

## ORDINANCE NO. 352

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 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 Green Hills Manor Sanitary Sewer Project 6204-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 the installation, maintenance, operation, replacement, removal and renewal of 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 (15) feet in width, under and across private properties all within the Borough of Monroeville, as follows:

All of the following are center line descriptions unless otherwise indicated, and the taking and condemnation hereunder is against the property owner as named, being the reputed owner or whoever may be owner:

1. Across property of Tomis Development Company, fronting on Coleman Drive:

Beginning at a point at the center of an existing sanitary sewer manhole located in Coleman Drive, said point being southwest fifteen (15) feet more or less from the point where the southwesterly line of Coleman Drive intersects the dividing line between Lots 29 and 30 in the Green Hills Manor Plan of Lots No. 2, as revised, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 69, pages 128-130; thence N 80° 30' W one hundred thirty-four (134.0) feet to a point in said Lot No. 28; thence S 41° 30' W eighty-three (83) feet more or less to a point on the southwesterly line of Lot No. 29 in said Plan.

2. Across property of Edmund Polyfka and Martha Polyfka, fronting on the easterly side of Haymaker Road:

Beginning at a point on the dividing line between property of Edmund Polyfka et ux and the Green Hills Manor Plan of Lots No. 2, as revised, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 69, pages 128-130, said point being S 35° 30' E a distance of eighty-three (83) feet from a concrete monument located along said dividing line at the northwest corner of Lot No. 28 in said Plan; thence S 41° 30' W a distance of one hundred sixty-two (162) feet to a point; thence S 57° 22' W a distance of five (5) feet more or less to a point on line of property now or formerly of Joseph Amantea et ux.

3. Across property of Joseph Amantea and Jean Amantea, fronting on the easterly side of Haymaker Road:

Beginning at a point on the dividing line between property of Joseph Amantea et ux and property of Joseph Cyril Havrilla et ux, said point being distant one hundred sixteen (116) feet along said dividing line from the easterly line of Haymaker Road; thence N 57° 22' E a distance of one hundred eighty-five (185) feet to a point on line of property now or formerly of Edmund Polyfka et ux.

4. Across property of Joseph Cyril Havrilla and Kathryn Betty Havrilla, fronting on the easterly side of Haymaker Road:

Beginning at a point on the dividing line between property of Joseph Amantea et ux and property of Joseph Cyril Havrilla et ux, said point being distant one hundred sixteen (116) feet along said dividing line from the easterly line of Haymaker Road; thence S 57° 22' W a distance of one hundred two (102) feet more or less to a point on line of property now or formerly of Harold L. Rothman et al.

5. Across property of Harold L. Rothman, Richard S. Simon and Ernest Schlechter, fronting on the easterly side of Haymaker Road:

Beginning at a point on the dividing line between property of Joseph Cyril Havrilla et ux and property of Harold L. Rothman et al, said point being S 33° 10' E a distance of fifty-seven (57) feet along said dividing line from the easterly line of Haymaker Road; thence S 57° 22' W a distance of five (5) feet to a point; thence N 68° 38' W a distance of forty-nine (49) feet more or less to a point on the easterly line of Haymaker Road.

6. Across property of Westmoreland Housing and Development Corporation, fronting on the easterly side of Harvard Road:

Beginning at a point at the center of an existing sanitary sewer manhole of the Borough of Monroeville on the dividing line between Lots 1 and 2 in the Briarcrest Manor Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 70, pages 41-43, said point being S 59° 21' W a distance of eighty (80) feet more or less from the westerly line of Harvard Road; thence N 59° 21' E a distance of eighty (80) feet more or less to the westerly line of Harvard Road; thence along the westerly line of Harvard Road S 33° 36' E a distance of one hundred five (105) feet more or less to a point on the northerly line of Hillside Avenue Extension.

All of the above descriptions being as established and shown on drawings prepared for the Borough of Monroeville, Contract 6204-S by Thomas E. McMahon, Registered Engineer of the Borough of Monroeville.

Subject, however, to the continued right of the fee title holders of the premises as above described to raise the present grade level at the surface of said right-of-way, provided any manholes located on said right-of-way are raised to such new surface grade according to construction standards as determined by the Borough of Monroeville.

Said easements and rights-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, 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 14th day of June, 1962.

ATTEST:

BOROUGH OF MONROEVILLE

S/ A. H. Curtis  
Secretary

By A. O. Strathern  
President of Council

EXAMINED and APPROVED by me this 14 day of June, 1962.

S/ John J. Duncan  
Mayor