

ORDINANCE NO. 337

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING A SURFACE AND SUBTERRANEAN EASEMENT FIFTEEN (15) FEET WIDE, FOR THE INSTALLATION AND MAINTENANCE OF A PUBLIC SANITARY SEWER BY THE BOROUGH OF MONROEVILLE THROUGH PRIVATE PROPERTY IN THE BOROUGH OF MONROEVILLE AS DESCRIBED IN THIS ORDINANCE; AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH OF MONROEVILLE TO TAKE THE NECESSARY PROCEEDINGS THEREFOR; PROVIDING FOR THE TENDERING OF A BOND TO SECURE PAYMENT OF DAMAGES; EMPOWERING AND DIRECTING THE SOLICITOR AND OTHER BOROUGH OFFICERS TO DO ALL ACTS NECESSARY TO THE MUNICIPAL EXERCISE OF THE POWERS OF EMINENT DOMAIN IN ACCORDANCE WITH THE ACTS OF ASSEMBLY GOVERNING THE SAME.

WHEREAS, the Borough of Monroeville has determined that the sanitary sewer easements hereinafter described are necessary for the location and construction of a sanitary sewer known as Northern Pike Sanitary Sewer, Borough of Monroeville, Contract No. 6203-S and,

WHEREAS, the Borough of Monroeville deems the acquisition of the easements hereinafter described to be in the best interests of the Borough of Monroeville.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Monroeville of Allegheny County, Pennsylvania, in Council assembled, and it is hereby ordained and enacted by the authority of the same:

SECTION 1. The Borough of Monroeville deems it 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 sanitary sewer lines, together with the necessary manholes and appliances, all for the best interests of the Borough of Monroeville.

SECTION 2. The Borough of Monroeville hereby appropriates, takes and condemns for public use and purposes under the right of eminent domain as established by the statutes of the Commonwealth of Pennsylvania, commonly known as the Borough Code, as amended, an easement and right-of-way fifteen (15) feet in width, under and across private properties all within the Borough of Monroeville, as follows:

1. Across lands of Herbert E. Williamson and Alta Williamson, his wife, owners or reputed owners, or whoever may be owners, the center line of said easement being established as follows, to wit: Beginning at a point at the center of manhole #39 as shown and established for sanitary sewer contract 9-S of the Borough of Monroeville and situated in the right-of-way of First Street as shown and established in the Margaret Fox Plan of lots recorded in the recorder's office of Allegheny County, Pennsylvania, in Plan Book Volume 30, Pages 14 and 15; thence South $62^{\circ} 30'$ East through property of the said parties of the first part a distance of forty-five (45') feet more or less to a point on the line of property of Matthew P. Stratton et ux.

2. Across lands of Matthew P. Stratton and Anna W. Stratton, his wife, owners or reputed owners, or whoever may be owners, the center line of the said easement being hereby established as follows, to wit:

(A) Beginning at a point on the dividing line between property of Herbert E. Williamson et ux and property of Matthew P. Stratton et ux, said point being South $2^{\circ} 30'$ West along said dividing line a distance of nineteen (19') feet more or less from the southerly line of First Street as shown in the Margaret Fox Plat of lots recorded in Plan Book Volume 30, Pages 14 and 15; thence South $62^{\circ} 30'$ East a distance of seventy-five (75') feet more or less to a point on line of property of James D. Cataldo et ux.

(B) Beginning at a point on the dividing line between property of the said Stratton and property of the said Cataldo, said point being South $2^{\circ} 30'$ West along said dividing line fifty-two (52') feet more or less from the southerly line of First Street; thence along said dividing line South $2^{\circ} 30'$ West sixty-eight (68') feet more or less to a point on line of property of William K. Cramer.

3. Across lands of James D. Cataldo and Philomena Cataldo, his wife, owners or reputed owners or whoever may be owners, the center line of the said easement being established as follows, to wit:

(a) Beginning at a point on the dividing line of property of Matthew P. Stratton et ux and property of James D. Cataldo et ux, said point being South $2^{\circ} 30'$ West a distance of fifty-two (52') feet more or less from the southerly line of First Street; thence through property of said Cataldo South $62^{\circ} 30'$ East a distance of one hundred seventy (170') feet more or less to the westerly line of Whitehead Street.

