

ORDINANCE NO. 353

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING A SURFACE AND SUBTERRANEAN EASEMENT TEN (10) 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 easement hereinafter described is necessary for the location and construction of a sanitary sewer known as Caruso Plan Sanitary Sewer, Borough of Monroeville, Contract No. 8-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 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 manholes and appliances, all for the best interest 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, as easement and right-of-way ten (10) feet in width under and across the property of Victor J. Caruso and Eleanor Caruso, fronting on the westerly side of Caruso Drive, the northerly line of said right-of-way being established as follows:

Beginning at a point on the northerly line of Lot No. 30 in the Caruso Farm Plan of Lots unrecorded, which plan extends from the westerly line of Caruso Drive at the dividing line between property of the said Caruso and property now or formerly of Onufer; thence North $66^{\circ} 56'$ West a distance of Two Hundred (200) feet to a point common to Lots 8, 9, 29 and 30 in said Caruso Farm Plan.

The above description being as established and shown on drawings prepared for the Borough of Monroeville, Contract No. 8-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 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 property 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 right-of-way and easement 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 14 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