

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING A SURFACE AND SUBTER-ANEAN EASEMENT FIFTEEN (15) FEET WIDE, FOR THE INSTALLATION AND MAINTENANCE OF A PUBLIC SANITARY SEWER BY THE BOROUGH OF MONROEVILLE THROUGH PRIVATE PROPERTY IN 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 easements hereinafter described are necessary for the location and construction of a sanitary sewer known as Abers Creek Sanitary Sewer Extension, Borough of Monroeville Contract No. 6201-S; and,

WHEREAS, the Borough of Monroeville deems the acquisition of the easements 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 easements hereinafter mentioned and described to be used for public purposes, to-wit: for installation, maintenance, operation, replacement, removal and sanitary sewer lines, together with the necessary manholes 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. Across lands of James A. Nesta, unmarried, owner or reputed owner or whoever may be owner, the westerly line of the said easement being hereby established as follows, to-wit:

BEGINNING at a point North $0^{\circ}40'40''$ East, a distance of 50 feet from a point common to lands now or formerly of D-H Precast Company, Sampson Land Company and James A. Nesta; thence along the westerly line of the said James A. Nesta South $0^{\circ}40'$ West, a distance of 492 feet to a point.

SECOND. Across lands of J. J. Foltz and Helen St. Clair Foltz, his wife, owners or reputed owners or whoever may be owner, the center line of the said easement being hereby established as follows, to-wit:

BEGINNING at a point on the westerly line of property now or formerly of J. Nesta, said point being South $0^{\circ}40'40''$ West, a distance of 38 feet from the dividing line between property of J. J. Foltz Et Ux and property now or formerly

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of W. Kimberlin Et Ux; thence South $18^{\circ} 16'$ West, a distance of 157 feet to a point on the northerly line of a 33 foot road.

THIRD. Across lands of Elizabeth Fitzsimmons, widow, owner or reputed owner or whoever may be owner, the center line of said easement being established as follows, to-wit:

A. BEGINNING at a point on the northerly line of a 33 foot road, said point being South $75^{\circ} 26'$ East, a distance of 192 feet, more or less, from the easterly line of State Highway Route No. 286; thence South $18^{\circ} 16'$ West and across said road, a distance of 42 feet, more or less, to a point at the center of Manhole No. 26, as shown on the right-of-way map made for the Borough of Monroeville, Contract 6201-S; thence South $7^{\circ} 4' 30''$ East, a distance of 77 feet, more or less, to a point on the westerly line of property now or formerly of Frank E. Frazier.

B. BEGINNING at a point on the northerly line of property now or formerly of Frank E. Frazier, said point being South $1^{\circ} 45' 30''$ West, a distance of 16 feet, more or less, from the center of Manhole No. 25, as shown on right-of-way map made for the Borough of Monroeville, Contract 6201-S; thence South $1^{\circ} 45' 30''$ West, a distance of 324 feet, more or less, to a point at the center of Manhole No. 24-A, as shown on said map; thence South $5^{\circ} 38' 30''$ East, a distance of 152 feet to a point at the center of existing Manhole No. 24 of the Abers Creek Sanitary Sewer of the Borough of Monroeville.

FOURTH. Across lands of Frank E. Frazier and Darrell E. Frazier, his wife, owners or reputed owners or whoever may be owner, the center line of said easement being established as follows, to-wit:

BEGINNING at a point on the dividing line between property now or formerly of George R. Fitzsimmons and property of Frank E. Frazier, said point being South $14^{\circ} 7'$ West along said dividing line, a distance of 80 feet, more or less, from the southerly line of a road 33 feet wide; thence South $7^{\circ} 4' 30''$ East, a distance of 100 feet, more or less, to a point at the center of Manhole No. 25, as shown on right-of-way map made for the Borough of Monroeville, Contract No. 6201-S; thence South $1^{\circ} 45' 30''$ West, a distance of 16 feet, more or less, to the line of property of the said George R. Fitzsimmons Et Ux.

All of the above four descriptions being as established and as shown on map prepared for the Borough of Monroeville, Contract No. 6201-S by S. E. Michael, Registered Engineer, dated January 1962.

Said easement and right-of-way as hereinabove established shall be used for the installation, maintenance, removal or renewal of a sanitary sewer line beneath the surface thereof together with the necessary and pertinent appliances, manholes and required manhole surface openings.

SECTION 3. The proper officers of the Borough of Monroeville are hereby authorized to tender the bond of the Borough of Monroeville to the owner or reputed owner of said properties as above described in such sum or sums as the owner obligees thereof shall be entitled to receive as damages if any by reason of the appropriation and condemnation of the sewer line right-of-way when such damages shall have been agreed upon by the parties or shall have been legally awarded to such obligees,

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with interest and costs, if any may be due, and upon refusal to accept said bond 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 for the full and complete taking, appropriation and condemnation of the rights-of-way and easements hereinabove described including the instituting 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 Ordinance that shall conflict with this Ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED this 22nd day of March, 1962.

ATTEST:

BOROUGH OF MONROEVILLE

S/A.H. CURTIS
Secretary

By S/A. O. STRATHERN
President of Council

EXAMINED and APPROVED by me this 22nd day of March, 1962.

S/JOHN J. DUNCAN,
Mayor