(b) Beginning at a point on the dividing line between property of the said Stratton and property of the said Cataldo, said point being South $2^{\circ} 30'$ West along said dividing line a distance of fifty-two (52') feet more or less from the southerly line of First Street; thence along said dividing line South $2^{\circ} 30'$ West a distance of sixty-eight (68') feet more or less to a point on line of property of William K. Cramer.

4. Across lands of John J. Steinbrunn, Bessie H. Steinbrunn, and Harold E. Smith and Alice S. Irwin as executors of the estate of John J. Steinbrunn, deceased, owners or reputed owners or whoever may be owners, the center line of said easement being established as follows, to wit: Beginning at a point on the easterly line of Whitehead Street, said point being North $2^{\circ} 1'$ East a distance of one hundred thirty nine (139') feet more or less from the northerly line of Northern Pike; thence through property of the said Steinbrunn North $87^{\circ} 20'$ East a distance of one hundred sixty one feet more or less to the line of property of Jack C. Baker.

5. Across lands of Jack C. Baker, owner or reputed owner or whoever may be owner, the center line of said easement being established as follows, to wit: Beginning at a point on the dividing line between property of said Steinbrunn and property of the said Baker, said point being North $2^{\circ} 39'$ East a distance of one hundred thirty seven (137') feet more or less along said dividing line from the northerly line of Northern Pike; thence North $87^{\circ} 20'$ East a distance of thirty seven (37') feet more or less to a point at the center of manhole No. 2; thence North $85^{\circ} 21'$ East a distance of forty-two (42') feet more or less to a point on line of property of John F. Yothers et ux.

6. Across lands of John F. Yothers and June B. Yothers his wife, owners or reputed owners or whoever may be owners, the center line of said easement being established as follows, to wit: Beginning at a point on the dividing line between property of the said Baker and property of the said Yothers, said point being North $2^{\circ}39'$ East a distance of one hundred thirty seven (137') feet more or less along said dividing line from the northerly line of Northern Pike; thence North $85^{\circ}21'$ East a distance of eighty-four (84') feet more or less to a point on line of property of John R. Woods et ux.

7. Across lands of John R. Woods and Mary J. Woods, his wife, owners or reputed owners or whoever may be owners, the center line of said easement being established as follows, to wit:

(a) Beginning at a point on the dividing line between property of the said Yothers and property of the said Woods, said point being South $0^{\circ}30'$ West along said dividing line a distance of one hundred thirty one (131') feet more or less from the southerly line of First Street; thence North $85^{\circ}21'$ East a distance of sixty eight (68') feet more or less to a point at the center of manhole No. 3; thence South $86^{\circ}16'$ East a distance of fifteen (15') feet more or less to the line of property of Frank W. Woods et ux.

(b) Beginning at a point at the center of manhole No. 3 aforesaid; thence South $2^{\circ}30'$ West a distance of thirteen (13') feet more or less to line of property of Richard W. Martin et ux.

8. Across lands of Frank W. Woods and Willavene Woods owners or reputed owners or whoever may be owners, the center line of said easement being established as follows, to wit: Beginning at a point on the dividing line between property of the said John R. Woods and the said Frank W. Woods, said point being South $0^{\circ}30'$ West a distance of one hundred thirty (130') feet more or less along said dividing line from the southerly line of First Street; thence South $86^{\circ}16'$ East a distance of seventy-eight (78') feet more or less to a point on line of property of Thomas P. Akins et ux.

