

ORDINANCE NO. 471

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 of widths as hereinafter specified 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 Gulf Oil Corporation a right-of-way and easement 10 feet in width.

BEGINNING at a point on the dividing line between property of Gulf Oil Corporation and property of Second Federal Savings & Loan Association, said point being South 56° 16' West, a distance of five (5) feet along said dividing line from the Westerly line of property now or formerly of Simplex Machine Tool Company; thence through said property of Gulf Oil Corporation North 33° 44' West, a distance of seventy (70) feet to a point on the Easterly line of property now or formerly of Ventures Unlimited, Inc.

- (b) Across property of Ventures Unlimited, Inc. a right-of-way and easement 10 feet in width.

BEGINNING at a point on the dividing line between property of Ventures Unlimited, Inc. and property of Gulf Oil Corporation, said point being South $1^{\circ} 46'$ West, a distance of thirty-eight (38) feet from the Southerly line of property now or formerly of Nick Marie; thence through property of the said Ventures Unlimited, Inc. North $33^{\circ} 44'$ West, a distance of forty-two (42) feet to a point on the Southerly line of property of the said Marie.

- (c) Across property of Albert J. Krasman a right-of-way and easement 15 feet in width.

1. BEGINNING at a point on the Easterly line of Bert Drive (50 feet wide), said point being South $22^{\circ} 37' 1''$ West along said Easterly line, a distance of one hundred thirty-seven (137) feet from the Southerly line of Lot No. 213 in the Turnpike Gardens Addition No. 1 Plan of Lots, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 59, Pages 119 through 121; thence South $72^{\circ} 45' 29''$ East, a distance of fifty-nine (59) feet to a point; thence South $84^{\circ} 33' 29''$ East, a distance of one hundred twelve (112) feet to a point on line of property now or formerly of Saunders.

2. BEGINNING at a point on the dividing line between property of A. J. Krasman and property now or formerly of Louis Pushnik, said point of beginning being located as follows:

beginning at a point at the Southwesterly corner of Lot No. 127 in the Alpine Village Plan of Lots No. 1, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 67, pages 146 through 148; thence along the Southerly line of Lot No. 127 South $82^{\circ} 3' 40''$ East, fifty-five (55) feet to a point; thence through property of Pushnik in a Southeasterly direction, a distance of ten (10) feet more or less to the center of an existing sanitary sewer manhole; thence South $71^{\circ} 12' 31''$ West, a distance of six (6) feet to a point on the line of property of Krasman, which is the place of beginning.

thence South $71^{\circ} 12' 31''$ West, fifty-nine (59) feet to a point; thence South $65^{\circ} 12' 31''$ West, two hundred twenty-seven (227) feet to a point; thence South $84^{\circ} 21' 31''$ West, one hundred seventy-two (172) feet to a point; thence North $43^{\circ} 41' 29''$ West, eighty (80) feet to a point; thence North $51^{\circ} 25' 29''$ West, forty (40) feet to a point; thence North $72^{\circ} 41' 49''$ West, eighty (80) feet to a point; thence South $84^{\circ} 36' 31''$ West, ninety-eight (98) feet to a point on line of property now or formerly of Saunders.

- (d) Across property of A. King Saunders, Surviving Executor under the Last Will and Testament of John L. Saunders, deceased, and A. King Saunders, Executor under the Last Will and Testament of Annie K. Saunders, deceased, and A. King Saunders, T. Etsel Saunders, and Stanley Saunders a right-of-way and easement 15 feet in width.

1. BEGINNING at a point on the Southerly line of Lot No. 213 in the Turnpike Gardens Addition No. 1 Plan of Lots, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 59, Pages 119 through 121, said point being South $71^{\circ} 26' 20''$ West along said Southerly line, a distance of twenty-one and 7/10 (21.7) feet from the easternmost corner of said lot; thence through property of the said Saunders the following courses and distances: South $20^{\circ} 33' 29''$ East, one hundred seven (107) feet to a point at the center of proposed sanitary sewer manhole No. 9 in the Borough of Monroeville Plans of the Turnpike Gardens "A" Sanitary Sewer Project No. 6502-S; thence South $50^{\circ} 1' 29''$ East, two hundred sixty (260) feet to a point at the center of proposed manhole No. 8 of said project; thence South $81^{\circ} 43' 29''$ East, a distance of one hundred fifty-five (155) feet to a point at the center of proposed manhole No. 7 of said project; thence North $84^{\circ} 36' 31''$ East, a distance of fifty-eight (58) feet to a point on line of property now or formerly of A. J. Krasman.

2. BEGINNING at a point at the center of proposed sanitary sewer manhole No. 9 as located above; thence North $84^{\circ} 33' 29''$ West, a distance of one hundred forty-three (143) feet to a point on line of property now or formerly of the said Krasman.

- (e) Across property of Louis Pushnik and Elizabeth Pushnik, his wife, a right-of-way and easement 15 feet in width.

BEGINNING at a point on the Southerly line of Lot No. 127 in the Alpine Village Plan of Lots No. 1, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 67, pages 146 through 148, said point being South $82^{\circ} 3' 40''$ East, a distance of fifty-five (55) feet along the Southerly line of said lot from the Southwesterly corner of said Lot No. 127; thence in a Southeasterly direction, a distance of ten (10) feet more or less to a point at the center of an existing sanitary sewer manhole; thence South $71^{\circ} 12' 31''$ West, a distance of six (6) feet to a point on line of property now or formerly of Krasman.

(f) Across property of Crossroads Presbyterian Church Cemetery.

1. A right-of-way and easement 20 feet in width. BEGINNING at a point on the Northerly line of Northern Pike, said point being distant ten (10) feet Westwardly along said Northerly line, a distance of ten (10) feet from the dividing line between property of Crossroads Presbyterian Church Cemetery and property now or formerly of I. G. Stone; thence through property of the said Crossroads Presbyterian Church Cemetery, being through an existing twenty (20) foot road right-of-way and maintaining a uniform distance of ten (10) feet from the property line of the said I. G. Stone, North $2^{\circ} 2'$ East, a distance of three hundred thirty (330) feet more or less to a point on line of property now or formerly of Pittsburgh Miracle Mile Town & Country Shopping Center, Inc.

2. A right-of-way and easement 10 feet in width. BEGINNING at a point on the Southerly line of Center Road, at the center of a gravel driveway on property of the Crossroads Presbyterian Church Cemetery; thence along the center of the said gravel driveway South $21^{\circ} 29'$ East, a distance of one hundred thirty (130) feet to a point; thence South $67^{\circ} 19'$ East, a distance of twenty-six (26) feet to a point on line of property now or formerly of Pittsburgh Miracle Mile Town & Country Shopping Center, Inc.

(g) Across property of Pittsburgh Miracle Mile Town & Country Shopping Center, Inc. a right-of-way and easement 20 feet in width.

BEGINNING at a point common to properties of I. G. Stone, Crossroads Presbyterian Church Cemetery, and Pittsburgh Miracle Mile Town & Country Shopping Center, Inc.; thence through property of the said Pittsburgh Miracle Mile Town & Country Shopping Center, Inc. North $21^{\circ} 29'$ West and parallel with the Westerly line of the said Miracle Mile Town & Country Shopping Center, Inc. property, a distance of three hundred thirty (330) feet to a point.

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 25 day of March, 1965.

ATTEST:

BOROUGH OF MONROEVILLE

S/Carrol F. Pickens

Secretary

By S/Frank A. Witt

President of Council

EXAMINED AND APPROVED this 27 day of Mar., 1965.

S/John J. Duncan

Mayor