

## ORDINANCE NO. 347

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING A SURFACE AND SUB-TERRANEAN 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 Clover Drive Sanitary Sewer, Borough of Monroeville, Contract No. 6-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:

All of the following are center line descriptions unless otherwise indicated, and the taking and condemnation hereunder is against the property owner as named, being the reputed owner, or whoever may be owner:

1. Property of Glenn C. Reiter, fronting on Clover Drive:

(A) Beginning at a point on the northerly line of Clover Drive (50 feet wide), said point being twenty (20) feet westwardly along said northerly line from the northwesterly line of Lot No. 9 in the Cloverleaf Manor Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 49, pages 114-115; thence through property of the said Reiter North  $47^{\circ} 13'$  East One Hundred Ninety-five (195) feet to a point; thence North  $3^{\circ} 8'$  West Ninety (90) feet more or less to lands of W. R. Harvey.

(B) Beginning at the point of angle in Description (A) above; thence South  $62^{\circ} 29'$  East Thirty (30) feet more or less to line of Frank G. Beck.

2. Property of William R. Harvey and Martha Harvey, fronting on Old Haymaker Road:

Beginning at a point on the southwesterly line of property of the said Harvey, said point being southeastwardly along said dividing line a distance of Fifty-six (56) feet more or less from the southerly line of John W. Fisher; thence North  $3^{\circ} 8'$  West Fifty-six (56) feet more or less to a point on line of the said Fisher, said point being North  $69^{\circ} 29'$  East Fifteen (15) feet from the northwest corner of property of the said Harvey.

3. Property of John W. Fisher and Agnes A. Fisher, fronting on Old Haymaker Road:

Beginning at a point on the southerly line of property of the said Fisher, said point being North  $69^{\circ} 29'$  East Fifteen (15) feet from the southwest corner of said property; thence North  $3^{\circ} 8'$  West Seventy-nine (79) feet more or less to line of Norman S. Blair.

4. Property of Norman S. Blair and Elizabeth Blair, fronting on Old Haymaker Road:

Beginning at a point on the southerly line of property of the said Blair, said point being South  $69^{\circ} 29'$  West Two Hundred Fifteen (215) feet along said southerly line from the southerly right-of-way line of Old Haymaker Road (33 feet wide); thence North  $3^{\circ} 8'$  West a distance of Seventy-nine (79) feet more or less to the line of Edward J. Little.

5. Property of Edward J. Little and Lucille Little, fronting on Old Haymaker Road:

Beginning at a point on the southerly line of property of the said Little, said point being South  $69^{\circ} 29'$  West Two Hundred (200) feet along said dividing line from the southwesterly line of Old Haymaker Road; thence North  $3^{\circ} 8'$  West Thirty-five (35) feet to a point; thence North  $33^{\circ} 49'$  East Two Hundred Forty-seven (247) feet to a point; thence South  $43^{\circ} 44'$  East Twenty (20) feet more or less to the westerly line of Old Haymaker Road.

6. Property of Louis L. Malkin and J. M. Malkin and property of Edward I. Neft and Sylvia Neft, both properties fronting on Clover Drive:

Beginning at a point on the northeasterly line of Clover Drive (50 feet wide), said point being on the dividing line between Lots Nos. 16 and 17 in the Clover leaf Manor Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 49, pages 114-115; thence along said dividing line North  $45^{\circ} 24'$  East One Hundred Fifty (150) feet to a point on line of property of Raymond J. Kennedy.

7. Property of Raymond J. Kennedy and Margaret B. Kennedy and property of George C. McFarland and Kathryn McFarland, both properties fronting on Old Haymaker Road:

Beginning at a point on the southwesterly line of Old Haymaker Road (33 feet wide), said point being on the dividing line between property of Raymond J. Kennedy et ux and property of George C. McFarland et ux; thence along said dividing line South  $45^{\circ} 24'$  West Two Hundred Forty-five (245) feet more or less to line of Edward I. Neft.

8. Property of Raymond J. Kennedy and Margaret B. Kennedy, fronting on Old Haymaker Road:

Beginning at a point on the dividing line between property of Raymond J. Kennedy et ux and property of George C. McFarland et ux, said point being South  $45^{\circ} 24'$  West One Hundred Twenty-four (124) feet along said dividing line from the southwesterly line of Old Haymaker Road (33 feet wide); thence North  $43^{\circ} 39'$  West One Hundred Sixty-one (161) feet more or less to a point on line of property of Joseph B. Frey.

9. Property of George C. McFarland and Kathryn McFarland, fronting on Old Haymaker Road:

Beginning at a point on the dividing line between property of George C. McFarland et ux and property of Raymond J. Kennedy et ux, said point being South  $45^{\circ} 24'$  West One Hundred Twenty-four (124) feet from the southwesterly line of Old Haymaker Road (33 feet wide); thence South  $45^{\circ} 44'$  East One Hundred Fifty (150) feet more or less to a point on line of property of Thomas C. Vogel.

