

ORDINANCE NO. 757

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING OF A STORM SEWER EASEMENT THROUGH PRIVATE PROPERTY.

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 easement hereinafter mentioned and described to be used for public purposes, to-wit, for the installation, maintenance, operation, replacement, removal and renewal of a storm sewer line, together with the necessary and attendant manholes and appliances.

Section 2. The Borough of Monroeville hereby appropriates, takes and condemns a storm sewer right-of-way and easement fifteen (15) feet in width over, under and across the private property of Diana Ivanovic and Peter Ivanovic as hereinafter described, to be used for the installation, maintenance, operation, replacement, removal and renewal of a storm 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 are Diana Ivanovic and Peter Ivanovic, being the owners or reputed owners, or whoever may be the owners.

Across the property of Diana Ivanovic and Peter Ivanovic, 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 right-of-way line of Valley Street said point being South $43^{\circ} 19'$ East a distance of twenty-two (22) feet from the northwest corner of Ivanovic where it meets the land of Tarbuk; thence through the property of Ivanovic South $35^{\circ} 00'$ East a distance of one hundred sixty-six (166) feet to a point; thence South $2^{\circ} 30'$ East a distance of ninety-five (95) feet to a point, then South $29^{\circ} 00'$ East a distance of two hundred forty (240) feet to a point on the right-of-way line of Broadway.

Also a right-of-way ten (10) feet in width, the center line description being:

BEGINNING at a point on the right-of-way line of Valley Street said point being South $43^{\circ} 19'$ East a distance of one hundred ninety (190) feet from the northeast corner of Ivanovic where it meets the property of Tarbuk; thence through the properties of Ivanovic South $42^{\circ} 00'$ West a distance of twenty-four (24) feet to a point being a por-

tion of Lot 127 of the Mellon Kenny Farm No. 1 as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 26, Page 42.

Section 5. The Mayor, President of Council, Borough Secretary and Solicitor are hereby authorized and directed to file a Declaration of Taking of the right-of-way and easement 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 easement, 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 August, 1971 .

ATTEST:

BOROUGH OF MONROEVILLE

S/ Carrol F. Pickens
Secretary

By S/ George C. Dale
President of Council

(SEAL)

EXAMINED AND APPROVED this 18th day of August, 1971 .

S/ John J. Duncan
Mayor

Entered in Legal Book August 25, 1971 .