

ORDINANCE NO. 468

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING OF CERTAIN SANITARY SEWER EASEMENTS THROUGH PRIVATE PROPERTIES.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, as follows:

Section 1. The Borough of Monroeville deems it necessary, 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 a sanitary sewer line, together with the necessary and attendant manholes and appliances.

Section 2. The Borough of Monroeville hereby appropriates, takes and condemns a sanitary sewer right-of-way and easement fifteen (15) feet in width over, under and across private properties, all within the Borough of Monroeville as hereinafter set forth, to be used for the installation, maintenance, operation, replacement, removal and renewal of a sanitary sewer line, together with the necessary and attendant manholes and appliances.

Section 3. The condemnation hereunder is made pursuant to the authority granted to the Borough of Monroeville under Section 1401 et seq. of the Borough Code of 1927, as amended, and the Eminent Domain Code of 1964.

Section 4. The condemnees, as reasonably known to the Borough of Monroeville, and the center line description of the rights-of-way and easements to be acquired hereunder are as follows. However, this condemnation shall be against the owners as hereinafter named being the reputed owners, or whoever may be owners.

(a) Across property of Madeline Blackadore Sterner.

1. BEGINNING at a point within the property of the said Sterner, said point being on a line between manholes Nos. 41 and 42 of the Turtle Creek Trunk Sanitary Sewer of the Borough of Monroeville Contract No. 3-S, said point being one hundred forty (140) feet along said line from the center of the said manhole No. 41; thence North 79° 27' West, a distance of two hundred ninety (290) feet to a point; thence North 89° 27' West, eleven (11) feet to a point on the Easterly line of the Pennsylvania Turnpike.

2. BEGINNING at a point on the dividing line between property of the said Sterner and property now or formerly of F. Backer, said point being at the center of an existing sanitary sewer manhole No. 46 of the Turtle Creek Sanitary Sewer Project of the Borough of Monroeville Contract No. 3-S; thence

through property of the said Sterner following the center line of the existing sanitary sewer of the Borough of Monroeville the following courses and distances: North $80^{\circ} 18'$ West, one hundred ten and $56/100$ (110.56) feet to a point at the center of manhole No. 45; thence South $79^{\circ} 6'$ West, four hundred eighty-three and $98/100$ (483.98) feet to a point at the center of manhole No. 44; thence South $79^{\circ} 6'$ West, four hundred eighty-two and $15/100$ (482.15) feet to a point at the center of manhole No. 43; thence South $19^{\circ} 52'$ West, four hundred ninety-two and $46/100$ (482.46) feet to a point at the center of manhole No. 42; thence South $33^{\circ} 41'$ East, a distance of three hundred fifty (350) feet more or less to a point on line of property now or formerly of G. B. Gray.

(b) Across property of Tomis Development Co.

BEGINNING at a point on the dividing line between property now or formerly of Hobe and property of Tomis Development Co., said point being South $35^{\circ} 45'$ East along said dividing line, a distance of one hundred (100) feet from the Southwesterly line of the Pennsylvania Turnpike; thence through said property of Tomis Development Co. South $27^{\circ} 50'$ East, ninety-five (95) feet to a point at the center of proposed manhole No. 10 of the Turnpike Trunk Sanitary Sewer Project of the Borough of Monroeville Contract No. 6404-S; thence South $62^{\circ} 37'$ East, sixty-six (66) feet to a point at the center of proposed manhole No. 9; thence South $53^{\circ} 15'$ East, one hundred thirty-five (135) feet to a point at the center of proposed manhole No. 8; thence South $21^{\circ} 35'$ East, three hundred nine (309) feet to a point at the center of proposed manhole No. 7; thence South $27^{\circ} 55'$ East, one hundred twenty-five (125) feet to a point; thence South $13^{\circ} 25'$ East, one hundred seventy-two (172) feet to a point at the center of proposed manhole No. 6; thence South $29^{\circ} 31'$ East, three hundred thirty-five (335) feet to a point at the center of proposed manhole No. 5; thence South $12^{\circ} 22'$ East, two hundred sixty-seven (267) feet to a point at the center of proposed manhole No. 4; thence South $27^{\circ} 56'$ East, sixteen and $5/10$ (16.5) feet to a point on the Southwesterly line of the Pennsylvania Turnpike.

(c) Across property of Lawrence A. Hobe and Marguerite C. Hobe, his wife.