10. Property of Joseph B. Frey and Margaret R. Frey, fronting on Old Haymaker Road:

Beginning at a point on the dividing line between property of Joseph B. Frey et ux and property of Raymond J. Kennedy et ux, said point being South  $45^{\circ} 24'$  West along said dividing line One Hundred Twenty-one (121) feet from the southwesterly line of Old Haymaker Road (33 feet wide); thence North  $43^{\circ} 39'$  West One Hundred Sixty-one (161) feet more or less to line of property of E. K. Berg.

11. Property of E. G. Breitingam and Anna H. Breitingam:

Beginning at a point on the dividing line between property of E. G. Breitingam et ux and property of John M. DeHaven et ux, said point being South along said dividing line a distance of Fifteen (15) feet from the southeasterly corner of property of Louis A. Pushnik et ux; thence North  $52^{\circ} 30'$  West Fifteen (15) feet to a point; thence North  $39^{\circ} 40'$  West One Hundred Fifty-six and seventy-one hundredths (156.71) feet to a point common to property of E. G. Breitingam et ux, Clair B. Chandler et ux and Joseph J. Jackson et ux, said point being at the center of an existing sanitary sewer manhole; thence in a southwesterly direction through property of the said Breitingam following the line of an existing sanitary sewer a distance of Eighty-five (85) feet more or less to a point at the center of an existing manhole; thence continuing through property of the said Breitingam following the line of an existing sanitary sewer in an easterly direction One Hundred Sixty-five (165) feet more or less to the northerly line of Clover Drive.

12. Property of Joyn M. DeHaven and Gale A. DeHaven, fronting on Old Haymaker Road:

Beginning at a point on lands of E. G. Breitingam, said point being South Fifteen (15) feet from the southeast corner of property of Louis A. Pushnik; thence South  $52^{\circ} 30'$  East One Hundred One (101) feet more or less to the westerly line of Old Haymaker Road.

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13. Property of Louis Carrara and Maria Carrara, fronting on Old Haymaker Road:

Beginning at a point on the easterly line of Old Haymaker Road, said point being North along said easterly line of Old Haymaker Road a distance of Sixty-five (65) feet from the right-of-way line of the Commonwealth of Pennsylvania Penn Lincoln Parkway Extension Ramp; thence South  $75^{\circ} 23'$  East One Hundred Seventy (170) feet more or less to the easterly line of the said Carraro property.

14. Property of Clair B. Chandler and Marilyn S. Chandler and property of Joseph J. Jackson and Grace L. Jackson, both properties fronting on Old Haymaker Road:

Beginning at a point on the dividing line between property of Clair B. Chandler et ux and property of Joseph J. Jackson et ux, said point being on the northeasterly line of property of E. G. Breitingam et ux; thence along said dividing line between properties of Chandler and Jackson North  $47^{\circ} 17'$  East Ninety-nine and eighty-five hundredths (99.85) feet to a point.

15. Property of Clair B. Chandler and Marilyn S. Chandler, fronting on Old Haymaker Road:

Beginning at a point on the dividing line between property of Clair B. Chandler et ux and property of Joseph J. Jackson et ux, said point being North  $47^{\circ} 17'$  East Ninety-nine and Eighty-five hundredths (99.85) feet from the line of property of E. G. Breitingam et ux; thence South  $52^{\circ} 50'$  East Eighty-five (85) feet more or less to a point on line of property of Louis A. Pushnik et ux.

16. Property of Joseph J. Jackson and Grace L. Jackson, fronting on Old Haymaker Road:

Beginning at a point on the dividing line between property of Joseph J. Jackson et ux and property of Clair B. Chandler et ux, said point being North  $47^{\circ} 17'$  East along said dividing line Ninety-nine and eighty-five hundredths (99.85) feet from line of property of E. G. Breitingam et ux; thence North  $37^{\circ} 8'$  West Eighty-one (81) feet more or less to a point on line of property of R. B. Eshman.

17. Property of R. B. Eshman, fronting on Old Haymaker Road;

Beginning at a point on the dividing line between property of Joseph J. Jackson et ux and property of R. B. Eshman, said point being South  $47^{\circ} 17'$  West One Hundred Forty-five (145) feet along said dividing line from the southwesterly line of Old Haymaker Road (33 feet wide); thence North  $37^{\circ} 8'$  West Eighty-one (81) feet more or less to a point.

All of the above descriptions being as established and shown on drawings prepared for the Borough of Monroeville, Contract No. 6-S by Thomas E. McMahon, Registered Engineer of the Borough of Monroeville.

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.

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 10th day of May, 1962.

ATTEST:

BOROUGH OF MONROEVILLE

S/ A. H. Curtis

Secretary

By S/ A. O. Strathern

President of Council

EXAMINED and APPROVED by me this 10 day of May, 1962.

S/ John J. Duncan

Mayor