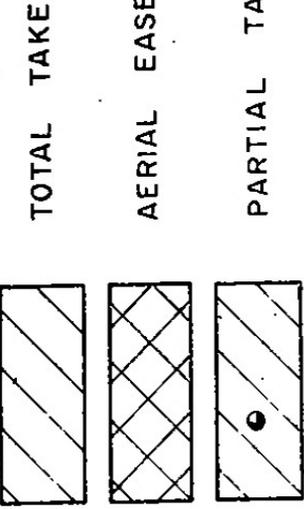
N 44° 59' 40" E 47.46'

(N 27° 18' 40" E)
(N 36° 50' 40" E)

(S 62° 42' 20" E) 105.43'
(S 64° 10' 20" E)
(N 36° 52' 55" E)

109.39'

LEGEND -



N 44° 59' 40" E COMPUTED
(N 43° 31' 40" E) DEED

HAHN FURNITURE COMPANY CITY OF PITTSBURGH COUNTY OF ALLEGHENY PENNA.		
PARCEL	DEED	BLOCK - LOT
329 A	3923 - 98	5 - S - 200
329	3950 - 687	5 - S - 250
330	" "	5 - S - 125
331	" "	5 - M - 60
331 A	" "	5 - M - 65
332	" "	5 - M - 55

PORT AUTHORITY OF ALLEGHENY COUNTY
PITTSBURGH PENNSYLVANIA

TRANSIT EXPRESSWAY REVENUE LINE
SURVEY PLAN

Parcel No's 329, 329A, 330, 331, 331A, 331B, 332

KAISER ENGINEERS
PITTSBURGH, PENNSYLVANIA

CONTRACT NO.

DWG. No. R/W 139-2 SHT.

PR 9083-1070

(THIS DRAWING IS THE PROPERTY OF THE PORT AUTHORITY OF ALLEGHENY COUNTY AND EXCEPT AS PROVIDED IN WRITTEN AGREEMENTS BETWEEN THE PORT AUTHORITY AND OTHER ENGINEERS SHALL BE COPIED OR USED WITHOUT THE WRITTEN PERMISSION OF THE PORT AUTHORITY)

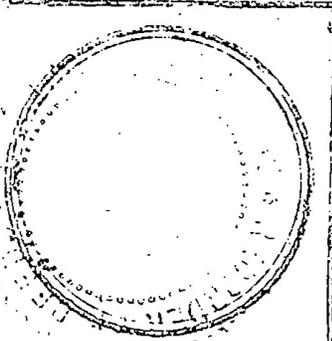
DEC 1 1971

STATE OF PENNSYLVANIA } S.S.
COUNTY OF ALLEGHENY }

RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC. IN AND FOR THE SAID COUNTY, ON THIS 1st DAY OF December A D. 19 71 IN Deed BOOK VOL. 5036 PAGE 487. WITNESS MY HAND AND SEAL OF SAID OFFICE, THE DAY AND YEAR AFORESAID.

John J. Galt

RECORDER



PAGE 487 VOL. 5036

FROM: HAHN FURNITURE COMPANY

TO: PORT AUTHORITY OF ALLEGHENY COUNTY

MAIL TO: PORT AUTHORITY OF ALLEGHENY CO 100 Fifth Avenue Pittsburgh, Pennsylvania 15222 Attn: Early Action Program

Plan # 48-2180 WTR

313849, 314561 315521

60353

DEC 1 1971

President

14

John J. Galt

3
SEE
INSIDE

JOHN LADESSIC
TED RUIETZ

D E E D

THIS INDENTURE Made the 25th day of August, 1961, between The Pittsburgh & West Virginia Railway Company in its own right and as successor to West Side Belt Railroad Company, a consolidated corporation under the laws of the Commonwealth of Pennsylvania and the State of West Virginia (hereinafter called the "Grantor")

a
n
d

HAHN FURNITURE COMPANY, a Pennsylvania corporation (hereinafter called the "Grantee").

WITNESSETH that in consideration of the sum of \$31,000 in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee:

ALL that certain tract of land situate in the 19th Ward of the City of Pittsburgh, Allegheny County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Southeasterly side of Woodruff Street at the dividing line between Lots Nos. 141 and 142 in the Walsh and Wilbert Plan of Lots, recorded in the Recorder's Office of Allegheny County in Plan Book Volume 4, Page 324; thence by said dividing line, South 64° 10' 20" East, 100 feet to a point; thence South 35° 24' 55" West, 50.56 feet to a point on the dividing line between Lots Nos. 143 and 144 in said plan; thence by said dividing line, South 64° 10' 20" East, 105.43 feet to a point on the northwesterly side of Rubicon Street; thence by said side of Rubicon Street, South 25° 50' 40" West, 124.56 feet to a point on the north-easterly side of Leaton Way; thence by said side of Leaton Way, North 54° 03' 50" West, 100.88 feet to a point at the corner of Lots 147 and 149 in said plan; thence South 43° 31' 40" West and in part along the southeasterly side of what was formerly Millstone Way, 50.27 feet to a point on the dividing line between Lots Nos. 151 and 152 in said plan; thence by said dividing line, South 46° 28' 20" East, 100 feet to a point on the northwesterly side of Rubicon Street; thence by said side of Rubicon

