

ORDINANCE NO. 348

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING A SURFACE AND SUBTERRANEAN EASEMENT TEN(10) 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 PROPERT 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 Caruso Plan Sanitary Sewer, Borough of Monroeville, Contract No. 8-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 ten (10) 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. Across properties of A. Laurito and of Nelly M. Brendlinger, fronting on Carson Street.

Beginning at a point on the westerly line of Carson Street, said point being on the dividing line between properties of A. Laurito and Nelly M. Brendlinger, being respectively Lots Nos. 16 and 17 in the Caruso Farm Plan of Lots unrecorded; thence along said dividing line North 84° 52' West a distance of One Hundred Ninety-one and three tenths (191.3) feet more or less to line of property now or formerly of Joseph Prin.

2. Across properties of Stanley Dembec and Elizabeth Dembec, fronting on Northern Pike; Thomas C. Kukic and Barbara Kukic, fronting on Carson Street; Victor Caruso and Eleanor Caruso, fronting on Caruso Drive; Robert Lee Trail and Mildred Trail, fronting on Carson Street; Joseph R. Kauric and Emilia Kauric, fronting on Carson Street; Erminio Caprara and Giovanina Caprara, fronting on Virgin Drive;

Beginning at a point on the southern line of Northern Pike adjacent to property now or formerly of Stanley Dembec et ux, said point being North 66° 17' West a distance of Two Hundred (200) feet along said southerly line of Northern Pike from the westerly line of Caruso Drive; said point further being at the dividing line between Lots Nos. 8 and 9 in the Caruso Farm Plan of Lots unrecorded; thence along the dividing line between said Lots Nos. 8 and 9 South 23° 43' West One Hundred Sixty-four and nineteen hundredths (164.19) feet to a point; thence along the westerly lines of Lots 29, 28, 27, 26 and 25 in said unrecorded Plan South 5° 8' West Two Hundred Seventeen (217) feet more or less to a point at the northeast corner of Lot No. 24 in said unrecorded Plan.

3. Across property of Thomas E. Kukic and Barbara Kukic, fronting on Carson Street:

Beginning at a point on the easterly line of Carson Street adjacent to property of Thomas E. Kukic et ux, said point being North 5° 8' East along said easterly line of Carson Street Three Hundred Seventy-five (375) feet from the northerly line of Virgin Drive; thence through property of the said Kukic North 70° 0' West Two Hundred Nineteen (219) feet more or less to a point common to Lots Nos. 8, 9, 29 and 30 in the Caruso Farm Plan of Lots unrecorded.

4. Across properties of Victor Caruso and Eleanor Caruso, fronting on Caruso Drive; Erminio Caprara and Giovanina Caprara and of Pete Sudar and Naomi Sudar, both fronting on Virgin Drive:

Beginning at a point on the dividing line between property of Victor Caruso et ux and property of Erminio Caprara et ux, said point being on the westerly boundary line of the two properties; thence along said dividing line and the dividing line between properties of said Caruso and of Pete Sudar et ux South 83° 23' East One Hundred Thirty (130) feet more or less to a point at the northeast corner of the said Sudar property.

5. Across properties of Victor Caruso and Eleanor Caruso; John Elek and Irene A. Elek; Leonard J. Madonna and Rose K. Madonna, all fronting on the northerly side of Virgin Drive:

Beginning at a point on the easterly line of Caruso Drive adjacent to property of Victor Caruso et ux, said point being North 5° 8' East along said easterly line of Caruso Drive One Hundred Seventy-six (176) feet from the northerly line of Virgin Drive; thence South 81° 44' East Two Hundred Forty-seven and four tenths (247.4) feet to a point; thence South 4° 16' West One Hundred Sixty-two and seventy-five hundredths (162.75) feet to the northerly line of Virgin Drive.

