

## ORDINANCE NO. 536

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 whoever may be owners.

- (a) Across property of Elizabeth P. McKinney 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 Westerly line of Margaret Street, said point being North 21° 8' West, a distance of Twenty-three (23) feet along said line of Margaret Street from the dividing line between property now or formerly of Brunori and property now or formerly of McKinney; thence through property of the said McKinney South 60° 48' West, a distance of fifty-eight (58) feet more or less to a point on the Northerly line of property of the said Brunori.

- (b) Across property of Charles E. Seigh and Bonita B. Seigh, 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 property now or formerly of Seigh and property now or formerly of Brunori, said point being South 26° 24' East, a distance of thirty (30) feet along said dividing line from the Southerly line of property now or formerly of McKinney; thence through property of the said Seigh South 60° 48' West, a distance of three (3) feet to a point; thence south 81° 0' West, a distance of seventy-two (72) feet to a point on the easterly line of property now or formerly of Chalmers.

- (c) Across property of William J. Schaefer, Jr. and Helen Schaefer, 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 property of the said Schaefer and property now or formerly of E. H. George, said properties both fronting on McKinney Road, said point being South 14° 28' East along said dividing line, a distance of thirty-four (34) feet from the Northerly line of the property of the said Schaefer; thence through property of Schaefer North 73° 4' East, a distance of fifty (50) feet to a point on the Westerly line of property now or formerly of Heilman.

- (d) Across property of Mitchell R. Calina and Doris L. Calina, 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 property of the said Calina and property now or formerly of W. J. Schaefer, Jr., said properties both fronting on McKinney Road said point being South 14° 28' East along said dividing line, a distance of eighteen (18) feet from the Northeast corner of the said Schaefer property; thence through property of the said Calina North 73° 4' East, a distance of fifty-five (55) feet to a point on the Westerly line of property now or formerly of W. C. Casley.

- (e) Across property of W. C. Casley and Evelyn M. Casley, his wife, rights-of-way and easements as follows:

1. 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 property of the said Casley and property now or formerly of C. A. Heilman, both properties fronting on McKinney Road, said point being South 14° 28' East along said dividing line, a distance of one hundred five (105) feet from the Southerly line of Township Road (located to the rear of said properties); thence through property of the said Casley North 73° 4' East, a distance of fifty-five (55) feet to a point on the Westerly line of property now or formerly of H. J. Pelc.

2. A right-of-way and easement seven and one-half ( $7\frac{1}{2}$ ) feet in width, the easterly line whereof being described as follows, to-wit:

BEGINNING at a point on the Southerly line of Township Road at the dividing line between property of the said C. Sley and property now or formerly of H. J. Pelc, both properties fronting on McKinney Road; thence along said dividing line South  $14^{\circ} 28'$  East, a distance of eighty-seven (87) feet to a point.

- (f) Across property of Wilbur Smeltzer a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property of Edward McCrady, Jr. and property of Smeltzer, said point being North  $63^{\circ} 15' 20''$  West, a distance of one hundred eighty (180) feet along said dividing line from the Easterly line of said McCrady Property; thence across property of the said Smeltzer South  $21^{\circ} 22'$  West, a distance of one hundred twelve (112) feet to a point on line of property now or formerly of Union Railroad.

- (g) Across property of Alfred N. Feutz and Dolores L. Feutz, his wife, a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property now or formerly of A. N. Feutz and property now or formerly of Albert Land Company, said point being North  $80^{\circ} 5' 46''$  East a distance of twenty-three and  $38/100$  (23.38) feet along said dividing line from the Easterly line of property now or formerly of Anthony Nebel; thence through property of the said Feutz North  $0^{\circ} 26' 25''$  West, a distance of ninety and  $36/100$  feet to a point on the Southerly line of Lot No. 97 in Garden City Plan of Lots No. 9, as said Plan is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 55 Pages 70 through 73; thence through said Lot No. 97 North  $0^{\circ} 26' 25''$  West, a distance of twenty-five and  $64/100$  (25.64) feet to a point; thence North  $44^{\circ} 17'$  West, a distance of forty and  $11/100$  (40.11) feet to a point on the Easterly line of Lot No. 96 in said Plan.

- (h) Across property of John L. Lengyel a right-of-way and easement ten (10) feet in width, the northerly line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property now or formerly of John L. Lengyel and property now or formerly of Anthony Nebel, said point being on the Westerly line of property now or formerly of Lawrence DePalma; thence along said dividing line between Nebel and John L. Lengyel South  $80^{\circ} 42' 35''$  West, a distance of one hundred forty-one and  $70/100$  (141.70) feet to a point.

- (i) Across property of Lawrence DePalma, Theresa Polovchik and Betty Ruffolo a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property now or formerly of Lawrence DePalma and property now or formerly of J. Hochauer, both of said properties fronting on the Northerly side of William Penn Highway, said point being South  $0^{\circ} 49' 25''$  East, a distance of one hundred seventeen and  $66/100$  (117.66) feet along said dividing line from the Southerly line of property now or formerly of Albert Land Company; thence through property of the said DePalma North  $34^{\circ} 5' 20''$  West, a distance of eighty-eight and  $05/100$  (88.05) feet to a point; thence South  $79^{\circ} 9' 40''$  West, a distance of two hundred seventy-two and  $80/100$  (272.80) feet to a point; thence North  $73^{\circ} 39' 40''$  West, a distance of one hundred twenty and  $40/100$  (120.40) feet to a point on the Southerly line of property of the said Albert Land Company; thence South  $19^{\circ} 42' 35''$  West, a distance of twenty-five and  $12/100$  (25.12) feet to a point on the easterly line of property now or formerly of Anthony Nebel.