1*

14
 Street; South 43° 31' 40" West, 418.92 feet to an angle; thence continuing by said side of Rubicon Street, South 72° 52' 40" West, 520.76 feet to an angle; thence along the end of Rubicon Street, South 26° 54' 40" West, 34.26 feet to a point on the northeasterly side of Saw Mill Run Boulevard; thence South 26° 54' 40" West, crossing Saw Mill Run Boulevard, 76.57 feet to a point on the southwesterly side of Saw Mill Run Boulevard; thence by land now or late of the City of Pittsburgh, the following four courses and distances: South 26° 54' 40" West, 245.06 feet to a point; thence North 85° 05' 40" East, 30 feet to a point; thence South 6° 20' 20" East, 108.59 feet to a point; thence South 29° 16' 50" East, 34.49 feet to a point; thence by other land of The Pittsburgh & West Virginia Railway Company, South 72° 25' 45" West, 31.71 feet to a point on the easterly right of way line of The Pittsburgh & West Virginia Railway Company, said point being 41.57 feet distant from the monumented center line of the said Railway Company when measured North 48° 16' 40" East from Survey Station 118+66.9; thence along the easterly right of way line of the said Railway Company, North 38° 38' 20" West 347.80 feet to a point said point being 60.28 feet distant from the monumented center line of the said Railway Company when measured North 48° 16' 40" East from a point of tangent at Survey Station 115+19.6; thence continuing along the easterly right of way line of the said Railway Company on the same course North 38° 38' 20" West a distance of 155.61 feet to a point; thence by other lands of said Railway Company North 22° 43' 10" East a distance of 224.71 feet to the Southerly line of Woodruff Street, formerly Woodville Avenue; thence along the said Southerly side of Woodruff Street, formerly Woodville Avenue in an Easterly direction crossing Saw Mill Run Boulevard by an arc of a circle curving to the left having a radius of 865 feet, an arc distance of 448.43 feet to a point of tangent; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, North 67° 19' 55" East a distance of 67.91 feet to a point of curve, thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue in an Easterly direction by an arc of a circle curving to the left having a radius of 1165 feet, an arc distance of 648.96 feet to a point of tangent; thence continuing along the Southerly side of Woodruff Street, formerly Woodville Avenue, North 35° 24' 55" East a distance of 149.05 feet to a point at the place of beginning.

TOGETHER with any right, title, interest, claim and demand which the grantor, party of the first part hereunder has or may have in and to any lands lying between the tract of land above described and Woodruff Street, formerly Woodville Avenue as presently constituted.

SUBJECT, HOWEVER, to coal and mining rights and rights incident thereto, all as of record.

SUBJECT to the rights of the public in Saw Mill Run Boulevard, Millstone Way and Leaton Way.

BEING parts of the same property conveyed to the Grantor hereunder by the following deeds:

A. Deed from Moses P. Walsh et al to West Side Belt Railroad Company, dated May 2, 1906, recorded in Deed Book Volume 1477, Page 99.

B. Deed from Russell F. Thomes et al to Pittsburgh & West Virginia Railroad Company, dated September 19, 1917, recorded in Deed Book Volume 1902, Page 449.

C. Deed from Dorothy C. Wolfe et al to The Pittsburgh & West Virginia Railway Company, dated May 20, 1958 recorded in Deed Book Volume 3704, Page 182.

On December 31, 1928 The Pittsburgh & West Virginia Railway Company, Grantor herein acquired all of the franchises, corporate property, rights and credits of West Side Belt Railroad Company by virtue of a certain Agreement of Consolidation and Merger, dated August 30, 1927 and duly filed on December 31, 1928 in the Office of the Secretary of the Commonwealth of Pennsylvania and the Secretary of the State of West Virginia.

BEING designated in the Deed Registry of Allegheny County, Commonwealth of Pennsylvania, Book _____, Lot _____

BLK. S-M	Lot 55
" "	" 60
" "	" 65
" S-S	" 125
" S-S	" 250

Grantor hereby covenants that it will warrant specially the property hereby conveyed.

Grantor further reserves to itself, its successors and assigns the right at any time and by any means to support and maintain at grade its roadbed and tracks adjacent to the Southerly and Westerly boundary lines of the tracts above described by means of adequate slopes of cut and fill.

This Deed is executed and delivered pursuant to resolution of the Board of Directors of Grantor unanimously adopted and approved at a meeting duly called and held on May 2, 1961, a full quorum being present and acting throughout.

NOTE - In addition to, but not in change or modification of, the provisions of this instrument, attention is called to the following notice which is set forth in words and form provided by the Act of July 17, 1957.

NOTICE - THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984.7

WITNESS the due execution hereof the day and year first

above written.



J. R. Parsons
Secretary

THE PITTSBURGH & WEST VIRGINIA RAILWAY COMPANY

By *R. Shields*
President

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY)SS:
)

On this the 25th day of August, 1961, before me, a Notary Public, the undersigned officer, personally appeared R. N. SHIELDS, who acknowledged himself to be the President of The Pittsburgh & West Virginia Railway Company, a corporation, and that he as such President being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Harold A. Stimpert
Notary Public



* * *

CERTIFICATE AS TO RESIDENCE

The undersigned hereby certifies that the precise residence of the Grantee herein named is as follows:

6285 Frankstown Ave., Pittsburgh 6, Pa.

By A. R. Kelpick

CITY OF PITTSBURGH
DEED TRANSFER TAX
STAMP 9-5 1956
BLOCK & LOT NO. 5 MISSLETC
RECEIVED 310.00
FOR DAVID A. SMITH, CITY TREAS.