9. Across lands of Thomas P. Akins and Madeline Akins, his wife, owners or reputed owners, or whoever may be owners, the center line of said easement being established as follows, to wit: Beginning at a point on the dividing line between property of Richard W. Martin et ux and property of Thomas P. Akins et ux, said point being North $2^{\circ}39'$ East a distance of 125 feet more or less along said dividing line from the northerly line of Northern Pike; thence South $86^{\circ}16'$ East a distance of 19 feet more or less to a point; thence South $1^{\circ}17'$ East a distance of 94 feet to a point; said point being thirty feet North of the northerly line of Northern Pike; thence North $86^{\circ}34'$ East running parallel to Northern Pike at a distance of thirty feet therefrom and crossing Brickel Avenue (40 feet wide) a total distance of 341 feet to a point on line of property of Mary B. Dougherty.

10. Across lands of Mary B. Daugherty, owner or reputed owner, or whoever may be owner, the center line of said easement being established as follows, to wit: Beginning at a point on the dividing line between property of the said

Akins and the property of the said Dougherty, said point being North $2^{\circ} 30'$ East a distance of 30 feet along said dividing line from the northerly line of Northern Pike; thence through property of the said Dougherty South $86^{\circ} 0'$ East a distance of 215 feet to a point at the center of manhole No. 7 located in Dougherty Drive; thence North $87^{\circ} 44'$ East a distance of 165 feet to a point on line of property of Frank J. Peckman, Sr. et ux.

11. Across lands of Frank J. Peckman, Sr. and Caroline Peckman, his wife, owners or reputed owners or whoever may be owners, the center line of said easement being established as follows, to wit: Beginning at a point on the dividing line between property of said Dougherty and property of said Peckman, said point being North $2^{\circ} 30'$ East a distance of 2 feet along said dividing line from the northerly line of Northern Pike; thence through property of the said Peckman North $87^{\circ} 44'$ East a distance of 76 feet more or less to a point.

12. Across lands of J. Greenburg, Inc., owner or reputed owner, or whoever may be owner, the center line of said easement being established as follows, to wit: Beginning at point on the easterly line of property of J. Greenburg, Inc., said point being South along said line a distance of 2 feet from the southerly line of Northern Pike; thence North $85^{\circ} 45'$ West a distance of 50 feet to a point.

ALL of the above descriptions being as established and shown on drawings prepared for the Borough of Monroeville, Contract No. 6203-S, by Thomas E. McMahon, Registered Engineer, of the Borough of Monroeville, dated March, 1962, Sheet Nos. 2005 and 2006.

Subject, however, to the continued right of the fee title holders of the premises as above described to raise the present grade level at the surface of said right-of-way, provided any manholes located on said right-of-way are raised to such new surface grade according to construction standards as determined by the Borough of Monroeville.

Said easements and rights-of-way as hereinabove established shall be used for the installation, maintenance, removal or renewal of a sanitary sewer line beneath the surface thereof together with the necessary and pertinent appliances, manholes and required manhole surface openings.

SECTION 3. The proper officers of the Borough of Monroeville are hereby authorized to tender the bond of the Borough of Monroeville to the owner or reputed owner of said properties as above described in such sum or sums as the owner obligees thereof shall be entitled to receive as damages if any by reason of the appropriation and condemnation of the sewer line right-of-way when such damages shall have been agreed upon by the parties or shall have been legally awarded to such obligees, with interest and costs, if any may be due, and upon refusal to accept said bond to have the Solicitor file the same with the Prothonotary of the Court of Common Pleas of Allegheny County, Pennsylvania. The Solicitor and other officers of the Borough of Monroeville are hereby directed and empowered to do all acts necessary on behalf of the Borough of Monroeville for the full and complete taking, appropriation and condemnation of the rights-of-way and easements hereinabove described including the instituting and/or defending of action by viewers or otherwise for the determination of such benefits or damages if any connected herewith.

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SECTION 4. Any Ordinance or part of Ordinance that shall conflict with this Ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED this 29th day of March, 1962.

ATTEST:

BOROUGH OF MONROEVILLE

S/A. H. Curtis,
Secretary

By S/A. O. Strathern,
President of Council

EXAMINED and APPROVED by me this 29th day of March, 1962.

S/John J. Duncan,
Mayor