

ORDINANCE No. 490

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 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 who ever may be owners.

- (a) Across property of Raymond Edward Waibel and Cornella Millie Waibel, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between Lots Nos. 137 and 138 in the Turnpike Gardens Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Volume 55, pages 104 to 108, inclusive, said point being distant thirty-four and 5/10 (34.5) feet along said dividing line from the Westerly line of said lots; thence through said Lot No. 138 North 19 $\frac{1}{2}$  36' East a distance of seventy and 39/100 (70.39) feet to a point on the Southerly line of Lot No. 139 in said Plan.

- (b) Across property of Lawrence C. Miller and Ann H. Miller, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to wit:

BEGINNING at a point on the dividing line between Lots Nos. 38 and 39 in the Turnpike Gardens Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Volume 55, pages 104 to 108, inclusive, said point being distant sixty (60) feet along

said dividing line from the Easterly line of said Lots; thence through said Lot No. 38 North 58! 37' East, a distance of eighty-five (85) feet to a point on the Southerly line of Lot No. 37 in said Plan.

- (c) Across property of Frank J. Thenn and Mary C. Thenn, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to wit:

BEGINNING at a point on the dividing line between Lots Nos. 36 and 37 in the Turnpike Gardens Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Volume 55, page 104 to 108, inclusive, said point being distant Westwardly sixty (60) feet along said dividing line from the Easterly line of said Lot No. 37; thence through said Lot No. 36 North 28! 27' East, a distance of sixty-seven (67) feet more or less to a point on the Southerly line of Lot No. 35 in said Plan.

- (d) Across property of Harry W. Erikson and Margaret E. Erikson, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to wit:

BEGINNING at a point on the dividing line between Lots Nos. 34 and 35 in the Turnpike Gardens Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Volume 55, pages 104 to 108, inclusive, said point being distant seventy-five (75) feet along said dividing line from the Easterly line of said Lots; thence through said Lot No. 34, North 28! 27' East a distance of sixty-seven (67) feet more or less to a point on the Southerly line of Lot No. 33 in said Plan.

- (e) Across property of Elmer W. Nemeč and Jean C. Nemeč, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between Lots Nos. 152 and 153 in the Turnpike Gardens Addition No. 1 Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Volume 69, pages 119 through 121, said point being North 84! 53' 50" East along said dividing line a distance of fifty-one (51) feet from the Westerly line of said Lots; thence through said Lot No. 152 South 6! 57' West a distance of sixty-five (65) feet more or less to a point on the Northerly line of Lot No. 151 in said Plan.

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 26th day of August, 1965.

BOROUGH OF MONROEVILLE

ATTEST:

S/ Carrol F. Pickens  
Secretary

S/ Frank A. Witt  
President of Council

EXAMINED AND APPROVED this 28th day of August, 1965.

S/ John J. Duncan