SEP 3 1961

310.00 TRS



CERTIFICATE AS TO RESIDENCE

The undersigned hereby certifies that the precise residence of the Grantee herein named is as follows:

*6285 Frankstown Ave,
Pittsburgh 6, Pa.*

By *A. L. Keelrich*

RECORDER OF DEEDS
ALLEGHENY COUNTY, PA.
SEP 3 4 PM 1961

41

VOL. 3950

PAGE 687

SEP 11 1961

47524

DEED
Between

THE PITTSBURGH & WEST
VIRGINIA RAILWAY COMPANY

HANN FURNITURE COMPANY

DEED
REGISTRY

SEP 7 1961

COUNTY OF
ALLEGHENY

*Mail to
Lewis & Black Co
2603 Grant Bldg
Pittsburgh 19, Pa.*

KIRKPATRICK, POMEROY, LOCKHART & JOHNSON
150 OLIVER BUILDING
PITTSBURGH 22, PA.

251.764

O.K.
FOR
RECORD
U.S. DEPT. OF
COMMERCE

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) ss:

Recorded on this 1st day of September A.D. 1961, in the Recorder's Office of the said County, in Deed Book Volume 3950, page 687.

Given under my hand and the seal of the said office the day and year aforesaid.

John J. [Signature]

Recorder

proved the 7th day of March, A. D. 1901, and the various supplements and amendments thereto and the ordinances of City Council in such cases made and provided, same to be chargeable to and payable from Code Account No. 1337-F-Equipment.

Section 2. That any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed so far as the same affects this Ordinance.

Passed April 1, 1929.

Approved April 5, 1929.

Ordinance Book 41, Page 234.

No. 246

AN ORDINANCE—Providing for the letting of a contract or contracts for the furnishing of one (1) sedan automobile and one (1) auto truck for the Bureau of Recreation, Department of Public Works and one (1) check Signer for the Department of City Controller, and providing for the payment thereof.

Section 1. *Be it ordained and enacted by the City of Pittsburgh, in Council assembled, and it is hereby ordained and enacted by the authority of the same, That* the Mayor and the Director of the Department of Supplies shall be and they are hereby authorized, empowered and directed to advertise for proposals and to award a contract or contracts to the lowest responsible bidder or bidders for the furnishing of the following:

One (1) Sedan automobile at a cost not to exceed the sum of.....\$650.00

One (1) auto truck not to exceed the sum of..... 950.00

and to include in exchange one (1) Ford chassis, for the Dept. of Public Works, Bureau of Recreation.

One (1) check signer at a cost of..... \$50.00
or so much of the same as may be necessary for the Dept. of City Controller.

In accordance with an Act of Assembly entitled, "An Act for the government of cities of the second class", approved the 7th day of March, A. D. 1901, and the various supplements and amendments thereto and the ordinances of City Council in such cases

made and provided, same to be chargeable to and payable from the following Code Accounts.

Code Account. 1922.....\$1600.00

Code Account. 1059..... 850.00

Section 2. That any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed so far as the same affects this Ordinance.

Passed April 1, 1929.

Approved April 5, 1929.

Ordinance Book 41, Page 235.

No. 247

AN ORDINANCE — Authorizing and directing the Mayor and the Director of the Department of Public Works, for and in behalf of the City of Pittsburgh, to enter into a contract with The Pittsburgh & West Virginia Railway Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and West Virginia, supplemental to and in amendment of a contract authorized by an Ordinance entitled, "An ordinance authorizing and directing the Mayor and the Director of the Department of Public Works, for and in behalf of the City of Pittsburgh, to enter into a contract with the West Side Belt Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, and the Pittsburgh & West Virginia Railway Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and West Virginia, for the purpose of securing certain property for public park purposes, providing for the construction of an undergrade crossing between Woodstock street and Vale street, and providing for the payment of certain moneys to the said railroad and railway companies, and fixing the terms and conditions thereof," approved February 13, 1925, and recorded in Ordinance Book Volume 36 Page 184.

WHEREAS, By Ordinance entitled, "An ordinance authorizing and directing the Mayor and the Director of the Department of Public Works, for and in behalf of the City of

Pittsburgh, to enter into a contract with the West Side Belt Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, and the Pittsburgh & West Virginia Railway Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and West Virginia, for the purpose of securing certain property for public park purposes, providing for the construction of an undergrade crossing between Woodstock street and Vale street, and providing for the payment of certain moneys to the said railroad and railway companies, and fixing the terms and 'conditions thereof,' approved February 13, 1925 and recorded in Ordinance Book Volume 36 Page 184, the Mayor and the Director of the Department of Public Works, for and in behalf of the City of Pittsburgh, were authorized to enter into a contract with the West Side Belt Railroad Company and the Pittsburgh and West Virginia Railway Company, which contract was duly executed by the parties thereto; and

WHEREAS, In the second paragraph of said contract it is provided; "In the construction of said parkway and sewer the portion from a point near Woodstock street to a point near Vale street shall lie in a permanent tunnel or subway under the tracks and property of the said railroad companies," * * * —and WHEREAS, In the third paragraph of said contract the location of said tunnel or subway is shown in Exhibit "C," as provided therein; and

WHEREAS, The parties to the said agreement have considered that it is advisable to change the location of said tunnel or subway so that it shall be situated on a line eastward of the location as shown on said Exhibit "C", and have agreed that in the doing of the work the method as provided in the original contract by tunneling shall not be pursued, but that the work can be done by an open cut in which shall be constructed the said subway to the elevation provided for and closed in by masonry, the construction above which shall be back-filled earth to an elevation sufficient to close said cut to the line of the trackage of the said Railroad Company; and

WHEREAS, Since said contract dated December 14, 1923, was entered into, The Pittsburgh & West Virginia Railway Company has acquired and now owns all the assets and property of said West Side Belt Railroad Company; Therefore

Section 1. Be it ordained and enacted by the City of Pittsburgh, in Council assembled, and it is hereby ordained and enacted by the authority of the same, That the Mayor and the Director of the Department of Public Works, for and in behalf of the City of Pittsburgh, be and they are hereby authorized and directed to enter into a supplemental agreement with the aforesaid The Pittsburgh & West Virginia Railway Company in the following language:

SUPPLEMENTAL ARTICLES OF AGREEMENT

MADE AND CONCLUDED this.....

