

ORDINANCE NO. 741

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING
THE TAKING, USING, APPROPRIATING AND CONDEMNING OF
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 certain sanitary sewer rights-of-way and easements, in varying widths as hereinafter set forth, over, under and across the private properties hereinafter described, 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, as amended.

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 the property of Robert E. McLay and Ida Mae McLay, 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 Williams and McLay said point being South $89^{\circ} 30'$ West a distance of one hundred thirty-six (136) feet from the southeast corner of McLay in Tilbrook Road; thence through the lands of R. E. McLay North $6^{\circ} 45'$ East a distance of one hundred forty-three (143) feet to a point on the dividing line between G. W. McLay and R. E. McLay.

- (b) Across the property of Francis Thomas Williams 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 Gessinger and F. T. Williams said point being South $89^{\circ} 30'$ East a distance of one hundred forty-four (144) feet to the southeast corner of the Williams property on Tilbrook Road; thence through the lands of Williams North $3^{\circ} 00'$ East a distance of one hundred forty-two (142) feet to a point on the dividing

line between Williams and McLay.

- (c) Across the property of William J. Slomer and Gale R. Slomer, 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 Jahn and Slomer said point being North 30° 30' West a distance of six (6) feet from the southwest corner of the Slomer property; thence through the lands of Slomer North 77° 30' East a distance of nineteen (19) feet; thence continuing through the lands of Slomer North 82° 30' East a distance of one hundred forty (140) feet to a point; thence continuing through the lands of Slomer North 3° 00' East a distance of one hundred seventy-six (176) feet to a point on the dividing line between Slomer and Williams.

- (d) Across the property of Robert R. Schneider and Loretta K. Schneider, 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 Traini and Schneider said point being North 89° 30' East a distance of one hundred twenty (120) feet from the southwest corner of Schneider where it joins the lands of Traini and Jahn; thence through the lands of Schneider North 14° 00' East a distance of sixty (60) feet to a point; thence continuing through the lands of Schneider North 70° East a distance of one hundred five (105) feet to a point on the right-of-way line of Tilbrook Road.

- (e) Across the property of Louis Traini and Jessie Traini, 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 Bolbat and Traini said point being North 89° 30' East a distance of eighty-five (85) feet from the southwest corner of Traini where it joins the lands of Bolbat and Jahn; thence through the lands of Traini North 14° 00' East a distance of ninety-six (96) feet, more or less, to a point on the dividing line between Schneider and Traini.

- (f) Across the property of Walter A. Bolbat and Katheryn A. Bolbat, 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 Jahn and Bolbat said point being South 3° 35' East a distance of seventeen (17) feet from the northwest corner of Bolbat where it joins the lands of Traini; thence through the lands of Bolbat North 80° 00' East a distance of eighty-two (82) feet to a point; thence continuing through the

lands of Bolbat South $17^{\circ} 30'$ East a distance of seventy-nine (79) feet to a point on the dividing line between Bolbat and Kleinert.

- (g) Across the property of Robert K. Jahn and Ethel G. Jahn, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to-wit:

Parcel 1 -

BEGINNING at a point on the dividing line between Krusey and Jahn said point being North $83^{\circ} 45'$ West a distance of eight (8) feet from the northeast corner of Krusey where it joins the lands of Wolfinger; thence through the lands of Jahn South $0^{\circ} 30'$ West a distance of two hundred thirty-five (235) feet to a point; thence continuing through the lands of Jahn South $30^{\circ} 00'$ East a distance of two hundred thirty-two (232) feet to a point at the start of the right-of-way for Parcel three; thence continuing along through the lands of Jahn South $24^{\circ} 30'$ East a distance of one hundred eighty-nine (189) feet to a point; thence continuing through the lands of Jahn South $27^{\circ} 00'$ East a distance of one hundred fifty-eight (158) feet to a point; thence continuing through lands of Jahn South $60^{\circ} 30'$ East a distance of one hundred forty-three (143) feet to a point; thence continuing through the lands of Jahn South $74^{\circ} 00'$ East a distance of one hundred seven (107) feet to a point on the dividing line between Jahn and Kuehn at Tilbrook Road.

