

ORDINANCE NO. 584

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 1501 et seq. of the Borough Code of 1966, 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.

BEGINNING at a point on the dividing line between property of Bellissimo, Dale and Puglione and property of Numis Corp., said point being South 55° 45' East, a distance of twenty-five (25) feet along said dividing line from the center line of Monroeville Road; thence North 34° 15' East and parallel with Monroeville Road, a distance of two hundred forty-five (245) feet more or less to a point on the Southerly line of Jamison Lane.

- (a) Across property of Herbert K. Hall and Mabel J. Hall, 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 W. L. Cook and property of Herbert K. Hall, said point being North 47° 30' East, a distance of one hundred twenty-nine (129) feet along said dividing line from the Easterly line of property of H. M. McDowell; thence through property of the said Hall

and through property known as "Judy Lane" the following courses and distances: North $66^{\circ} 29'$ East, fifty-nine (59) feet to a point; thence North $55^{\circ} 35'$ East, seven hundred sixty-six (766) feet to a point; thence North $15^{\circ} 50'$ West, sixty-four (64) feet to a point on the Southerly line of property now or formerly of F. Molinaro.

- (b) Across property of Philomena McCracken and George McCracken, her husband, 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 Easterly line of Ohio Street, said point being North $46^{\circ} 36'$ West, a distance of twenty-five (25) feet along said Easterly line from the Southwest corner of property of Philomena McCracken et vir; thence through property of the said McCracken North $29^{\circ} 0'$ East, one hundred seventy-five (175) feet to a point; thence North $6^{\circ} 55'$ East, two hundred eighty-five (285) feet to a point; thence North $19^{\circ} 0'$ East, nine (9) feet to a point on line of property now or formerly of Louise C. Hohman.

- (c) Across property of Louise C. Hohman 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 Philomena McCracken and property of Louise C. Hohman, said point being South $41^{\circ} 56'$ East, a distance of sixty (60) feet along said dividing line from the Northeast corner of property of the said McCracken; thence through property of Louise C. Hohman North $19^{\circ} 6'$ East, four hundred fifty (450) feet to a point; thence North $28^{\circ} 18'$ East, two hundred eighty-two (282) feet to a point on line of property now or formerly of F. Hohman.

- (d) Across property of Kathryn Hohman 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 Louise C. Hohman and property of Fred Hohman, said point being South $38^{\circ} 20'$ East, eighty-eight (88) feet along said dividing line from the Northeast corner of property of the said Louise C. Hohman; thence through property of said Fred Hohman North $27^{\circ} 45'$ East, one hundred eight (108) feet, more or less, to a point on line of property now or formerly of H. M. McDowell.

(e) Across property of Hamilton M. McDowell and Irene E. McDowell, his wife, a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

FIRST: BEGINNING at a point on the dividing line between property now or formerly of Fred Hohman and property of Hamilton McDowell et ux, said point being North 48° 0' West, a distance of ten (10) feet along said dividing line from the Southwest corner of the said McDowell property; thence through property of McDowell North 25° East, six (6) feet to a point; thence North 44° 21' East, two hundred twenty (220) feet to a point; thence North 45° 54' East, nineteen (19) feet to a point on the Westerly line of property now or formerly of W. L. Cook.

SECOND: BEGINNING at a point on the dividing line between property of McDowell and property of W. L. Cook, said point being South 29° 18' East, a distance of one hundred ninety-five (195) feet along said dividing line from the Southerly line of James Street; thence through property of McDowell South 34° 27' East, a distance of thirty-two (32) feet to the first point of angle; thence South 32° 20' East, one hundred sixty (160) feet to a point; thence South 34° 5' East, two hundred fifteen (215) feet to a point; thence South 31° 58' East, sixty-five (65) feet more or less to a point at the center of the first right-of-way described above.

THIRD: BEGINNING at a point at the first angle located in description Second above; thence through property of McDowell South 47° 17' West, three hundred forty-two (342) feet more or less to a point on the Easterly line of property now or formerly of F. Hohman.

FOURTH: BEGINNING at a point on the center line of the Third right-of-way described above, said point being South 47° 17' West, a distance of two hundred forty (240) feet from the point of beginning of the said Third described right-of-way; thence North 47° 20' West, a distance of forty-seven (47) feet more or less to a point on the Northerly line of the said McDowell property.

FIFTH: BEGINNING at a point on the dividing line between property of McDowell and property now or formerly of M. A. Elko, said point being South 28° 44' 30" East, a distance of two hundred four (204) feet along said dividing line from the center line of James Street; thence through property of the said McDowell South 56° 5' West, a distance of fifty-four (54) feet to a point; thence South 61° 0' West, a distance of forty-six and 5/10 (46.5) feet to a point on line of property now or formerly of J. H. Gwaltney.