.....day of

1929 by and between the CITY OF PITTSBURGH, a municipal corporation of the County of Allegheny and Commonwealth of Pennsylvania, hereinafter called "City," party of the first part, and THE PITTSBURGH & WEST VIRGINIA RAILWAY COMPANY, a corporation organized and existing under the laws of the Commonwealths of Pennsylvania and West Virginia, hereinafter called the "Railroad Company," party of the second part,

WHEREAS, Said West Side Belt Railroad Company and The Pittsburgh & West Virginia Railway Company heretofore entered into a contract dated December 14, 1923, with the City of Pittsburgh, providing inter alia for the construction of a parkway from a point near Woodstock street to a point near Vale street, in a permanent tunnel or subway under the tracks and property of said Railroad Companies, as by reference to said contract will more fully appear; and

WHEREAS, Since said contract was entered into, all of the franchises and property of said West Side Belt Railroad Company have been acquired and are now owned by said The Pittsburgh & West Virginia Railway Company;

NOW THIS AGREEMENT WITNESSETH: That the parties hereto, for the mutual benefits accruing to each other, do covenant, stipulate and agree, to and with each other, as follows:

First: That the contract between the parties hereto, dated December 14, 1925, be modified and changed in the following particulars:

(1) That the tunnel or subway provided for in the second paragraph of said agreement need not be constructed, but that the City may construct the parkway mentioned therein (the sewer having already been constructed) in an open cut, which shall be closed at the top at a proper elevation by masonry, and filed over the roof with earth to the line of the tracks of the said Railroad Company.

(2) That the location of said parkway may be moved eastwardly from the location as shown on Exhibit "C" mentioned in the third paragraph of said contract, to the position shown on Exhibit "C" revised which is identified by the signatures of the Chief Engineer of the Railway Company and the Director of the Department of Public Works of the said City, and made part hereof.

(3) All detailed plans for the construction of said subway and the method of construction, including the method of supporting the tracks and roadbed of the railroad shall be submitted to the Chief Engineer of the Railway Company and the said City of Pittsburgh shall be responsible for the support of the tracks and roadbed of the Railway Company during such construction and shall be responsible at all times thereafter for any insufficiency or failure of the subway structures erected by the City to furnish adequate support for said railroad.

Second. It is understood and agreed that the purpose of this contract is to change the location and character of the subway provided by said original contract, and that all the terms and provisions of said original contract except as expressly modified hereby, shall continue in force and effect.

Third. It is understood that this contract is, insofar as it provides for

the construction of the subway under the tracks of the Railway Company, subject to the approval of the Public Service Commission of Pennsylvania, and the issuance of the requisite certificate of public convenience by it; and it is further agreed that the plans for the construction of said subway and sewer shall be subject, as hereinbefore provided, to the approval of the Chief Engineer of the Railway Company, but the same shall be subject to such modifications and conditions, not involving any expense on the part of the Railway Company, as may legally be prescribed by said Public Service Commission.

This contract is entered into by the City pursuant to Ordinance No. _____ approved and recorded in Ordinance Book, Volume _____ Page _____

CITY OF PITTSBURGH

By _____
Mayor.

Attest:

Secretary
DIRECTOR, DEPARTMENT OF
PUBLIC WORKS.

Attest:

PITTSBURGH & WEST VIRGINIA
RAILWAY COMPANY

By _____
Attest:

Secretary
COUNTERSIGNED:

City Controller
Approved as to Form:

City Solicitor.

Section 2. That any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed so far as the same affects this Ordinance.

Passed April 8, 1925.
Approved April 12, 1929.
Ordinance Book 41, Page 226.

No. 248

A^N ORDINANCE—Authorizing the execution of an agreement with the Pittsburgh, McKeesport and Youghiogheny Railroad Company for a

CITY OF PGH)	Deed Registrar
TO)	Blk 5-S Lot No. 200
HAHN FURNITURE CO.)	Aug 31 9:15 AM 1961.
)	Certified by: John Ladesic, Custodian
)	Ted Plietz

THIS INDENTURE

MADE the 16th day of August in the year of our Lord, one thousand nine hundred and sixty-one (1961)

BETWEEN CITY OF PITTSBURGH, a municipal corporation of the Commonwealth of Pennsylvania, domiciled in the County of Allegheny, Grantor, AND HAHN FURNITURE COMPANY, a Corporation of the Commonwealth of Pennsylvania, domiciled in the City of Pittsburgh, County and Commonwealth aforesaid, Grantee.

WITNESSETH: That said Grantor, for and in consideration of the sum of Eight Thousand dollars (\$8,000.00), to it in hand paid, at or before the sealing and delivery hereof, does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand of the said Grantor of, in and to:

ALL that certain piece of ground situate in the Nineteenth Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the dividing line between the property herein described and property now or late of The Pittsburgh & West Virginia Railway Company, said point being distant 38.29 feet measured, South 26° 54' 40" West, along said dividing line, from the southwesterly side of Saw Mill Run Boulevard; thence by a line parallel with and distant 35 feet from the said side of Saw Mill Run Boulevard, South 39° 10' 35" East, 316.62 feet to a point; thence by other land of the City of Pittsburgh, South 72° 25' 45" West, 246.34 feet to a point on line of land now or late of The Pittsburgh & West Virginia Railway Company; thence by said land the following four courses and distances: North 29° 16' 50" West, 34.49 feet to a point; thence North 6° 20' 20" West, 108.59 feet to a point; thence South 85° 05' 40" West, 30.00 feet to a point; thence North 26° 54' 40" East, 206.77 feet to the place of beginning.