BEGINNING at a point on the dividing line between property of the said Hobe and property now or formerly of A. B. Starr et al; said point being South 60° East along said dividing line, a distance of one hundred ninety (190) feet from the Easterly line of property now or formerly of John Vercelli; thence through said

property of Hobe the following courses and distances: South $31^{\circ} 45'$ East, one hundred fifteen (115) feet to a point at the center of proposed manhole No. 14 in the Turnpike Trunk Sanitary Sewer Project of the Borough of Monroeville Contract No. 6406-S; thence South $58^{\circ} 12'$ East, three hundred ten (310) feet to a point at the center of proposed manhole No. 13; thence South $20^{\circ} 12'$ East, one hundred fifteen (115) feet to a point at the center of proposed manhole No. 12; thence South $22^{\circ} 58'$ East, three hundred fifty-seven (357) feet to a point at the center of proposed manhole No. 11; thence South $27^{\circ} 50'$ East, two hundred twenty (220) feet to a point at the Northwesterly line of property now or formerly of Tomis Development Co., said point being South $35^{\circ} 45'$ East along said Northwesterly line, a distance of one hundred (100) feet from the Southwesterly line of the Pennsylvania Turnpike.

(d) Across property of Albert B. Starr and Andrew J. Starr.

1. BEGINNING at a point on the dividing line between property of the said Starr and property now or formerly of John Vercelli, said point being North $1^{\circ} 30'$ West along said dividing line, a distance of ninety-two (92) feet from the Easterly right-of-way line of the Pennsylvania Turnpike; thence through property of the said Starr South $30^{\circ} 55'$ East, a distance of one hundred ten (110) feet more or less to a point on the Easterly right-of-way line of the Pennsylvania Turnpike.

2. BEGINNING at a point on the dividing line between property of the said Starr and property now or formerly of John Vercelli, said point being South $1^{\circ} 30'$ East along said dividing line, a distance of fifty (50) feet from the Westerly right-of-way line of the Pennsylvania Turnpike; thence through property of the said Starr South $25^{\circ} 31'$ East, one hundred sixty-eight (168) feet to a point; thence continuing through property of the said Starr South $31^{\circ} 45'$ East, one hundred fifty (150) feet to a point on the Northerly line of property now or formerly of M. C. Hobe.

(e) Across property of John Vercelli.

1. BEGINNING at a point on the dividing line between the property of John Vercelli and property now or formerly of Maurice E. Miller et al., said point being South 54° West, a distance of one hundred eighty (180) feet along said dividing line from the Easterly line of said Vercelli property; thence through said property of Vercelli the following courses and distances; South $21^{\circ} 6'$ East, one hundred seventy-two

(172) feet to a point; thence South $26^{\circ} 10'$ East, three hundred ninety (390) feet to a point; thence South $30^{\circ} 55'$ East, one hundred twenty-five (125) feet to a point on line of property now or formerly of Starr, said point being North $1^{\circ} 30'$ West along said dividing line, a distance of ninety-two (92) feet from the Easterly right-of-way line of the Pennsylvania Turnpike.

2. BEGINNING at a point on the dividing line between property of John Vercelli and property now or formerly of Starr, said point being South $1^{\circ} 30'$ East, a distance of fifty (50) feet along said dividing line from the Westerly right-of-way line of the Pennsylvania Turnpike; thence through property of the said Vercelli North $25^{\circ} 31'$ West, one hundred ten (110) feet to a point; thence North $20^{\circ} 30'$ East, ten (10) feet to a point on the Westerly right-of-way line of the Pennsylvania Turnpike.

(f) Across property of Maurice E. Miller, Sylvia Slomoff and Lillian M. Welford.

BEGINNING at a point at the center of proposed man-hole No. 25 of the Turnpike Trunk Sanitary Sewer of the Borough of Monroeville, Contract No. 6406-S, said point being on the dividing line between property of Maurice E. Miller et al, and property now or formerly of F. E. Smulczenski et al. and being South 40° West along said dividing line, a distance of two hundred eleven (211) feet from the Westerly line of property of the Monroeville School District; thence through property of the said Miller the following courses and distances: South 45° East, two hundred thirty-two (232) feet to a point; thence South $2^{\circ} 40'$ West, three hundred ninety-eight (398) feet to a point; thence South $17^{\circ} 17'$ East, two hundred nineteen (219) feet to a point; thence South $21^{\circ} 37'$ East, two hundred thirty-five (235) feet to a point; thence South $21^{\circ} 6'$ East, one hundred eighteen (108) feet to a point on the Northerly line of property now or formerly of John Vercelli, said point being South 54° West, a distance of one hundred eighty (180) feet from the easterly line of property of the said Miller.

(g) Across property of Irene F. Smulczenski, Frank E. Smulczenski, Jr., Edward A. Smulczenski and Florence Watson.

BEGINNING at a point on the dividing line between property of the said Smulczenski and property now or formerly of John C. McLay et ux., said point being South along said dividing line, a distance of one hundred seventy-two (172) feet from the Southeasterly corner of property now or formerly of Anderson; thence

through property of the said Smulczenski South $48^{\circ} 54'$ East, three hundred fifteen (315) feet to a point; thence South $40^{\circ} 1'$ East, three hundred sixty-four (364) feet to a point on the Westerly line of property now or formerly of M. E. Miller et al.