6. Across properties of Homer C. Liston and Elizabeth Liston; William R. Biggs, Jr. and Margaret Biggs; Florence P. Caruso; Erminio Caprara and Giovanina Caprara; Thomas Hontz and Ethel W. Hontz, all fronting on the southerly side of Virgin Drive; and across property of Roger Esper and Henrietta Esper, fronting on the northerly side of Sunnyside Place:

Beginning at a point on the dividing line between properties of Homer C. Liston et ux and Henry V. Kemp respectively Lots 52 and 53 in the Caruso Farm Plan of Lots unrecorded, said point being South 5° 8' West along said dividing line One Hundred Twenty-

seven (127) feet from the southerly line of Virgin Drive; thence South $87^{\circ} 30'$ East One Hundred Eighty-seven (187) feet to a point in Lot No. 49 in said unrecorded Plan; thence South $79^{\circ} 30'$ East Two Hundred Seventy-five (275) feet more or less to a point on the westerly line of Caruso Drive.

7. Across properties of Clifford E. Jones and Margaret C. Jones; Harry E. Bolton and Virginia M. Bolton; Peter C. Fritz and Lora E. Fritz, all fronting on the easterly side of Victoria Drive:

Beginning at a point on the dividing line between Lots 43 and 44 in the Victor J. Caruso Addition No. Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 47, pages 156-157, said point being North $85^{\circ} 1'$ East along said dividing line Seventy-five (75) feet from the easterly line of Victoria Drive; thence North $7^{\circ} 3'$ West One Hundred Sixty-five and forty-two hundredths (165.42) feet to a point in Lot No. 41 in said Plan; thence North $59^{\circ} 27'$ West Sixty (60) feet more or less to a point on the southeasterly corner of Virgin Drive and Victoria Drive.

8. Across properties of Wilbert Miller and Sarabele Miller; Raymond A. Faulds and Carmine L. Faulds; David S. Liepack and Anita L. Liepack; Robert L. Laitinen and Winifred M. Laitinen; James H. Sindlinger and Sara D. Sindlinger; John E. Fisher and Jean S. Fisher; John J. Matthey and Betty A. Matthey; Robert W. Kerr and Katherine Kerr; Clarence H. Porter and Loretta Porter; Arthur H. Fallon and Dorothy Fallon; all fronting on the westerly side of Victoria Drive; Harold V. Michael and Eleanor L. Michael, fronting on the easterly side of Caruso Drive; John W. Dewey and Judith M. Dewey; Albert J. Gallick and Elizabeth Gallick; Walter C. Osmond and Adelaide Osmond, all fronting on the northerly side of Thomas Street:

Beginning at a point on the dividing line between Lots Nos. 8 and 9 in the Victor J. Caruso Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 45, page 196, said point being South $85^{\circ} 1'$ West One Hundred Thirty-five (135) feet along said dividing line from the westerly line of Victoria Drive; thence South $4^{\circ} 42'$ East Five Hundred Ten (510) feet to a point in Lot No. 19 in said Plan; thence South $57^{\circ} 53'$ West Eighty-four (84) feet to a point on the dividing line between Lots Nos. 23 and 26 in said Plan; thence along the southerly line of said Lot No. 26 South $85^{\circ} 1'$ West One Hundred Sixty-five (165) feet more or less to a point on the easterly line of Caruso Drive.

9. Across properties of Gomer H. Gillespie and Emma E. Gillespie; Ruppert B. White and Martha L. White; Richard M. Drisko and Elaine F. Drisko; Alfred A. Ragotti and Irene J. Ragotti; Regis C. Cunningham, Jr. and Jean J. Cunningham; Glenn H. Terney and Jean Terney; Wilmer H. Beaver and Margaret Beaver; George H. Graham and Colleen S. Graham; Richard E. Mathis and Sally A. Mathis; Neal J. Hardy, Federal Housing Commissioner; James H. Poling and Virginia M. Poling; Victor Caruso and Eleanor Caruso; all fronting on the southerly side of Thomas Street;

Beginning at a point on the dividing line between Lots Nos. 85 and 86 in the Victor J. Caruso Addition No. 1 Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 47, pages 156-157, said point being South $4^{\circ} 59'$ East along said dividing

line One Hundred Twenty-four (124) feet from the southerly line of Thomas Street; thence South $86^{\circ} 32'$ West a distance of Six Hundred Fifty (650) feet more or less to a point intersecting Easement No. 10 condemned hereunder.