TOGETHER with an easement or right-of-way for ingress, egress and regress only over a strip of land, 35 feet wide, bounded and described as follows:

BEGINNING at a point at the southeasterly corner of the land above described; thence along said land, North 39° 10' 35" West, 35.00 feet to a point; thence North 72° 25' 45" East, 37.64 feet to a point on the southwesterly side of Saw Mill Run Boulevard; thence along said side of Saw Mill Run Boulevard, South 39° 10' 35" East 35.00 feet to a point; thence by other land of the City of Pittsburgh, South 72° 25' 45" West, 37.64 feet to the place of beginning.

THE ABOVE EASEMENT OR RIGHT-OF-WAY shall be appurtenant to the land above described and also appurtenant to the land conveyed by The Pittsburgh & West Virginia Railway Company to Hahn Furniture Company, the Grantee herein, by Deed dated August 25, 1961, and to be recorded.

BEING parts of the same property conveyed to the Grantor herein by the following two Deeds:

(a) Deed from The Pittsburgh & West Virginia Railway Company, dated February 18, 1927, and recorded in the Office of the Recorder of Deeds in and for the County of Allegheny in said Commonwealth, in Deed Book Volume 2323, Page 197;

(b) Deed from Charles G. Schade, 2nd, et ux., dated June 27, 1908, and recorded in the Office of the Recorder of Deeds in and for said County and Commonwealth, in Deed Book Volume 1636, Page 209.

SEE ALSO ORDINANCE NO. 301, entitled "AN ORDINANCE--Vacating Spahrgrove (formerly Grace) Street, from a point 35.00 feet south of the south line of Saw Mill Run Boulevard to Grace Street, and Grace Street, from Spahrgrove Street to a point 35.00 feet south of the south line of Saw Mill Run Boulevard, as laid out in the Plan of Subdivision of Lots No. 1, 5A and 5B in the Walsh and Wilbert Plan of Lots, in the Nineteenth Ward of the City of Pittsburgh," approved August 8, 1961, and recorded in Ordinance Book Volume 64, Page 141,

EXHIBIT C

of the City of Pittsburgh, the Grantor herein.

BEING DESIGNATED as BLOCK 5-S, LOT 200, in the Deed Registry Office of the County of Allegheny, in said Commonwealth.

THIS CONVEYANCE is made under and subject to coal and mining rights and privileges incident to mining of coal heretofore conveyed or reserved, to the public road aforesaid, known as Saw Mill Run Boulevard, and to those certain slope easements as reserved in the Deed from The Pittsburgh & West Virginia Railway Company to the City of Pittsburgh, dated February 18, 1927, and recorded in the Office of the Recorder of Deeds in and for said County and Commonwealth, in Deed Book Volume 2323, Page 197, and to any easements for sewers, pipe lines, electric, telegraph or telephone lines apparent on the premises or contained in prior instruments of record.

TO HAVE AND TO HOLD the said described premises unto said Grantee, its successors and assigns, to and for the proper use and behoof of said Grantee, its successors and assigns, forever.

THIS DEED is executed by virtue of and subject to a Resolution of the Council of the City of Pittsburgh, No. 185, approved July 7, 1961, by the Mayor, and recorded in Resolution Book Volume 15, Page 400.

NOTICE—THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERMEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984.)

IN WITNESS WHEREOF, said Grantor has caused this Indenture to be executed under the hand of its Mayor and its corporate seal to be affixed the day and year first above written.

ATTEST: CITY OF PITTSBURGH. (Corp. Seal)
 Stanley Noszka By Joseph M. Barr
 Secretary to the Mayor Mayor

Examined by: Frederick A. Boehm
 (\$8.80 U.S.I.R.S.CANCELLED) Assistant City Solicitor
 (\$80.00 PA. REAL ESTATE T.T. APPROVED AS TO FORM:

STAMPS CANCELLED) Louis Dadowski
 (\$80.00 CITY OF PGH D.T.T.S.CANCELLED) First Assistant City Solicitor

COMMONWEALTH OF PENNSYLVANIA)
 COUNTY OF ALLEGHENY) SS: On this 16th day of August, 1961, before me,
) the subscriber, a Notary Public in and for the
) said County and Commonwealth, personally appeared

Stanley Noszka, Secretary to the Mayor of the CITY OF PITTSBURGH, who, being duly sworn according to law, deposes and says that he was personally present at the execution of the foregoing Indenture and saw the corporate seal of the said CITY OF PITTSBURGH duly affixed thereto; that the seal so affixed thereto is the corporate seal of the CITY OF PITTSBURGH; that the Deed was duly sealed and delivered by the Mayor, JOSEPH M. BARR, as and for the act and deed of the said CITY OF PITTSBURGH, for the uses and purposes therein mentioned, and that the names of JOSEPH M. BARR, Mayor of the said CITY OF PITTSBURGH, and Stanley Noszka, as Secretary, subscribed to the foregoing Indenture in attestation of its due execution and delivery, are of their and each of their own respective handwriting.

Sworn to and subscribed before Stanley Noszka
 me the day and year aforesaid.

Clarence A. Cook, Notary Public (N.P. Seal)
 Pittsburgh, Allegheny County, Pennsylvania
 My commission expires February 4, 1963.

I hereby certify Grantee's precise address is 6285 Frankstown Ave., Pittsburgh 6,
 Pa.