Parcel 2 -

BEGINNING at a point on the dividing lines between Wolfinger and Jahn said point being North $68^{\circ} 00'$ East a distance of forty-two (42) feet from the common corner of Wolfinger, Krusey and Jahn; thence through the property of Jahn North $77^{\circ} 30'$ East a distance of one hundred sixty-eight (168) feet to a point on the dividing line between Jahn and Slomer.

Parcel 3 -

BEGINNING at a point on the dividing line between Bolbat and Jahn said point being South $13^{\circ} 35'$ East a distance of seventeen (17) feet along the dividing line between Bolbat and Jahn from the common corner with Traini; thence through the property of Jahn South $80^{\circ} 00'$ West a distance of one hundred forty-five (145) feet to a point on the right-of-way described in Parcel one.

- (h) Across the property of Fred E. Kuehn and Della I. Kuehn, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to-wit:

Parcel 1 -

BEGINNING at a point on the westerly property line of Kuehn in Tilbrook Road said point being South $0^{\circ} 30'$ East a distance of

one hundred sixty-two (162) feet from the northwest corner of Kuehn; thence through the property of Kuehn North 70° East a distance of thirty-two (32) feet, more or less, to a point; thence continuing through the lands of Kuehn North 4° 30' East a distance of one hundred sixty (160) feet, more or less, to the line dividing Kuehn and Stratford Apartments, Inc.

Parcel 2 -

BEGINNING at a point on the westerly property line of Kuehn in Tilbrook Road said point being North 0° 30' West a distance of two hundred one (201) feet from the southwest corner of Kuehn as it joins lands of Tomis Development Company; thence through the lands of Kuehn South 74° 00' East a distance of forty-one (41) feet to a point; thence continuing through the lands of Kuehn South 15° 30' East a distance of two hundred (200) feet to a point on the dividing line between Kuehn and Tomis Development Company.

- (i) Across the property of Dennis Wolfinger and Oattie A. Wolfinger, 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 Debray and Wolfinger said point being South 59° 52' East a distance of two and one-half (2½) feet from the northwest property corner of Wolfinger where it joins Krusey; thence through the property of Wolfinger South 28° 30' East a distance of fifty (50) feet to a point on the dividing line between Krusey and Wolfinger; thence continuing through the Krusey lot South 28° 30' East a distance of one hundred five (105) feet to a point; thence continuing through the Krusey lot North 77° 30' West a distance of eight (8) feet to a point on the dividing line between Krusey and Wolfinger; thence continuing through the lands of Wolfinger South 77° 30' East a distance of thirty-two (32) feet to a point on the dividing line between Wolfinger and Jahn.

- (j) Across the property of Edwin A. Krusey and Beulah E. Krusey, 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 Krusey and Wolfinger where it joins the DeBray property; thence continuing along the dividing line between Wolfinger and Krusey South 27° 45' East a distance of one hundred fifty (150) feet to the southeast corner of Krusey where the Wolfinger and the Krusey property join the lands of Jahn.

- (k) Across the property of Alda B. DeBray 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 lines between Wolfinger,

DeBray and Krusey; thence along the dividing line between Krusey and DeBray North $29^{\circ} 02'$ West a distance of sixty-nine and $05/100$ (69.05) feet to the northwest corner of DeBray said right-of-way being ten (10) feet in width off the western portion of the DeBray property.

- (l) Across the property of Charles Hodoba and Bertha Hodoba, 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 Bohinski and Hodoba said point being North $81^{\circ} 10'$ East a distance of twenty-six (26) feet from the northeast corner of Hodoba where it meets Bohinski and the center line of Tilbrook Road; thence through the property of Hodoba South $31^{\circ} 09' 10''$ West a distance of one hundred (100) feet to a point on the dividing line between Hodoba and DellaPiazza.

