

ORDINANCE NO. 779

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 Harry Estner 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 Kellaway and Estner said point being North $74^{\circ} 55'$ East a distance of one hundred ten (110) feet from the North right-of-way line of the Wilmerding-Trafford City Road on the dividing line between Kellaway and Estner; thence through the lands of Estner South $49^{\circ} 00'$ West a distance of one hundred ten (110) feet to a point along the North boundary line of the Wilmerding-Trafford City Road; thence adjacent to the Wilmerding-Trafford City Road the following courses and distances: South $35^{\circ} 16'$ East a distance of four hundred (400) feet to a point; thence South $42^{\circ} 46'$ East a distance of two hundred thirty-five (235) feet to a point; thence South $31^{\circ} 21'$ East a distance of ninety (90) feet to a point at an existing manhole adjacent to Moss Side Boulevard.

- (b) Across the property of Charles Brindle 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 Closson and Brindle said point being North 18° 27' East a distance of thirty-five (35) feet from the southwest corner of Brindle; thence continuing through the lands of Brindle North 87° 00' East a distance of eighty-two (82) feet, more or less, to a point on the dividing line between Brindle and Avins.

- (c) Across the property of Jacob W. Elkin and Naomi Elkin, his wife, a right-of-way and easement five (5) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between Aker and Elkin where the property joins Grandview Avenue; thence by the said dividing line North 65° 43' East a distance of one hundred twelve (112) feet being a strip five (5) feet wide parallel to the South boundary line of Elkin.

Also a tract with a ten (10) foot right-of-way:

BEGINNING at a point on the dividing line between Aker and Elkin said point being North 65° 43' East a distance of one hundred twelve (112) feet from the right-of-way line of Grandview Avenue; thence through the lands of Elkin North 25° 00' West a distance of sixty (60) feet, more or less, to a point on the dividing line between Elkin and Vranich, being a part of lot described in Deed Book 3311, Page 414 as recorded in the Recorder of Deeds Office of Allegheny County.

- (d) Across the property of John Sabol Jr. 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 McCreary and Sabol said point being South 61° 06' 30" East a distance of seven and one-half (7½) feet from the northwest corner of Sabol where it joins the lands of McCreary and the Wall Improvement Company Plan; thence continuing through the lands of Sabol parallel to and seven and one-half (7½) feet from the North property line North 42° 10' East a distance of four hundred thirteen (413) feet, more or less, to the dividing line between Sabol and Cepec.

- (e) Across the property of James J. Cepec, and Patricia Cepec, 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 Sabol

and Cepec said point being South $48^{\circ} 42'$ East a distance of seven and one-half ($7\frac{1}{2}$) feet from the northwest corner of Cepec where it joins the lands of Sabol and the Wall Improvement Company Plan; thence through the lands of Cepec North $42^{\circ} 10'$ East a distance of four hundred seventeen (417) feet, more or less, to a point on the dividing line between Cepec and Edwards.

- (f) Across the property of Alvin E. Crusan and Catherine M. Crusan, 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 the lands of McCafferty and Crusan said point being North $61^{\circ} 20'$ East a distance of ten (10) feet from the southwest corner of Crusan where it joins the lands of Rizzi and McCafferty; thence through the lands of Crusan North $28^{\circ} 40'$ West a distance of sixty-three (63) feet to a point on the dividing line between Klipa and Crusan, being a portion of Lot No. 3 in the Grandview Plan No. 1 as recorded in the Recorder's Office of Allegheny County in Plan Book Vol. 58, Page 171.

- (g) Across the property of Robert J. Mahan and Elaine Mahan, 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 Chioda and Mahan said point being North $7^{\circ} 03'$ West a distance of twenty (20) feet from the southwest corner of Mahan; thence through the lands of Mahan South $86^{\circ} 00'$ East a distance of seventy-five (75) feet, more or less, to a point on the dividing line between Mahan and Kurey.