A. L. Helfrich

Registered in Allegheny Co. Sept. 7, 1961
 No. 47534 Recorded Sept. 1, 1961. 3:45 PM.
 Written by Malone. Compared by Therand and McNew

← Pittsburgh, Pennsylvania

Google Street View

Apr 2023 See more dates

Exhibit 5



Exhibit 6



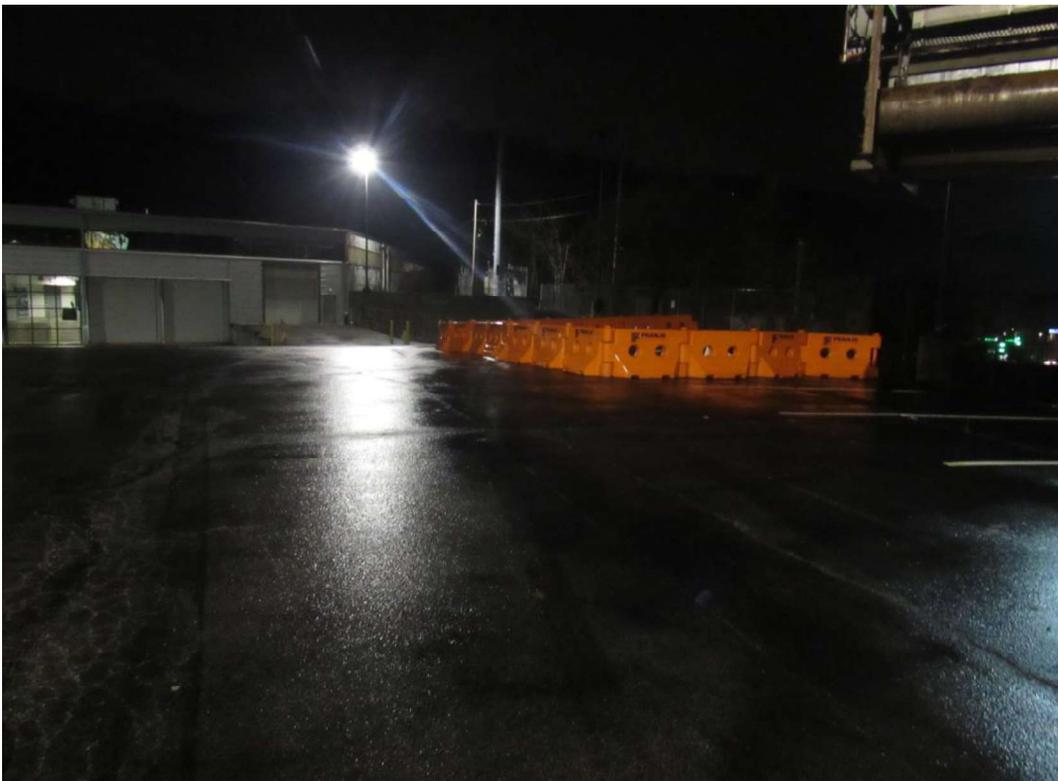
BMS # 02-7301-0000-3933
Inspection Date: 12/5/2023
Inspected By: SM



Engineering District 11 - 0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429 - 5000



LOOKING WEST FROM WABASH TUNNEL SIDE



REMAINING BARRIERS. ALL OTHERS MISSING FROM CENTER OF LOT

BMS # 02-7301-0000-3933
Inspection Date: 12/5/2023
Inspected By: SM



Engineering District 11 - 0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429 - 5000



BLOCKED OFF AREA AT NORTH PORTAL



LOOKING FROM SOUTH PORTAL TO NORTH

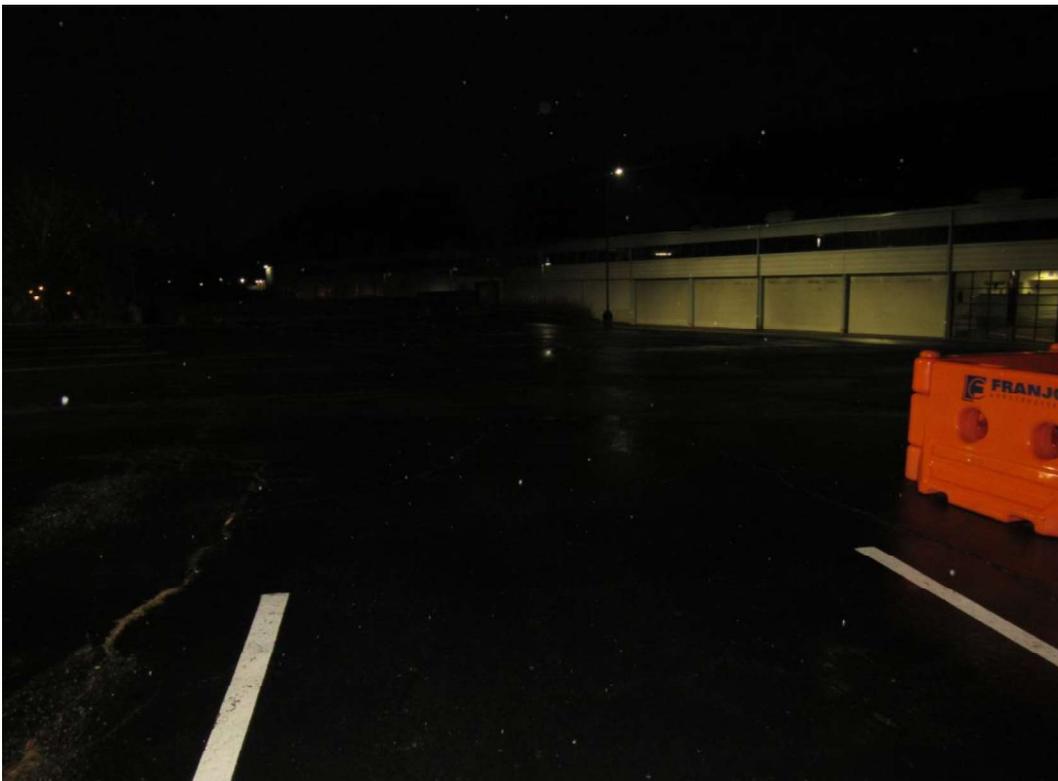
BMS # 02-7301-0000-3933
Inspection Date: 12/5/2023
Inspected By: SM