10. Across properties of Victor Caruso and Eleanor Caruso, fronting on Thomas Street and property of Burdell T. Rhodes.

Beginning at a point on the southerly line of Thomas Street adjacent to property of Victor Caruso et ux, said point being North $85^{\circ} 1'$ West a distance of Eighty-five (85) feet along said southerly line of Thomas Street as extended, a distance of Eighty-five (85) feet from the westerly line of Lot No. 96 in the Victor J. Caruso Addition No. 1 Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 47, pages 156-57; thence South $4^{\circ} 33'$ East Four Hundred Sixty-seven (467) feet to a point; thence South $29^{\circ} 55'$ East Four Hundred Seventy-one (471) feet to a point; thence South $6^{\circ} 13'$ East Two Hundred One (201) feet more or less to an existing sanitary sewer manhole of the Borough of Monroeville.

11. Across properties of C. K. McKnight, fronting on the northerly side of Thomas Street; Harold V. Michael and Eleanor L. Michael; Nelson L. Beam and Ila Mae Beam; John L. Drenning and Florence M. Drenning; Clifford W. Lane, Sr. and Nora Lane; Victor J. Caruso and Eleanor Caruso; G. Melton Smith and Agusta W. Smith; Thomas R. Madonna and Margaret J. Madonna; Joseph J. Kratovil, all fronting on the westerly side of Caruso Drive.

Beginning at a point on the northerly line of Thomas Street, said point being South $85^{\circ} 1'$ West Twenty-five (25) feet along said northerly line of Thomas Street from the dividing line between Lots Nos. 98 and 99 in the Victor J. Caruso Addition No. 2 Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 48, page 172; thence North $0^{\circ} 24'$ West Two Hundred Twenty-six and fifty-six hundredths (226.56) feet to a point in Lot No. 102 in said Plan; thence North $3^{\circ} 3'$ East Two Hundred Fifteen and eighty-five hundredths (215.85) feet to a point in Lot No. 105 in said Plan; thence North $6^{\circ} 28'$ West Three Hundred Nineteen (319) feet more or less to a point on the southerly line of Sunnyside Place.

12. Across properties of Victor J. Caruso and Eleanor Caruso, fronting on Victoria Drive, and Burdell T. Rhodes:

Beginning at a point at the southwest corner of Lot No. 84 in the Victor J. Caruso Addition No. 1 Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 47, pages 156-157; thence South $9^{\circ} 31'$ West Two Hundred Twenty (220) feet to a point; thence South $27^{\circ} 38'$ East Two Hundred Twelve and twenty-five hundredths (212.25) feet to a point in Lot No. 76 in said Plan; thence South $1^{\circ} 49'$ West Two Hundred Seventy-six and sixty-five hundredths (276.65) feet to an existing sanitary sewer manhole of the Borough of Monroeville.

13. Across properties of Victor J. Caruso and Eleanor Caruso, fronting on Victoria Drive:

Beginning at a point on the southerly end of Victoria Drive at the dividing line between Lots Nos. 75 and 76 in the Victor J. Caruso Addition

No. 1 Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 47, pages 156-157; thence South 31° 10' West a distance of Two Hundred Seventy-five (275) feet more or less to an existing sanitary sewer manhole of the Borough of Monroeville.

14. Across properties of Wilmer W. Gosnell and Ester Gosnell, fronting on the northerly side of Northern Pike:

Beginning at a point on the northerly line of Northern Pike, at the dividing line between property of Wilmer W. Gosnell et ux and property now or formerly of Otto O. Gass et ux; thence North 76° 31' East Thirty-two (32) feet more or less to an existing sanitary sewer manhole of the Borough of Monroeville.

All of the above descriptions being as established and shown on drawings prepared for the Borough of Monroeville, Contract No. 8-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 or 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 24th 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 24 day of May, 1962.

S/ John J. Duncan
Mayor