- (j) Across property of Lawrence DePalma a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property now or formerly of A. N. Feutz and property now or formerly of Lawrence DePalma, said point being North  $80^{\circ} 5' 46''$  East, a distance of twenty-three and  $38/100$  (23.38) feet along said dividing line from the Easterly line of property now or formerly of Anthony Nebel; thence across said property of Lawrence DePalma South  $0^{\circ} 26' 25''$  East, a distance of eighty-nine and  $33/100$  (89.33) feet to a point on the Northerly line of other property of Lawrence DePalma et al.

- (k) Across property of Sampson Bros., Inc. rights-of-way and easements fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

1. BEGINNING at a point on the Southerly line of Lot No. 917 in the Garden City Plan of Lots No. 9, as said Plan is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 62, Pages 125 through 128, said point being distant thirty-three (33) feet along said Southerly line from the

Westerly line of said lot; thence through property of said Sampson Bros., Inc. South  $4^{\circ} 46'$  East, a distance of one hundred thirty-eight (138) feet to a point on line of property now or formerly of Edward McCrady, Jr.

2. BEGINNING at a point on the dividing line between property now or formerly of Sampson Bros., Inc. and property of Monroeville Water Authority, said point being South  $67^{\circ} 13' 2''$  West, a distance of forty-four (44) feet along said dividing line from the Southwest corner of Lot No. 591 in Garden City Plan of Lots No. 5, as said Plan is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 59, Pages 169 through 172; thence North  $2^{\circ} 36'$  West, a distance of fifty-one (51) feet to a point; thence North  $1^{\circ} 0'$  East, a distance of ninety (90) feet to a point; thence North  $21^{\circ} 27'$  East, eighty-five (85) feet to a point; thence North  $35^{\circ} 14'$  West, thirty-seven (37) feet to a point at the center of an existing sanitary sewer manhole.

3. BEGINNING at a point on the Westerly line of Lot No. 591 in the Garden City Plan of Lots No. 5, as said Plan is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 59, Pages 169 through 172, said point being North  $17^{\circ} 13' 20''$  East, a distance of thirty-two (32) feet along said Westerly line from the Northerly line of property of the Monroeville Water Authority; thence North  $86^{\circ} 56' 40''$  West, a distance of fifty-four (54) feet to a point.

1. Across property of Thorwood Corp. rights-of-way and easements fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

1. BEGINNING at a point on the dividing line between property of Edward McCrady, Jr., and property of Thorwood Corp., said point being North  $79^{\circ} 59' 17''$  West, a distance of one hundred fifty-seven (157) feet along said dividing line from the Westerly line of Lot No. 20 in Garden City Plan of Lots No. 20; thence through property of Thorwood Corp. North  $9^{\circ} 22'$  East, a distance of twenty-two (22) feet to a point; thence North  $4^{\circ} 35'$  East, a distance of sixty-four (64) feet to a point; thence North  $22^{\circ} 43'$  East, a distance of one hundred (100) feet to a point; thence North  $32^{\circ} 55'$  West, a distance of one hundred seventy-five (175) feet to a point at the center of an existing sanitary sewer manhole.

2. BEGINNING at a point at the Northwest corner of Lot No. 18 in Garden City Plan of Lots No. 20; thence North  $66^{\circ} 11'$  West, a distance of ninety-five (95) feet to a point.

- (m) Across property of Margaret Curran, Martha Curran and Jane Curran a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between Lots Nos 96 and 97 in Garden City Plan of Lots No. 1, as said Plan is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 55, Pages 70 through 73, said point being South  $24^{\circ} 5' 7''$  West, a distance of one hundred seventeen and  $58/100$  (117.58) feet along said dividing line from the Southerly line of Lilac Drive; thence across said Lot no. 96 North  $44^{\circ} 17'$  West, a distance of ninety-five and  $94/100$  (95.94) feet to a point on the Southeasterly line of Lot No. 95 in said Plan.

- (n) Across property of Catherine Scott a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property of the said Catherine Scott and property now or formerly of Shields, said point being North  $89^{\circ} 45'$  West, a distance of eleven hundred eighty-one (1181) feet along said dividing line from the Westerly line of the Pennsylvania Turnpike, and a distance of twelve (12) feet along said dividing line from an existing concrete monument; thence through property of the said Catherine Scott South  $11^{\circ} 35' 19''$  East, a distance of eighty-two (82) feet to a point; thence South  $38^{\circ} 15' 19''$  East, distance of three hundred ninety-eight (398) feet to a point; thence South  $50^{\circ} 37' 19''$  East, a distance of three hundred seventy-two (372) feet; thence South  $52^{\circ} 48' 19''$  East, a distance of one hundred forty-eight (148) feet to a point on line of property now or formerly of John C. McLay.

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.

Ordinance No. 536

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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 12th day of July, 1966.

ATTEST:

BOROUGH OF MONROEVILLE

S/ Carol F. Pickens  
Secretary

By S/ Frank A. Witt  
President of Council

EXAMINED AND APPROVED this 13th day of July, 1966.

John J. Duncan  
Mayor