Engineering District 11 - 0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429 - 5000



BARRIERS AT NORTH PORTAL



PARKING AREA- NOTE NO BARRIERS

BMS # 02-7301-0000-3933
Inspection Date: 12/5/2023
Inspected By: SM



Engineering District 11 - 0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429 - 5000



REMAINING BARRIERS



LOOK SOUTH ACROSS TOP OF STRUCTURE



GENERAL VIEW OF BRIDGE WEARING SURFACE

Note: Parking lot closed to vehicles.



SIDEWALK UNDER SPAN 1 HAS BEEN CLOSED

Note: New since previous inspection.

of Pittsburgh
Salt Depot

Wabash Turnl

Woodruff St

Trailhead

Sawmill Run

Rohrich Gm Parts Center
Auto parts store

BYP
19

Sawmill Run

Saw Mill Run Blvd

Sawmill Run

Google



GENERAL VIEW OF BRIDGE WEARING SURFACE

Note: Parking lot closed to vehicles.



SIDEWALK UNDER SPAN 1 CLOSED



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

April 1, 2024

Secretary's Bureau
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, Room-N201
Harrisburg, PA 17120

Re: *Wabash Properties LLC v. City of Pittsburgh & Department of Transportation*
Allegheny County No. GD 23-002842
Notice of Proceeding pursuant to Order of Court

To Whom It May Concern:

Pursuant to an Order of Court issued by the Allegheny County Court of Common Pleas, entered on March 22, 2024, the Department of Transportation has been added as an additional defendant in action seeking injunctive relief barring the City of Pittsburgh and/or PennDOT from the removal of a public bridge over State Route 51. *See* attached Order. As part of the same Order of Court, the Department has been instructed to notify the Pennsylvania Public Utility Commission of this legal action, as to whether the PUC has any interest in the subject litigation.

Please note that the subject proceeding involves a highway and parking lot bridge which formally carried tracks of the Pittsburgh & West Virginia Railway above grade of Saw Mill Run Boulevard in the City of Pittsburgh. The crossing was established pursuant to an Order of the Pennsylvania Public Service Commission on June 4, 1929 at Docket Number 20890-1929. *See* attached PSC Order. The rails were subsequently removed *circa* 1961 or earlier by the West Side Belt Railroad Company when the adjacent property was sold to a private business. It is also averred that the subject line was never a main line and has been informally, at least, abolished by the West Side Belt Railroad Company and/or the Pittsburgh & West Virginia Railway well sixty or more years ago.

If you have any questions or concern, please don't hesitate to reach out.

Sincerely,

Nicholas D. Mertens
Assistant Chief Counsel

cc: William M. Sinick, P.E., C.B.S.I., PUC Senior Civil Engineer Manager
Karen L. Cummings, Senior Counsel
File

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA - CIVIL DIVISION

WABASH PROPERTIES LLC,)
)
 Plaintiff,)
)
 vs.) CASE NO: GD23-002842
)
 CITY OF PITTSBURGH,)
)
 Defendant.)

ORDER OF COURT

AND NOW, this 22nd day of March 2024, after argument on the Motion for Leave of Court to File Praecipe for Writ to Join Additional Defendant filed by Plaintiff Wabash Properties LLC (with record being made via Microsoft Teams this date), it is hereby ORDERED that:

- 1) The Motion is GRANTED. The Commonwealth of Pennsylvania, Department of Transportation is joined as a Defendant in the above-captioned case pursuant to Pa.R.C.P. 2253. Plaintiff Wabash Properties LLC shall file its Praecipe for Writ to Join Additional Defendant **within seven (7) days** of the date of this Order.
- 2) Counsel for Pennsylvania Department of Transportation shall notify the Pennsylvania Public Utility Commission of this action upon joinder.
- 3) Any party that intends to file a brief on the issue of this Court's jurisdiction following joinder shall file it within **twenty (20) days** of the date of this Order with courtesy copy to mcginleysubmissions@allegheycourts.us.

BY THE COURT:

Mary C. McGinley

_____, J.
Mary C. McGinley



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 17, 2024

Nicholas D. Mertens
Assistant Chief Counsel
Pennsylvania Department of Transportation, Office of Chief Counsel, Western Region
301 5th Avenue, Suite 210
Pittsburgh, PA 15222

Re: *Wabash Properties LLC v. City of Pittsburgh & Department of Transportation*; Allegheny County No. GD 23-002842; Notice of Proceeding pursuant to Order of Court

Dear Mr. Mertens:

Your letter dated April 1, 2024, notifying the Commission of the pending litigation in the above referenced matter, was referred to me for response. In that letter, you indicate that the Department of Transportation is a party to a pending action in the Allegheny County Court of Common Pleas, seeking injunctive relief barring the City of Pittsburgh and/or the Department from the removal of a public bridge over State Route 51. Pursuant to an Order issued by the Allegheny County Court of Common Pleas, entered on March 22, 2024, the Department was directed to notify the Commission of this legal action.

