

## ORDINANCE NO. 427

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING AND CONDEMNING A SANITARY SEWER EASEMENT ACROSS PROPERTY OF ALVIN H. McCULLY ET AL. UNDER THE POWERS OF EMINENT DOMAIN.

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

SECTION 1. The Borough of Monroeville deems it necessary and proper to exercise its power of eminent domain for the acquisition by it of an easement and right-of-way, hereinafter 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 interest of the Borough of Monroeville, and particularly for the location and construction of the Northerly section of the Thompson Run intercepting sewer, Allegheny County Sanitary Authority, Contract No. 201.

SECTION 2. The Borough of Monroeville hereby appropriates, takes and condemns, for public use and purposes, under the power of eminent domain, as established by the statutes of the Commonwealth of Pennsylvania, an easement and right-of-way fifteen (15) feet in width, over, under and across certain property reputedly owned in common by Alvin H. McCully, Executor of the Estate of Roy McCully, deceased, and Alvin H. McCully and Alma M. Kennedy, as co-executors of the Estate of Elsie McCully, deceased, Alvin H. McCully, Bennett M. Seaman, Mary Carothers, Mildred Madgar and Alma M. Kennedy (formerly Alma M. Seaman), as devisees under either or both of the Wills of Roy McCully and Elsie McCully, owners or reputed owners, or against whomever may be owner, the center line of said easement and right-of-way being described as follows, to-wit:

The point of beginning is established as follows:

BEGINNING at the center point of a concrete arch bridge of Pennsylvania Legislative Route No. 744, said bridge spanning a creek or waterway known as Thompson Run in the Borough of Monroeville; thence South 50° 40' West, a distance of thirty (30) feet more or less to a point on the Northeasterly line of property formerly of William J. McCully, now known as property of the McCully heirs, said point being on the Southwesterly right-of-way line of said Legislative Route No. 744, which point is the place of beginning.

thence from said point of beginning through property of the said McCully heirs South 50° 40' West, a distance of Three hundred (330) feet more or less to a point at the center of a proposed manhole No. 51 of the Thompson Run intercepting sewer Contract No. 201, as established by engineering drawings of the Allegheny County Sanitary Authority, dated February 14, 1962; thence continuing through property of the said McCully heirs South 38° 20' East, a distance of three hundred fifty (350) feet more or less to a point on line

of property of the Union Railroad, said point being in direct line between the center of said manhole No. 51 and the center of proposed manhole No. 50 according to the said plans of the Allegheny County Sanitary Authority.

HAVING a total linear distance of six hundred eighty (680) feet more or less.

The said easement and right-of-way, as hereinabove described, shall be used for the installation, maintenance, removal or renewal of sanitary sewer lines beneath the surface thereof, together with the necessary and appurtenant 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 property 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, of 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 right-of-way and easement 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 extend of such conflict.

ORDAINED AND ENACTED this 16th day of March, 1964.

Attest:

BOROUGH OF MONROEVILLE

S/ Gladys Diller  
Secretary

By S/ James J. Mirro  
Vice-President of Council

EXAMINED AND APPROVED by me this 17th day of March, 1964.

S/ John J. Duncan  
Mayor