

ORDINANCE NO. 445

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING OF CERTAIN SANITARY SEWER EASEMENTS THROUGH PRIVATE PROPERTIES.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, as follows:

Section 1. The Borough of Monroeville deems it necessary, 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 line, together with the necessary and attendant manholes and appliances.

Section 2. The Borough of Monroeville hereby appropriates, takes and condemns, for public uses 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, the easements and rights-of-way, fifteen (15) feet in width, under and across private properties, all within the Borough of Monroeville, for the Gateway Manor Sanitary Sewer Project, Contract No. 6313-S.

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

(a) Across property of William L. Bauman:

BEGINNING at a point on the dividing line between property of Henry F. Wilde et ux. and property of William L. Bauman, said point being North 88° 56' 55" West, two hundred forty-two (242) feet along said dividing line from the Easterly line of property of the said Wilde; thence through property of the said Bauman, South 4° 48' East, a distance of fifteen (15) feet, more or less, to a point at the center of an existing sanitary sewer manhole of the Borough of Monroeville.

(b) Across property of Henry F. Wilde and Elaine S. Wilde, his wife:

BEGINNING at a point on the Southerly line of property of Henry F. Wilde et ux., said point being North 88° 56' 55" West, two hundred forty-two (242) feet along said Southerly line from the Westerly line of property now or formerly of Bauman; thence through said property of Wilde North 4° 48' West, four hundred twenty-two (422) feet to a point at the center of a proposed manhole; thence North 5° 10' East, three hundred forty (340) feet to a point on the Southerly line of property now or formerly of Thomas J. Harkness, Sr. et ux.

(c) Across property of Thomas J. Harkness, Sr. and Bronwen E. Harkness, his wife:

1. BEGINNING at a point on the dividing line between property of Thomas J. Harkness, Sr. et ux. and property now or formerly of Henry F. Wilde et ux., said point being North $86^{\circ} 51'$ West along said dividing line, two hundred sixteen (216) feet from the Easterly line of property of the said Harkness; thence through property of the said Harkness North $7^{\circ} 14'$ East, a distance of fifty (50) feet to a point at the center of proposed manhole No. 102 of the Borough of Monroeville Gateway Manor Sanitary Sewer Project; thence North $17^{\circ} 37'$ West, three hundred twelve (312) feet to a point at the center of proposed manhole No. 103; thence North $12^{\circ} 30'$ West, three hundred forty-two (342) feet to a point at the center of proposed manhole No. 104; thence North $19^{\circ} 29'$ West, two hundred eighty-six (286) feet to a point at the center of proposed manhole No. 105; thence North $18^{\circ} 40'$ West, two hundred thirteen (213) feet to a point at the center of proposed manhole No. 106; thence North $65^{\circ} 29'$ West, two hundred twenty-five (225) feet, more or less, to a point on the Northeasterly line of a private road as shown on the Alsam Heights Plan of Lots, recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 61, Pages 156 through 159; thence continuing into said private road North $65^{\circ} 29'$ West, seventy-five (75) feet, more or less, to the center line of said private road, being the dividing line between property of the said Harkness and property now or formerly of Garlow, Inc.

2. BEGINNING at a point on the Southerly line of Cooper Road, said point being East along Cooper Road a distance of ten (10) feet from the dividing line between property of the said Harkness and property now or formerly of Garlow, Inc., said point of beginning further being at the entrance of a thirty-three (33) foot private road onto Cooper Road; thence South $47^{\circ} 26'$ East through said private road, a distance of one hundred thirty (130) feet, more or less, to the center line of said private road, being the dividing line between property of the said Harkness and the said Garlow, Inc.

(d) Across property of Garlow, Inc.:

BEGINNING at a point on the center line of a private road thirty-three (33) feet wide, being the dividing line between property of Garlow, Inc. and property now or formerly of Harkness, said point being South $47^{\circ} 44' 30''$ East, one hundred thirty-five (135) feet along said dividing line from the Southerly line of Cooper Road; thence through property of the said Garlow, Inc. and within said private Road, South $47^{\circ} 26'$ East, two hundred (200) feet to a point at the center of proposed

manhole No. 107 of the Borough of Monroeville Gateway Manor Sanitary Sewer Project; thence South $65^{\circ} 29'$ East continuing within said private road, a distance of forty-one (41) feet to the center line of said private road, being the dividing line between property of the said Garlow and the said Harkness.

(e) Across property of Joseph J. Kratovil, surviving partner of Monroeville Construction Co., a partnership, and Rose M. DeKlever, Administratrix of the Estate of Alexander J. DeKlever, deceased partner.