- (m) Across the property of Edwin M. DellaPiazza and Doris DellaPiazza, 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 southwest corner at the center line of Tilbrook Road and the lands of Herman; thence by the dividing line between DellaPiazza and Herman North $70^{\circ} 55' 45''$ West a distance of twenty-three (23) feet to a point twenty-five (25) feet from the center line of Tilbrook Road as proposed in reconstruction; thence through the property of DellaPiazza parallel to the said center line of the proposed Tilbrook Road by a curve to the right with a radius of one thousand five hundred twenty-five (1525) feet a distance of seventy-four and $5/10$ (74.5) feet to a point; thence continuing along the line parallel to the center line of Tilbrook Road North $31^{\circ} 09' 20''$ East a distance of sixty-six and $5/10$ (66.5) feet to a point on the dividing line between Hodoba and DellaPiazza.

- (n) Across the property of Herbert H. Herman and Helen H. Herman, 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 center line of Tilbrook Road and the southwest corner of Herman and the lands of Law; thence by the dividing lines between Herman and Law North $70^{\circ} 55' 45''$ West a distance of eighteen (18) feet to a point twenty-five (25) feet from the center line of Tilbrook Road as proposed in reconstruction; thence parallel to the said center line of the proposed Tilbrook Road to the property of Herman by a curve to the right with a radius of one thousand five hundred twenty-five (1525) feet a distance of eighty-two and $73/100$ (82.73) feet to a point on the dividing line between DellaPiazza and Herman.

- (o) Across the property of Charles D. Law and Helen H. Law, 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 southwest corner and the center line of Tilbrook Road and the lands of Churchfield and Law; thence by the dividing line between Churchfield and Law North $70^{\circ} 55' 45''$ West a distance of twenty-one (21) feet to a point twenty-five (25) feet from the center line of Tilbrook Road as proposed in the reconstruction of Tilbrook Road; thence through the property of Law and parallel to the said center line of the proposed Tilbrook Road as being reconstructed by a curve to the right with a radius of one thousand five hundred twenty-five (1525) feet a distance of eighty and $79/100$ (80.79) feet to a point on the dividing line between Herman and Law.

- (p) Across the property of John H. Churchfield and Virginia Churchfield, 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 center line of Tilbrook Road at the southwest corner of Churchfield and the property of Tartaglione; thence by the dividing line between Churchfield and Tartaglione North $70^{\circ} 55' 45''$ West a distance of twenty-five (25) feet to a point twenty-five (25) feet from the center line of Tilbrook Road as proposed in reconstruction; thence through the property of Churchfield and parallel to the said center line of the proposed Tilbrook Road by a curve to the right with a radius of one thousand five hundred twenty-five (1525) feet a distance of sixty-five (65) feet to a point on the dividing line between Law and Churchfield.

- (q) Across the property of Anna Tartaglione and Joann Safron, 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 center line of Tilbrook Road and the property of Emil R. Bohinski; thence by the lands of Emil R. Bohinski North $1^{\circ} 34' 40''$ West a distance of seventy-eight (78) feet to a point twenty-five (25) feet from the center line of Tilbrook Road as proposed; thence through the property of Tartaglione and Safron North $18^{\circ} 49' 20''$ East a distance of three hundred seventy-eight (378) feet to a point with a curve to the right; thence by the said curve with a radius of one thousand five hundred twenty-five (1525) feet a distance of twenty-eight (28) feet to a point on the lands of Churchfield.

- (r) Across the property of Emil R. Bohinski, 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 Emil Bohinski and Emil R. Bohinski said point being North $69^{\circ} 25'$ West a distance of twenty-five (25) feet from the southeast corner of Bohinski and the center line of Tilbrook Road; thence twenty-five (25) feet from and parallel to the proposed reconstruction of Tilbrook Road by a curve to the left with a radius of one thousand four hundred seventy-five (1475) feet parallel to the said center line of Tilbrook Road as

proposed a distance of one hundred (100) feet through the property of Bohinski to the dividing line between Emil Bohinski and Emil R. Bohinski.

