

ORDINANCE NO. 483

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 a sanitary sewer line, together with the necessary and attendant manholes and appliances.

Section 2. The Borough of Monroeville hereby appropriates, takes, and condemns a sanitary sewer right-of-way and easement of widths as hereinafter specified over, under, and across private properties, all within the Borough of Monroeville as hereinafter set forth, to be used for the installation, maintenance, operation, replacement, removal, and renewal of a sanitary sewer line, together with the necessary and attendant manholes and appliances.

Section 3. The condemnation hereunder is made pursuant to the authority granted to the Borough of Monroeville under Section 1401 et seq. of the Borough Code of 1927, as amended, and the Eminent Domain Code of 1964.

Section 4. The condemnees, as reasonably known to the Borough of Monroeville and the description of the rights-of-way and easements to be acquired hereunder are as follows. However, this condemnation shall be against the owners as hereinafter named being the reputed owners, or whoever may be owners.

(a) Across property of Diana Ivanovic and Peter Ivanovic (her brother) rights-of-way and easements as follows:

1. A right-of-way and easement fifteen (15) feet in width, the northerly line whereof being described as follows, to-wit:

BEGINNING at a point on the Southwesterly line of Valley Street (40 feet wide), said point being on the dividing line between Lots Nos. 127 and 128 in the Mellon-Kenny Farms No. 2 Plan of Lots, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 28, Page 28; thence along said dividing line South 58° West, a distance of one Hundred twenty-three and 94/100 (123.94) feet to a point on the Easterly line of Lot No. 126 in said Plan.

2. A right-of-way and easement fifteen (15) feet in width, the southerly line whereof being described as follows, to-wit:

BEGINNING at a point at the Northwesterly corner of Valley Street (40 feet wide) and Wilmerding-Trafford City Road (55 feet wide), said point being the Southeasterly corner of property of the said Ivanovic; thence along the Northerly line of Wilmerding-Trafford City Road by the arc of a circle curving to the left having a radius of five hundred twenty-seven and $\frac{5}{10}$ (527.5) feet, an arc distance of one hundred seventy-eight and $\frac{6}{10}$ (178.6) feet to a point; thence continuing along said Northerly line of Wilmerding-Trafford City Road South 48° West, a distance of one hundred seventeen and $\frac{93}{100}$ (117.93) feet to a point; thence continuing along the Northerly line of said Road by the arc of a circle curving to the left having a radius of four hundred twenty-seven and $\frac{5}{10}$ (427.5) feet, an arc distance of eighteen and $\frac{25}{100}$ (18.25) feet to a point.

The above described rights-of-way and easements over property of the said Ivanovic are taken subject to the continued rights of the fee simple title holders of the said property, their heirs, executors, administrators, successors, lessees, or assigns, to maintain all existing surface and sub-surface structures that are presently located within the confines of the said rights-of-way, insofar as they are otherwise lawful.

- (b) Across property of George E. Moyer, Jr. and Helen E. Moyer, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between Lots Nos. 49 and 50 in the Turnpike Gardens Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 55, Pages 104 to 108, inclusive, said point being South $78^{\circ} 3'$ East, fifty-one (51) feet along said dividing line from the Westerly line of said lots; thence through said Lot No. 50 North $15^{\circ} 25'$ East, sixty-five (65) feet to a point on the Southerly line of Lot No. 51.

- (c) Across property of Nick Matievich a right-of-way and easement fifteen (15) feet in width, the northeasterly line whereof being described as follows, to-wit:

BEGINNING at a point common to Lots Nos. 126, 127 and 128 in the Mellon-Kenny Farms No. 2 Plan of Lots, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 28, Page 28; thence along the line dividing Lots Nos. 125 and 126 from Lot No. 127 in said Plan South $30^{\circ} 38'$ East, a distance of one hundred eleven and $\frac{59}{100}$ (111.59) feet to a point on the Northerly line of Lot No. 124 in said Plan.

- (d) Across property of Anna Matievich a right-of-way and easement fifteen (15) feet in width, the northeasterly line whereof being described as follows, to-wit:

BEGINNING at a point on the Westerly line of Lot No. 127 in the Mellon-Kenny Farms No. 2 Plan of Lots, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 28, Page 28, said point being at the dividing line between Lots Nos. 124 and 125 in said Plan; thence along the dividing line between Lots Nos. 124 and 127 South $30^{\circ} 38'$ East, fifty-four and $\frac{37}{100}$ (54.37) feet to a point on the Northerly line of Lot No. 123 in said Plan.

- (e) Across property of Sylvester Lisic a right-of-way and easement fifteen (15) feet in width, the northeasterly line whereof being described as follows, to-wit:

BEGINNING at a point on the Westerly line of Lot No. 127 in the Mellon-Kenny Farms No. 2 Plan of Lots, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 28, Page 28, said point being at the dividing line between Lots Nos. 123 and 124 in said Plan; thence along the dividing line between Lots Nos. 123 and 127 South 30° 38' East, fifty-nine and 63/100 (59.63) feet to a point on the Northerly line of Lot No. 122 in said Plan.

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

Section 6. The Mayor, President of Council, Borough Secretary, and Solicitor are hereby authorized and directed to file a Declaration of Taking of the rights-of-way and easements hereinabove described with the Prothonotary for the Court of Common Pleas of Allegheny County, Pennsylvania, and to prepare, execute, file, and record as the case may be, such other papers and documents as may be deemed necessary by the Borough Solicitor to complete all actions for the taking of said easements, the use thereof, and the compensation therefor, all pursuant to the terms and requirements of the said Eminent Domain Code of the Commonwealth of Pennsylvania.

Section 7. Any ordinance or part of ordinance in conflict with any of the provisions of this ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED this 29th day of July, 1965.

BOROUGH OF MONROEVILLE

ATTEST:

S/ Carrol F. Pickens
Secretary

S/ Frank A. Witt
President of Council

EXAMINED AND APPROVED this 30th day of July, 1965.

S/ John J. Duncan
Mayor