

ORDINANCE NO. 405

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE APPROPRIATION OF AN EASEMENT TEN FEET WIDE FOR THE INSTALLATION, CONSTRUCTION AND MAINTENANCE OF A PUBLIC SANITARY SEWER BY THE BOROUGH OF MONROEVILLE THROUGH PRIVATE PROPERTY IN SAID BOROUGH AS DESCRIBED IN THIS ORDINANCE; AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH OF MONROEVILLE TO PROCEED TO OCCUPY SAID EASEMENTS, IN ACCORDANCE WITH LAW; AND AUTHORIZING THE PRESIDENT OF THE COUNCIL OF THE BOROUGH OF MONROEVILLE TO PETITION THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, FOR THE APPOINTMENT OF VIEWERS TO ASCERTAIN THE DAMAGES OCCASIONED BY SAID APPROPRIATION.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF MONROEVILLE, and it is hereby ordained and enacted by the authority of the same.

SECTION 1. That in order to install, construct and maintain a samitary sewer system to serve a part of the Borough of Monroeville and the citizens thereof, the Borough Council hereby appropriates the following described easements by the exercise of the right of eminent domain:

(1) An easement 10 feet wide through the property of Joseph O. and Hazel S. Kirkpatrick, the same being Lot No. 31 in the Rosecrest Park Plan of Lots No. 2 as recorded in the Recorder of Deed's Office of Allegheny County in Plan Book Volume 34, Page 14 and 15 and being described as follows:

Beginning at a point South 30°37' West, 7 1/2 feet along the lands of Rosecrest Evangelical Lutheran Church and lands of Joseph O. Kirkpatrick from the Southeast corner of the tract at the lands of M. D. Wilson, thence parallel to the lands of M. D. Wilson, 7 1/2 feet from the property line, North 59° 23' West a distance of 110 feet to a point on North Park Street.

(2) An easement ten feet wide through the property of the Rosecrest Evangelical Lutheran Church, the centerline description being as follows:

Beginning at a point North 59° 23" West, a distance of five feet from the corner between Lots No. 51 and 52 in the Rosecrest Park Plan No. 2 as recorded in the Recorder of Deeds Office of Allegheny County in Plan Book Volume 34, Page 14 and 15; thence five feet from and paralleling the line between Lots 51 and 52 aforesaid South 30° 37" West, a distance of 280 feet more or less to the lands of R. E. Harris, etux. Also a ten foot easement through the same tract of land described as follows:

(a) Beginning at a point North 30° 37" East, 20 feet from the lands of R. E. Harris, North 59° 23" West, a distance of 45 feet to the lands of Joseph O. Kirkpatrick.

(b) Beginning at a point North 30° 37" East, a distance of 134 feet from lands of R. E. Harris, thence North 59° 23" West, a distance of 45 feet to the lands of G. S. Anderson.

SECTION 2: The proper officers of the Borough of Monroeville, are hereby authorized to prepare and tender to the owners of the aforesaid described property the bond of the Borough of Monroeville to secure payment of any damages that may be awarded by virtue of the said appropriation. The President of Council of the Borough of Monroeville is hereby authorized, when viewers drawings are prepared, to petition the Court of Common Pleas of Allegheny County, Pennsylvania, for the appointment of a Board of Viewers to determine the damages, if any, occasioned by said appropriation.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED INTO AN ORDINANCE THIS 8th DAY OF August, 1963.

BOROUGH OF MONROEVILLE

By S/C. L. McClintock
President of Council

Attest:

S/Gladys Diller
Secretary

Examined and approved by me this 9th day of August, 1963.

S/John J. Duncan
Mayor