

ORDINANCE NO. 355

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 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 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, and 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 property of Michael Ivanco and Rose M. Ivanco at the southeasterly corner of Virgin Drive and Caruso Drive:

Beginning at a point on the easterly line of Virgin Drive, said point being N 5° 8' E along said easterly line a distance of Five (5) feet from the dividing line between Lot Nos. 1 and 40 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; thence S 84° 29' E Seventy-one (71) feet more or less to the westerly line of Lot No. 2 in said Plan.

2. Across property of John J. O'Neil, fronting on the southerly side of Virgin Drive:

Beginning at a point on the dividing line between Lot Nos. 1 and 2 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 Five (5) feet distant along said dividing line from the northerly line of Lot No. 40 in said Plan; thence $S84^{\circ} 29' E$ running parallel to and maintaining a uniform distance of Five (5) feet from said Lot No. 40 a distance of Seventy-one (71) feet more or less to the westerly line of Lot No. 3 in said Plan.

3. Across property of Cyril Belajac and Dorothy Belajac, fronting on the southerly side of Virgin Drive:

Beginning at a point on the dividing line between Lots 2 and 3 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 $N 4^{\circ} 8' E$ along said dividing line a distance of Five (5) feet from the northerly line of Lot No. 40 in said Plan; thence $S 84^{\circ} 29' E$, running parallel to and maintaining a uniform distance of Five (5) feet from the northerly line of Lot No. 40 and Lot No. 6 in said Plan, a distance of Fifty (50) feet more or less to a point on the westerly line of Lot No. 4 in said Plan.

4. Across property of James H. Walters and Mildred E. Walters, fronting on the westerly side of Victoria Drive:

Beginning at a point on the dividing line between Lot Nos. 3 and 6 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 West along said dividing line a distance of Five (5) feet from the westerly line of Lot No. 4 in said Plan; thence $S 10^{\circ} 21' E$ Seventy (70) feet more or less to a point on the northerly line of Lot No. 7 in said Plan, said point being $S 85^{\circ} 1' W$ a distance of One Hundred Seventy-two (172) feet along the dividing line between Lots Nos. 6 and 7 from the westerly line of Victoria Drive.

5. Across property of Andrew Onufer and LaVerne Onufer, fronting on the southerly side of Northern Pike:

Beginning at a point at the southwest corner of Northern Pike and Caruso Drive; thence $N 66^{\circ} 56' W$ along the southerly line of Northern Pike a distance of Fifty (50) feet to a point on line of property now or formerly of Clifford Grubs.

6. Across property of Clifford Grubs, fronting on the southerly side of Northern Pike:

Beginning at a point on the southerly line of Northern Pike, at the dividing line between property of Andrew Onufer et ux and property of Clifford Grubs; thence $N 66^{\circ} 56' W$ along said southerly line of Northern Pike a distance of One Hundred (100) feet more or less to a point on line of property now or formerly of Stanley Dembec et ux.

7. Across property of Stanley Dembec and Elizabeth Dembec, fronting on the southerly side of Northern Pike:

Beginning at a point on the southerly line of Northern Pike at the dividing line between property of Stanley Dembec et ux and property of Clifford Grubs, respectively Lots 9 and 10 in the Caruso Farm Plan of Lots unrecorded; thence N 66° 56' W along said southerly line of Northern Pike a distance of Fifty (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. 8-S, by Thomas E. McMahon, Registered Engineer, of the Borough of Monroeville.

Said easements and rights- of-way as hereinabove established shall be used for the installation, maintenance, removal, renewal and operation 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 21st. day of June, 1962.

ATTEST:

BOROUGH OF MONROEVILLE

S/A. H. Curtis
Secretary

By A. O. Strathern
President of Council

EXAMINED and APPROVED by me this 21 day of June. 1962.

S/John J. Duncan
Mayor