1. BEGINNING at a point on the dividing line between property now or formerly of Monroeville Construction Co. and property of the County of Allegheny, said point being North 90° East, one hundred fifty (150) feet from the Southeasterly corner of Lot No. 17 in the Gateway Manor Plan of Lots No. 2, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 61, Page 46; thence through said property of Monroeville Construction Co. North $15^{\circ} 40'$ West, twenty (20) feet to a point at the center of proposed manhole No. 116 of the Borough of Monroeville Gateway Manor Sanitary Sewer Project; thence North $4^{\circ} 10'$ West, eighty-one (81) feet to a point at the center of proposed manhole No. 117; thence South $70^{\circ} 30'$ West, forty (40) feet to a point at the center of proposed manhole No. 118; thence North $88^{\circ} 30'$ West, thirty-one (31) feet, more or less, to a point on the Southeast-erly line of Lot No. 19 in the said Gateway Manor Plan No. 2.

2. BEGINNING at a point at the center of the said proposed manhole No. 117; thence North $54^{\circ} 35'$ East, fifty-six (56) feet to a point at the center of proposed manhole No. 119; thence South $74^{\circ} 25'$ East, a distance of ninety-two (92) feet, more or less, to a point on the Southwesterly line of Lot No. 29 in the said Gateway Manor Plan No. 2.

3. BEGINNING at a point at the center of the said proposed manhole No. 119; thence North $16^{\circ} 5'$ East, a distance of fifty (50) feet, more or less, to a point at the Southwesterly corner of Lot No. 27 in the said Gateway Manor Plan No. 2.

Section 3. The Borough of Monroeville hereby appropriates, takes and condemns, for public uses 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, the easements and rights-of-way under and across private properties, all within the Borough of Monroeville, for the Gregory Street Sanitary Sewer Project, Contract No. 6402-S.

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

- (a) A right-of-way and easement thirty (30) feet in width across property of Frank J. Matich and Catherine J. Matich, his wife;

BEGINNING at a point on the Easterly line of Lot No. 30 in White Acres Plan of Lots No. 3, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 54, Page 135, said point being North $25^{\circ} 41'$ East, a distance of twenty-three (23) feet along said Easterly line from the dividing line between Lots Nos. 29 and 30 in said Plan; thence through property of the said Frank J. Matich North 35° West, eighty-five (85) feet to a point at the center of proposed manhole No. 13 in the Borough of Monroeville Gregory Street Sanitary Sewer Contract No. 6402-S; thence North $41^{\circ} 30'$ West, a distance of seven (7) feet to a point on the Southerly terminus line of Butler Street.

- (b) A right-of-way and easement ten (10) feet in width across property of Charles F. Wilson and Dolores M. Wilson, his wife:

BEGINNING at a point on the dividing line between Lots Nos. 1 and 11 in the White Acres Plan of Lots No. 2, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 53, Page 32, said point being distant along said dividing line twenty-one (21) feet from the Easterly line of Lot No. 10 in said Plan; thence through said Lot No. 11 North $58^{\circ} 0'$ East, eighty (80) feet to a point on the Northeasterly line of said Lot No. 11.

- (c) A right-of-way and easement fifteen (15) feet in width across property of William R. Truxell, Neal E. Bear, Jr. and Donald C. Steffler, as tenants in partnership:

BEGINNING at a point on the dividing line between Lots Nos. 26 and 27 in the White Acres Plan of Lots No. 3, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 54, Page 135, said point being distant twenty-nine (29) feet along said dividing line from the Easterly line of said Plan; thence through said Lot No. 27 North $32^{\circ} 20'$ East, sixty-six (66) feet to a point on the Southerly line of Lot No. 28 in said Plan.

Section 4. The Borough of Monroeville hereby appropriates, take^s and condemns, for public uses 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 the property of Billy Barnes and Mary J. Barnes, his wife, owners or reputed owners, or whoever may be owners, of property situate on Laura Lee Drive within the Borough of Monroeville, for the Penn View Sanitary Sewer Project, Contract No. 6403-S, the center line of the said easement and right-of-way being described as follows:

BEGINNING at a point on the dividing line between Lots Nos. 9 and 10 in the Penn View Plan of Lots No. 3, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 53, pages 118 and 119, said point being distant along said dividing line ninety (90) feet from the Easterly line of Laura Lee Drive (50) feet wide); thence through said Lot No. 9 South 8° West, sixty (60) feet to the dividing line between Lots Nos. 8 and 9 in said Plan.

Section 5. All of the descriptions set forth above are as established and shown on drawings prepared for the Borough of Monroeville for the respective sanitary sewer contracts by Thomas E. McMahon, Registered Engineer of the Borough of Monroeville.

Section 6. The 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 pertinent appliances, manholes and required manhole surface openings.

Section 7. 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 8. 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 August, 1964.

Attest:

BOROUGH OF MONROEVILLE

S/Carrol F. Pickens
Secretary

By S/Frank A. Witt
President of Council

EXAMINED AND APPROVED BY me this 25th day of August, 1964.

S/John J. Duncan
Mayor