(h) Across property of John C. McLay and Catherine C. McLay, his wife.

1. BEGINNING at a point on the dividing line between property of John C. McLay et ux. and property now or formerly of Smulczenski, said point being South one hundred seventy-two (172) feet along said dividing line from the Southeasterly corner of property of Anderson; thence through said property of McLay the following courses and distances: North $48^{\circ} 54'$ West, sixty-eight (68) feet to a point; thence North $60^{\circ} 17'$ West, two hundred fifty-one (251) feet to a point; thence North $56^{\circ} 36'$ West, two hundred ninety-eight (298) feet to a point; thence North $20^{\circ} 9'$ East, one hundred forty-five (145) feet to a point on the Southerly line of property of Merna Corp.

2. BEGINNING at a point on the dividing line between property of John C. McLay et ux. and property of L. G. Graham et ux., said point being North 60° West, a distance of twenty-seven (27) feet along said dividing line from a large oak tree at the Southwesterly corner of property of Merna Corp.; thence through said property of McLay South $46^{\circ} 8'$ East, three hundred three (303) feet to a point; thence South $50^{\circ} 22'$ East, one hundred ninety-nine (199) feet to a point; thence South $50^{\circ} 5'$ East, one hundred ninety-six (196) feet to a point at the center of a proposed manhole for the Turnpike Trunk Sanitary Sewer of the Borough of Monroeville Contract No. 6406-S.

(i) Across property of L. G. Graham and Alice T. Graham, his wife.

BEGINNING at a point on the dividing line between property of L. G. Graham et ux. and property now or formerly of John C. McLay et ux., said point being North 60° West, a distance of twenty-seven (27) feet along said dividing line from a large oak tree located at the Southwesterly corner of property of Merna Corp.; thence through property of the said Graham the following courses and distances: North $46^{\circ} 28'$ West, three hundred eighty-nine (389) feet to a point; thence North $43^{\circ} 18'$ West, three hundred seventy-seven (377) feet to a point; thence North $1^{\circ} 13'$ West, four hundred (400) feet to a point; thence North $19^{\circ} 57'$ East, two hundred ten (210) feet to a point; thence North $6^{\circ} 27'$ East, seventy-five (75) feet to a point on the Southerly line

of Northern Pike, said point being South 75½ East along said Southerly line of Northern Pike, a distance of one hundred twenty (120) feet more or less from the Easterly line of property of Monroeville Volunteer Fire Company No. 4.

(j) Across property of Merna Corp.

BEGINNING at a point on the dividing line between property of Merna Corp. and property now or formerly of John C. McLay, said point being North 60° West along said dividing line, a distance of one hundred sixty-two (162) feet from an iron pin at the Southeasterly corner of property of the said Merna Corp.; thence through property of the said Merna Corp. the following courses and distances: North 20° 9' East, one hundred twenty-three (123) feet to a point; North 18° 21' West, two hundred forty-eight (248) feet to a point; North 13° 8' East, two hundred forty-nine (249) feet to a point; North 25° 43' East, one hundred fifty-two (152) feet to a point; North 14° 15' West, three hundred (300) feet to a point; thence North 38° 40' West, three hundred thirty-two (332) feet to a point; North 13° 30' East, ten (10) feet to a point on the Southerly line of Northern Pike, said point being South 75° East, a distance of two hundred eight (208) feet along said Southerly line of Northern Pike from the dividing line between property of the said Merna Corp. and property now or formerly of L. G. Graham et ux.

Section 5. All descriptions set forth above are as established and shown on drawings prepared for the Borough of Monroeville by Thomas E. McMahon, Registered Engineer and Borough Engineer for the Borough of Monroeville.

Section 6. The Mayor, President of Council, Borough Secretary and Solicitor are hereby authorized and directed to file a declaration of taking of the rights-of-way and easements hereinabove described with the Prothonotary for the Court of Common Pleas of Allegheny County, Pennsylvania, and to prepare, execute, file and record, as the case may be, such other papers and documents as may be deemed necessary by the Borough Solicitor to complete all actions for the taking of said easements, the use thereof, and the compensation therefor, all pursuant to the terms and requirements of the said Eminent Domain Code of the Commonwealth of Pennsylvania.

Section 7. Any ordinance or part of ordinance in conflict with any of the provisions of this ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED this 11 day of March, 1965.

ATTEST:

BOROUGH OF MONROEVILLE

By S/Carrol F. Pickens
Secretary

By S/Frank A. Witt
President of Council

EXAMINED AND APPROVED this 12 day of March, 1965.

S/John J. Duncan