

## ORDINANCE NO. 308

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING A SURFACE AND SUBTERRANEAN EASEMENT FIFTEEN (15) FEET WIDE, FOR THE INSTALLATION AND MAINTENANCE OF A PUBLIC SANITARY SEWER BY THE BOROUGH OF MONROEVILLE AS DESCRIBED IN THIS ORDINANCE: AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH OF MONROEVILLE TO TAKE THE NECESSARY PROCEEDINGS THEREFOR; PROVIDING FOR THE TENDERING OF A BOND TO SECURE PAYMENT OF DAMAGES; EMPOWERING AND DIRECTING THE SOLICITOR AND OTHER BOROUGH OFFICERS TO DO ALL ACTS NECESSARY TO THE MUNICIPAL EXERCISE OF THE POWERS OF EMINENT DOMAIN IN ACCORDANCE WITH THE ACTS OF ASSEMBLY GOVERNING THE SAME.

WHEREAS, the Borough of Monroeville has determined that the sanitary sewer easement hereinafter described is necessary for the location of a sanitary sewer installation known as North Pitcairn Extension Contract No. 9-S, as designed and laid out by Pride Engineering Associates, Inc., consulting engineers for the Borough of Monroeville; and,

WHEREAS, the Borough of Monroeville deems the acquisition of the easement hereinafter described to be in the best interests of the Borough of Monroeville.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Monroeville of Allegheny County, Pennsylvania, in Council assembled, and it is hereby ordained and enacted by the authority of the same:

SECTION 1. The Borough of Monroeville deems it proper and expedient to exercise its power of eminent domain for the acquisition by it of the easement hereinafter mentioned and described to be used for public purposes, to-wit, for the installation, maintenance, operation, replacement, removal and renewal of sanitary sewer lines, together with the necessary man-holes and appliances, all for the best interests of the Borough of Monroeville.

SECTION 2. The Borough of Monroeville hereby appropriates, takes and condemns for public use and purposes under the right of eminent domain as established by the statutes of the Commonwealth of Pennsylvania commonly known as the Borough Code, as amended, an easement and right-of-way fifteen (15) feet in width, under and across private properties all within the Borough of Monroeville, as follows:

FIRST. Lands of Edward McCrady, Jr - the center line of the said easement or right-of-way is hereby established as follows, to-wit:

BEGINNING at a point on the northeasterly line of Moss Side Boulevard, Route 48 (80 feet wide) adjacent to property of the said Edward McCrady, Jr., the said point of beginning being further established as follows, to-wit:

BEGINNING at a point on the southwesterly side of Moss Side Boulevard at the dividing line of lands now or formerly of Alphonso Monzo Et ux., Et al, and lands now or formerly of E. Dzurica; thence along the southwesterly side of Moss Side Boulevard  $50^{\circ} 08' 30''$  West, a distance of 367 feet to a point; thence across the said Moss Side Boulevard North  $9^{\circ} 23'$  East, a distance of 82.5 feet to a point which is the place of beginning.

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Thence from said point of beginning North  $9^{\circ} 23'$  East, a distance of 82 feet to a point at the center of Manhole Number 43 as established by Drawing Number 35944 made by Pride Engineering Associates, Inc. for the Borough of Monroeville, dated August 1961; thence North  $17^{\circ} 1'$  West, a distance of 262.70 feet to a point at the center of Manhole Number 44 as shown on said drawing Number 35944; thence North  $6^{\circ} 1'$  West, a distance of 31.73 feet to an existing 8-inch sanitary sewer pipe of the Borough of Monroeville; thence following the center of the said 8-inch sanitary sewer line in a northerly direction to the right-of-way line of William Penn Highway, U. S. Route Number 22 in said Borough.

SECOND. Lands of Thomas Youngman and Helen A Youngman, his wife, - the center line of the said easement or right-of-way is hereby established and described as follows, to-wit:

BEGINNING at a point at the center of an existing Manhole Number 14-A of the Borough of Monroeville which is part of the North Pitcairn sanitary sewer line of the Borough of Monroeville, said point being within the property of the said Thomas Youngman, and Helen A. Youngman, his wife, said point being South  $81^{\circ} 46'$  West, a distance of 604 feet, more or less, from the intersection of the center lines of Pitcairn Road and Northern Pike in the said Borough of Monroeville; thence through the property of the said Youngman the following courses and distances: North  $2^{\circ} 4'$  East, a distance of 165 feet to the center of Manhole Number 33 as shown on the drawing Number 35944 of Pride Engineering Associates, Inc., made for the Borough of Monroeville, dated August 1961; thence North  $28^{\circ} 20'$  East, a distance of 151.85 feet to the center of Manhole Number 34; thence North  $53^{\circ} 4'$  East, a distance of 85 feet to the center of Manhole Number 35; thence North  $2^{\circ} 17'$  West, a distance of 98.15 feet to the center of Manhole Number 36; thence North  $35^{\circ} 20'$  East, a distance of 68 feet to the center of Manhole Number 37; thence North  $22^{\circ} 54'$  West, a distance of 602 feet, more or less, to a point on the southerly line of Northern Pike.

The above descriptions are as shown on survey of Pride Engineering Associates, Inc., made for the Borough of Monroeville. Contract Number 9-S Drawing Number 35944, dated August 1961.

SECTION 3. The proper officers of the Borough of Monroeville are hereby authorized to tender the Bond of the Borough of Monroeville in the sum of One Thousand and no/100 (\$1,000.00) Dollars to the property owners hereinbefore named and upon refusal to accept the same to have the Solicitor file the same with the Prothonotary of the Court of Common Pleas of Allegheny County, Pennsylvania. The Solicitor and other officers of the Borough of Monroeville are hereby directed and empowered to do all acts necessary on behalf of the Borough of Monroeville to fully complete the taking appropriation and condemnation of the right-of-way and easement hereinabove described including the institution and/or defending of action by viewers or otherwise for the determination of such benefits or damages, if any, connected herewith.

SECTION 4. Any Ordinance or part of any Ordinance that shall conflict with this Ordinance is hereby repealed to the extent of such conflict.

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ORDAINED AND ENACTED this 10th day of October, 1961.

ATTEST:

BOROUGH OF MONROEVILLE

S/A.H.Curtis  
Secretary

By S/A.O.Strathern  
President of Council

EXAMINED AND APPROVED by me this 10th day of October, 1961

S/Anthony J. Martin  
Mayor