- (s) Across the property of William S. Marangoni and Shirley Marangoni, 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 northeast corner of Lot No. 5 at the recorded right-of-way line of Tilbrook Road; thence along the dividing lines between Bayle and Marangoni South $70^{\circ} 40' 35''$ East four and $21/100$ (4.21) feet to a point thirty (30) feet from the center line of Tilbrook Road as proposed and shown on Drawing No. 8556; thence parallel to the center line of the proposed Tilbrook Road South $18^{\circ} 54' 20''$ West a distance of sixty (60) feet through the lands of Marangoni to a point on the dividing lines between lands of Marangoni and Lennox; thence along the said dividing line between Marangoni and Lennox North $70^{\circ} 40' 35''$ West four and $76/100$ (4.76) feet to a point on the recorded right-of-way line and the northwest corner of Lot No. 5; thence along the said right-of-way line North $19^{\circ} 19' 25''$ East a distance of sixty (60) feet to the place of beginning containing .006 acres and being a portion of Lot No. 5 of the Tilbrook Heights Plan No. 1 as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 50, Page 97.

- (t) Across the property of Thomas W. Lennox and Shirley J. Lennox, his wife, a right-of-way and easement as described in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the northeast corner of Lot No. 4 at the recorded right-of-way line of Tilbrook Road; thence along the dividing lines between Lennox and Marangoni South $70^{\circ} 40' 35''$ East four and $76/100$ (4.76) feet to a point thirty (30) feet from the center line of Tilbrook Road as proposed and as shown on Drawing No. 8556; thence parallel to the center line of the proposed Tilbrook Road South $18^{\circ} 54' 20''$ West a distance of sixty (60) feet through the lands of Lennox to a point on the dividing line between the lands of Lennox and Ulmer; thence along the dividing line between Lennox and Ulmer North $70^{\circ} 40' 35''$ West five and $31/100$ (5.31) feet to a point on the recorded right-of-way line and the northwest corner of Lot No. 4; thence along the said right-of-way line North $19^{\circ} 19' 25''$ East a distance of sixty (60) feet to the place of beginning containing .007 acres and being a portion of Lot No. 4 of the Tilbrook Heights Plan No. 1 as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 50, Page 97.

- (u) Across the property of Antoinette A. Ulmer, a right-of-way and easement as described in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the northeast corner of Lot No. 3 at the

recorded right-of-way line of Tilbrook Road; thence along the dividing lines between Ulmer and Lennox South $70^{\circ} 40' 35''$ East five and $31/100$ (5.31) feet to a point thirty-three (33) feet from the center line of Tilbrook Road as proposed and shown on Drawing No. 8556; thence parallel to the center line of the proposed Tilbrook Road South $18^{\circ} 54' 20''$ West a distance of sixty (60) feet through the lands of Ulmer to a point on the dividing lines between the lands of Ulmer and Ferla; thence along the dividing line between Ferla and Ulmer North $70^{\circ} 40' 35''$ West five and $86/100$ (5.86) feet to a point on the recorded right-of-way line and the northwest corner of Lot No. 3; thence along the recorded right-of-way line North $19^{\circ} 19' 25''$ East a distance of sixty (60) feet to the place of beginning containing .008 acres and being a portion of Lot 3 of the Tilbrook Heights Plan No. 1 as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 50, Page 97.

- (v) Across the property of Carl R. Morrison, et al, a right-of-way and easement as described in width and being described as follows, to-wit:

BEGINNING at a point on the dividing line between Greenaway and Morrison said point being North $58^{\circ} 28' 30''$ East a distance of forty-six and $8/10$ (46.8) feet from the southwest corner of Lot G; thence through the property of Morrison and a road right-of-way owned by Greenaway North $54^{\circ} 20'$ West a distance of one hundred Thirteen (113) feet to a point; thence continuing along the same road right-of-way through Morrison North $80^{\circ} 58'$ West a distance of seventy-two (72) feet to a point on Forrest Avenue said point being South $60^{\circ} 30'$ East a distance of forty-six (46) feet from the northwest corner of Lot G and being a portion of Lot G as recorded in the Recorder's Office of Allegheny County in the Wall View Plan, Plan Book Volume 15, Page 58.

Section 5. 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 8th day of June, 1971.

BOROUGH OF MONROEVILLE

(SEAL)

By S/ George C. Dale
President of Council

ATTEST:

S/ Carrol F. Pickens
Secretary

EXAMINED AND APPROVED this 8th day of June, 1971.

S/ John J. Duncan
Mayor