

ORDINANCE NO. 50

AN ORDINANCE AUTHORIZING AND DIRECTING THE TAKING, APPROPRIATING AND CONDEMNING OF A FIFTY-FOOT STRIP OF PRIVATELY OWNED LAND OF JOHN LESTER, ET UX, TO BE USED FOR RELOCATING, OPENING AND EXTENDING THOMAS STREET, NEAR THE MELLON SCHOOL, DEEMED NECESSARY FOR THE PUBLIC WELFARE AND BENEFIT; AUTHORIZING THE GRADING AND PAVING OF SAID ROAD; AUTHORIZING A BOND TO BE EXECUTED, DELIVERED OR TENDERED, OR TO FILE THE SAME WITH APPROVAL OF COURT; FILING A VIEWERS PROCEEDING, OR AGREEMENT TO WAIVE VIEWERS PROCEEDING, AS PROVIDED BY LAW, AND TO TAKE OTHER NECESSARY STEPS, AUTHORIZED AND PROVIDED BY LAW TO EFFECT THIS PURPOSE.

The Council of the Borough of Monroeville does hereby ordain and enact the following Ordinance:

SECTION 1. The Borough of Monroeville does hereby express intention to exercise its right of eminent domain, and by authority thereof does hereby condemn, appropriate and take the strip of privately owned property, fifty feet wide of the land of John Lester, et ux, within the Borough, together with the necessary lands for cuts, fills, or curves, as is hereinafter described, and as is shown on the described, and as is shown on the Borough Engineer's survey and plan, a copy of which is attached hereto.

The center line of the proposed new fifty-foot street to be opened, is described as follows:

BEGINNING at a point on the center line of Thomas Street, 40 feet wide, near the Mellon Public School, which point is distant N 1° 25' E. 347.28' from the intersection of the center lines of said Thomas Street, 40 feet wide and Fifth Street, 50 feet wide, (near the properties of S. A. Bacco, et ux, and John Lester, et ux); thence extending S 29° 02' 48" W and through the property of John Lester, et ux. a distance of 323.62 feet to a point in said property, (which point would be on the projected center line of the continuation of Thomas Street as laid out to 60 feet wide); thence southwardly along the projected center line of said Thomas Street, 60 feet wide, S 1° 25' W, a distance of 60.57 feet to the point of intersection of said center line with the center line of Fifth Street. Together with the additional and necessary land to effect the proper curves at the intersections of said new street and the said Thomas Street, as shown upon the Borough Engineer's survey and plan attached hereto.

SECTION 2. This condemnation, appropriating and taking, is for the purpose of general public use, welfare and benefit, and for the relocation, opening and extension of Thomas Street, near the Mellon School, which is deemed necessary to eliminate a dangerous "Z" curve in said road. The Borough does

hereby elect to condemn, appropriate and take the land and property for the purposes aforesaid by reason of failure to arrive at an amicable agreement with the said property owner.

SECTION 3. The Borough Engineer is hereby authorized and directed to establish the proper grade for said street, and prepare specifications for the proper paving thereof.

SECTION 4. The Borough Solicitor is authorized and directed to prepare indemnification bond, in a sum of \$1,000.00 to be executed by the President of Council and Secretary, and delivered to the property owner for the purposes as provided by law, and in the event of the property owner's refusal, thereof, to file the same with the Common Pleas Court.

SECTION 5. The Borough Solicitor is authorized and directed, if necessary, to institute and/or defend viewers proceedings, or other actions for the purpose of establishing damages and benefits by reason of this action or to agree to waiver of such viewers proceedings, as is provided by law, and to take any other necessary steps as is provided by law to effect the aforesaid purposes.

SECTION 6. That any Ordinance or part of an Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed, insofar as the same is inconsistent or contradictory with this Ordinance.

ORDAINED AND ENACTED this 14th day of October, 1955.

ATTEST:

BOROUGH OF MONROEVILLE

(Signed) Edyth J. Amalong
Borough Secretary

By (Signed) Wm. J. Caughey
President of Council

EXAMINED AND APPROVED by me this day of October, 1955.

Burgess

AND NOW, November 14, 1955, this Ordinance No. 50 was returned by the Burgess, unsigned by him to the Borough Council, at its regular meeting next succeeding the submission of the same to him, hereby making this Ordinance effective.

(Signed) Edyth J. Amalong
Borough Secretary