(f) Across property of William L. Cook and Letitia I. Cook, his wife, a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

FIRST: BEGINNING at a point on the dividing line between property of H. M. McDowell and property of W. L. Cook, said point being North $29^{\circ} 18'$ West, a distance of nineteen (19) feet along said dividing line from the Northerly line of property now or formerly of H. K. Hall; thence through property of the said Cook North $45^{\circ} 54'$ East, sixty-six (66) feet to a point; thence North $66^{\circ} 29'$ East, sixty-three (63) feet more or less to a point on the Northerly line of property of the said Hall.

SECOND: BEGINNING at a point on the dividing line between property of H. M. McDowell and property of W. L. Cook, said point being South $29^{\circ} 18'$ East, a distance of one hundred ninety-five (195) feet along said dividing line from the Southerly line of James Street; thence through property of the said Cook North $34^{\circ} 55'$ West, one hundred six (106) feet to a point of angle; thence North $23^{\circ} 46'$ West, one hundred twelve (112) feet to a point on the Southerly line of James Street.

THIRD: BEGINNING at the point of angle located in the Second described right-of-way above; thence through property of the said Cook North $59^{\circ} 17'$ East, a distance of thirty-five (35) feet more or less to a point on the Westerly line of property now or formerly of E. J. Bradley.

FOURTH: BEGINNING at a point on the Easterly line of property now or formerly of Clarence F. Vesely et ux adjacent to a twenty (20) foot right-of-way, said point being North $28^{\circ} 45'$ West, a distance of sixty-five (65) feet from the main Northerly line of property of W. L. Cook; thence across said twenty (20) foot right-of-way North $62^{\circ} 0'$ East, a distance of twenty (20) feet more or less to a point on the Westerly line of property now or formerly of Frank E. Vesely et ux.

- (g) Across property of Joann Doyle 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. 54B and 53B in the Rosecrest Plan of Lots Revision, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 56, Page 68, said point being North $62^{\circ} 0' 20''$ West, a distance of sixty-one (61) feet along said dividing line from the Westerly line of Maple Drive; thence across said Lot No. 53B South $30^{\circ} 35'$ West, a distance of sixty (60) feet more or less to a point on the Northerly line of Lot No. 52B in said Plan.

- (h) Across property of Andrew Fallon and Rita H. Fallon, 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. 50B and 49B in the Rosecrest Plan of Lots Revision, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 56, Page 68, said point being North $62^{\circ} 0' 20''$ West, a distance of sixty-six (66) feet along said dividing line from the Westerly line of Maple Drive; thence across said Lot No. 49B and Lot No. 48B in said Plan South $36^{\circ} 49'$ West, a distance of one hundred twenty-two (122) feet more or less to a point on the Southerly line of Lot No. 48B in said Plan.

- (i) Across property of Daniel A. Coury and Nelle L. Coury, his wife, a right-of-way and easement fifteen (15) feet in width, the Westerly line whereof being described as follows, to-wit:

BEGINNING at a point at the Northwest corner of Lot No. 8 in the Rosecrest Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 38, Pages 178 and 179; thence along the Westerly line of said Lot No. 8 South 30° West, a distance of fifty (50) feet to a point on the Northerly line of Lot No. 7 in said Plan.

- (j) Across property of Frank A. Cortese 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. 5 and 6 in the Rosecrest Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 38, Pages 178 and 179, said point being North $62^{\circ} 0' 20''$ West, a distance of one hundred eighty-two and $28/100$ (182.28) feet along said dividing line from the Westerly line of Willow Road; thence through said Lot No. 5 and Lot No. 4 in said Plan South $20^{\circ} 30'$ West, a distance of one hundred (100) feet to a point on the Northerly line of Lot No. 3 in said Plan.

- (k) Across property of Russell A. Arelt and Margaret L. Arelt, his wife, a right-of-way and easement fifteen (15) feet in width, the Westerly line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property of Arelt and property now or formerly of McElhose, said point being on the Westerly line of Lot No. 13 in the Rosecrest Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 38, Pages 178 and 179; thence along the Westerly line of Lot No. 13 and Lot No. 14 in said Plan North $30^{\circ} 15'$ East a distance of seventy-five (75) feet more or less to a point on the Southerly line of property now or formerly of Smeltz.

Section 5. 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 6. 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 10th day of October, 1967.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ Frank A. Witt
President of Council

S/ Carrol F. Pickens
Secretary

EXAMINED AND APPROVED this 10th day of October, 1967.

S/ John J. Duncan
Mayor