- (h) Across the property of the Iron City Land Company 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 North right-of-way line of Beechwood Avenue said point being South $49^{\circ} 35'$ West a distance of two hundred sixty-five (265) feet from the right-of-way line of Grandview Avenue; thence through the lands of the Iron City Land Company by the following courses: North $16^{\circ} 31'$ East a distance of thirty-eight and $7/10$ (38.7) feet to a point; thence continuing along the same North $40^{\circ} 09'$ West a distance of thirty-two (32) feet to a point; thence continuing through the lands of the same South $76^{\circ} 33'$ West a distance of eighty-six (86) feet to a point; thence continuing through the lands of the same North $71^{\circ} 05'$ West a distance of one hundred ten

(110) feet to a point; thence continuing through the lands of the same North 40° 09' West a distance of one hundred fifty-eight (158) feet to a point; thence continuing through the lands of the same North 10° 06' West a distance of ten (10) feet, more or less, to a point on the dividing line between the Iron City Land Co. and Rizzi, being a portion of the Iron City Land Co. Plan as recorded in Plan Book Vol. 26, Pages 72 and 73.

BEGINNING at a point on the right-of-way line of Grandview Avenue said point being South 28° 40' East a distance of six (6) feet from the dividing line of Stender and the Iron City Land Co.; thence through the Iron City Land Co. South 82° 45' West a distance of one hundred twenty (120) feet, five (5) feet from and parallel to the dividing line between the Iron City Land Co. and Stender; thence North 28° 40' West a distance of six (6) feet, more or less, to a point on the dividing line between Stender and the Iron City Land Co.

- (i) Across the property of Beverly J. Gumpher 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 Tusing and Gumpher said point being one hundred thirty-five (135) feet from the center line of Northern Pike in a southwesterly direction; thence through the property of Gumpher South 63° 30' East a distance of sixty-eight (68) feet, more or less, to a point on the dividing line between Gumpher and Staymates.

- (j) Across the property of the George Stern Advertising Agency, Inc. 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 Duquesne Light Company and the George Stern Advertising Agency, Inc. said point being South 78° 48' East a distance of twenty-two (22) feet from the southwest corner of the Duquesne Light Company tract where it joins the George Stern Advertising Agency and Staymates; thence through the land of the George Stern Advertising Agency, Inc. South 10° 16' West a distance of seventy-three (73) feet, more or less, to other lands of the George Stern Advertising Agency, Inc.

BEGINNING at a point on the dividing line between Staymates and the George Stern Advertising Agency, Inc. said point being North 11° 12' East a distance of twenty-five (25) feet from the southeast corner of Staymates; thence through the lands of the George Stern Advertising Agency, Inc. South 63° 30' East a distance of twenty-three (23) feet to a point; thence continuing through the lands of the George Stern Advertising Agency South 78° 50' East a distance of two hundred

ten (210) feet to a point on the dividing line between the George Stern Advertising Agency and now or formerly Evans, being part of a tract sold by Duquesne Light Company to Theodore Feinman and/or Steve Orlando.

- (k) Across the property of William K. Shafley and Geraldine Shafley, 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 Johnson and Shafley said point being six (6) feet in a northerly direction from the southwest corner of Shafley where it joins Johnson and Jacob J. Shafley; thence through the lands of William K. and Geraldine Shafley South 64° 15' East a distance of one hundred eight (108) feet, more or less, to a point on the dividing line between William K. Shafley and Jacob J. Shafley in Shafley Court Drive.

- (1) Across the property of John D. DiTommaso and Sarah DiTommaso, 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 Monroeville Boulevard said point being South 34° 15' West a distance of five (5) feet from the Southeast corner of DiTommaso where it joins the lands of Thomas A. Scott; thence through the lands of DiTommaso five (5) feet from and parallel to the dividing line between DiTommaso and Scott North 55° 45' West a distance of one hundred thirty-four (134) feet to a point; thence continuing through the lands of DiTommaso South 43° 05' East a distance of forty-five (45) feet, more or less, to a point on the dividing line between Muller and DiTommaso.

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 14th day of March, 1972.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ George C. Dale
President of Council

By S/ Carrol F. Pickens
Secretary

EXAMINED AND APPROVED this 16th day of March, 1972.

By S/ John J. Duncan
Mayor

Entered in Legal Book, March 20, 1972.