According to your letter, the proceeding involves a highway and parking lot bridge which formerly carried tracks of the Pittsburgh & West Virginia Railway above grade of Saw Mill Run Boulevard in the City of Pittsburgh. The crossing was established pursuant to an Order of the Pennsylvania Public Service Commission on June 4, 1929, at Docket Number 20890-1929. You indicate that the rails were subsequently removed circa 1961 or earlier by the West Side Belt Railroad Company when the adjacent property was sold to a private business.

Your letter further indicates that the subject line was never a main line and has been “informally, at least, abolished by the West Side Belt Railroad Company and/or the Pittsburgh & West Virginia Railway well sixty or more years ago.”

Following receipt of your letter, Commission staff confirmed the allegations regarding the Commission’s approval of the establishment of the rail/highway crossing in 1929. However, Commission staff was unable to locate documentation that dispositively

Exhibit 9

establishes that the subject crossing was abolished or that the relevant portion of the line was abandoned.

In light of the above, the Department of Transportation and the City of Pittsburgh should take appropriate action to ensure proper disposition of the crossing. Further, the Department and the City should take all immediate necessary safety measures to ensure public safety and convenience.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Paul Diskin

Paul Diskin,
Director of Technical Utility Services

cc: Jennifer Berrier, Executive Director
David Screven, Chief Counsel

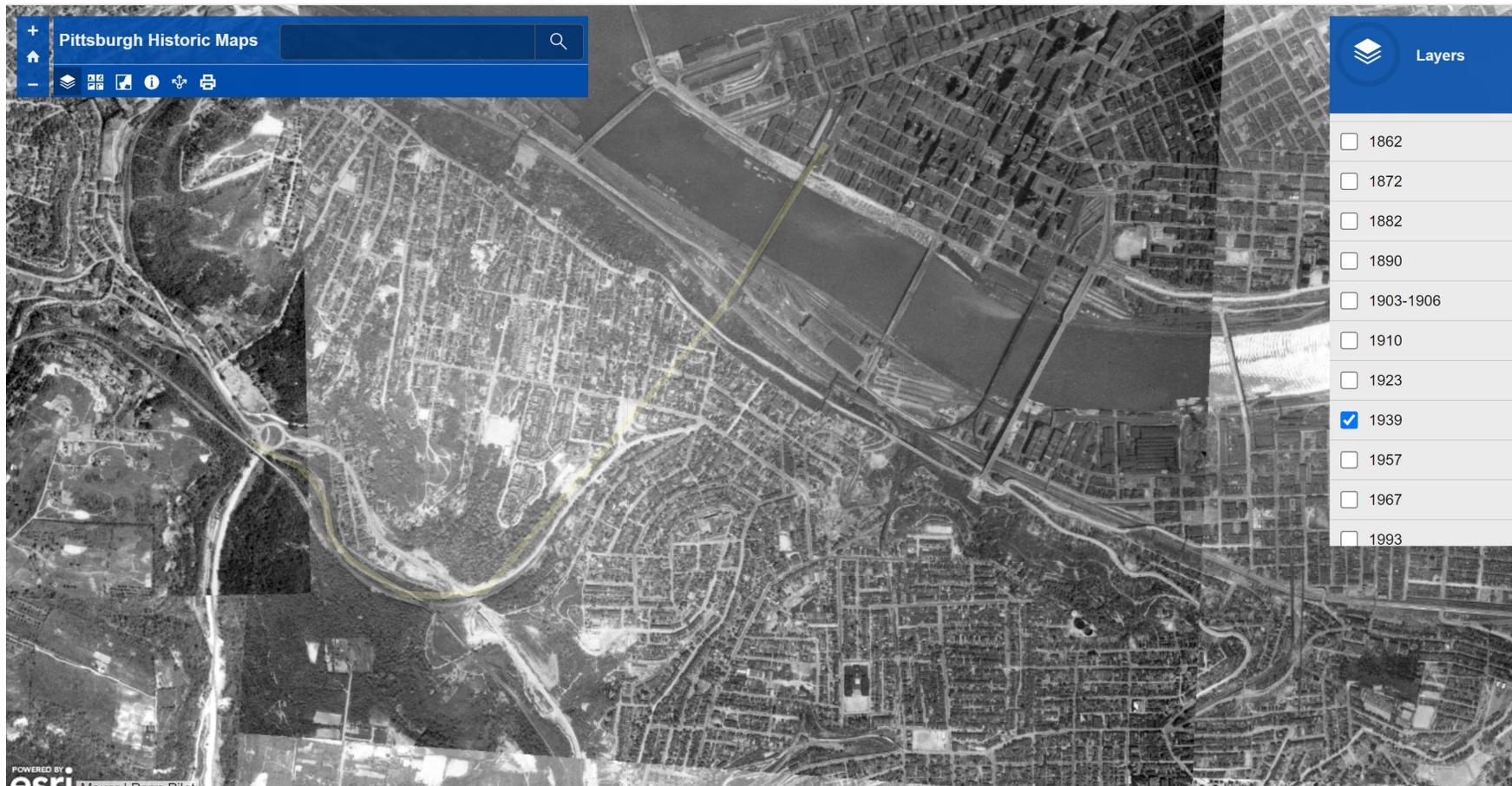


Exhibit 10



Layers

- 1862
- 1872
- 1882
- 1890
- 1903-1906
- 1910
- 1923
- 1939
- 1957
- 1967
- 1993

Exhibit 11



Layers

- 1852
- 1872
- 1882
- 1890
- 1903-1906
- 1910
- 1923
- 1939
- 1957
- 1967
- 1993

Exhibit 12