

### **Background History of Coyne Terrace Right-of-Way**

and assignment of Block & Lot 54-R-92 that was put into Treasurer Sale 10/25/2013, # 140

The Coyne Terrace land was acquired by John J. Coyne et ux on March 12, 1930 from Union Trust Company of Pittsburgh et al. Recorded in Deed Book Volume 2405 pages 632, 633, and 634, Exhibit 1. The description of land for Parcel 1 and 2 in the deed is the same as the description for the John J. Coyne Plan of lots which John J. Coyne adapted on April 16, 1930 and recorded on June 11, 1930 in Plan Book Volume 34 page 110. This Plan designated 28 buildable lots facing both sides of Coyne Terrace private 40' Right-of-Way between Lydia Street and Winterburn Street. The Plan of lots is attached as Exhibit No.2.

In August 1948 Council passed Ordinance No. 334 which authorized the opening of Coyne Terrace, 40 feet wide, from Lydia Street to a point 97.46 feet west of Winterburn Street in the 15<sup>th</sup> Ward defined in Section 1 of this Ordinance. Section 2 of this ordinance indicates the Department of Public Works is hereby authorized and directed to cause said Coyne Terrace from Lydia Street to Winterburn Street to be opened as an unimproved street in conformity with the provisions of Section 1 of this Ordinance. It should be noted that the 10 feet wide Way behind Plan lots 1, 2 and 3 in the Plan of lots is not mentioned in this Ordinance. It is assumed that this 10 foot Way remains open and private. It connects to dedicated Coyne Terrace where street paving ends and is used as a turn-around area for residents on Coyne Terrace. It appears that this 10 foot Way in the Plan of lots was dedicated for the rear access for lots No. 1, 2 and 3 that face on Winterburn Street. All the remaining 25 Plan lots have rear access to either Ruple Way, 20 feet wide, for lots 15 to 28, or another 10 foot unnamed Way at the rear of lots 5 to 14 indicated in the Plan of lots. A copy of Ordinance No. 334 of 1948 approved August 10, 1948 and recorded in Ordinance Book 55, page 460 is attached as Exhibit No.3.

The Section of Coyne Terrace which was dedicated as right-of-way in Ordinance No. 334 but not serving the street frontage for Coyne Terrace and paved for housing lots 4 to 28 was designated as 97.46 feet from West of Winterburn Avenue and used as a pedestrian access walkway to the steps constructed in the right-of-way because of the topography difference connecting to Winterburn Avenue.

From what can be determined sometime prior to 1980 the County of Allegheny decided to assign a Block & Lot Number to this 40 x 97.46 section of dedicated right-of-way for Coyne Terrace and the 10 x 90.53 dedicated way in the Plan of lots. The number used was Block & Lot No. 54-R-92. We can find no legal justification or reason for assigning a Block & Lot Number to a designated right-of-way. Only if this right-of-way has been vacated by the Council Resolution can a number be assigned legally. **Therefore the County of Allegheny has illegally assigned this Block & Lot number and created a problem to this present day.**

On 17 August 1983 a memo to Ben Hyllar, Finance Director from Bob Lurcott Planning Director concerning the possible sale of 54-R-92. In summary he suggested that “VPRC condemn the property, dedicate the necessary right-of-way and sell remaining land to adjacent property owners” In following memos the residents of Coyne Terrace were surveyed to establish their support of a walkway to Winterburn Street. The Director of Public Works was asked to do a survey of this parcel to determine walkway width to steps and adjacent land and be sold to adjacent owners. The survey of this parcel is attached as exhibit No. 4.

The attached 5 memos discuss the solution that Planning Director recommended. Exhibits 5, 6, 7, 8, and 9 are attached. For all the discussion and agreement on a solution there was no follow up to solve this problem since 1983.

A memo was sent to George Spector, Law Department, on May 26, 2009 about the Coyne Terrace property 54-R-92, 15<sup>th</sup> Ward. This memo summed up the whole situation and asked for the best way to proceed on solving this problem. A copy of this memo is exhibit No. 10. Unfortunately a signed copy was not available in Real Estate files. It is evident today that nothing was followed through from the Law Department to solve this issue. It should be noted that this memo to the Law Department was most likely prompted by an application to purchase the property by Beth Cronin the adjacent owner dated May 5, 2009.

It is important to note that all this discussion assumed that Allegheny County assignment of Block and Lot No. 54-R-92 was correct and legal. Nobody checked to confirm the information in Ordinance No. 334 determine the dedication of the area was for street right-of-way. It was not until March 2009 that an assessed value of \$1,600.00 was assigned by the County to the parcel 54-R-92 and delinquent taxes owed be assigned for non-payment of taxes. A request was made to put parcel 54-R-92 in the October 25, 2013 Treasurer Sale, Sale No. 140. The property was bought at the sale by Beth Cronin who lives adjacent to this land at 4136 Winterburn, parcel 54-R-72, Exhibit 11.

Subsequent to these discussions in 1983 the adjacent owners on the north and south sides of this so named 54-R-92 had continues to use this land next to these respective properties as side yards. Parcel 54-R-93, 4144 Winterburn Ave. acquired in June 2003 by Pisztor claimed a fenced in area 18' x 100' in this 40 foot street right-of-way next to the walkway. A copy of their deed is exhibit No. 12. Their claim “right, title and interest to their 18' x 100' parcel of land on the northerly side of their property” and even show a Plan of survey.

Parcel 54-R-72, 4136 Winterburn Ave. acquired in June 1995 by Beth Cronin is adjacent to the Northern side of this 54-R-92. This owner has maintained this area as sideyard adjacent to the walkway but has not installed a fence. Beth Cronin is the individual that acquired this 54-R-92 in the Treasurer Sale No. 140, October 25, 2013.

It should be noted that Sale No. 140 lists the property as Block and Lot 54-R-92 with the owner as Coyne, John J., Coyne, Mary with an address listed as 2308 Eldridge Street, Pittsburgh PA 15208. Both Coyne's are deceased and don't own the property because the land for 54-R-92 is right-of-way in the original subdivision Plan dedicated for right-of-way and therefore ownership is relinquished.

Also it should be noted that the address for the Coyne's was given as 2308 Eldridge Street which is in the 14<sup>th</sup> Ward not 15<sup>th</sup> Ward and the owner of 2308 Eldridge Street is Mary M. Goldblatt in Pittsburgh PA 15208 not 15207 which is the correct zip code for Coyne Terrace property. The Allegheny web-site for 54-R-92 only lists the address for the property as Coyne Terrace and there is no address listed for the Tax Bill Mailing or owner mailing. A copy of the County web site is attached with a copy of the Treasurer Sale No. 140 for October 25, 2013, exhibits Nos. 13 and 14.

### **Summary**

- 1. Is this area described as 54-R-92 really a legal right-of-way and Allegheny County arbitrarily and illegally assigned this Block & Lot number to a walkway and steps access to Winterburn Street.**
- 2. Do the residents of Coyne Terrace support original survey in 1983 that want to keep open the walkway and steps access to Winterburn Street?**
- 3. Is the Treasurer Sale No. 140 of October 25, 2013 a valid sale because it is actually a street right-of-way and cannot be assigned a Block and Lot Number. Or, can the sale itself be valid, because of an erroneous address and zip code used for notification of deceased owners of a subdivision plan that dedicated this area be used for street right-of-way.**
- 4. Should suggested 15 feet wide walkway be paved to coincide with 15 feet wide existing steps to Winterburn Street. The adjacent owners on both sides would then fence their 12½ feet side yards once sold to them.**