

ORDINANCE NO. 509

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING
THE TAKING, USING, APPROPRIATING AND 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 Edward Oley Shillinger and Anna Estelle Bierer Shillinger, 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 property of Shillinger and property now or formerly of Ridinger, said point being North 30° 36' 40" East, a distance of thirty-five (35) feet along said dividing line from the Northerly line of Lot No. 78 in the Rosecrest Park Plan of Lots No. 2, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 34, Pages 14 and 15; thence through property of the said Shillinger South 50° 43' East, a distance of one hundred forty-three (143) feet to a point on the Northerly line of Lot No. 80 in said plan.

- (b) Across property of Paul E. Barnes and Mary E. Barnes, 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 Westerly line of Lot No. 55 in the Rosecrest Park Plan of Lots No. 2, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 34, Pages 14 and 15, said point being North 30° 36' 40" East, a distance of one hundred thirty (130) feet along said Westerly line from the Southwest corner of said lot; thence through said Lot No. 55 South 46° 23' East, a distance of fifty-two (52) feet to a point on the Westerly line of Lot No. 56 in said plan.

- (c) Across property of John R. Zack and Sarah Ann Zack, 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 Westerly line of Lot No. 75 in the Rosecrest Park Plan of Lots No. 2, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 34, Pages 14 and 15, said point being North 30° 36' 40" East, a distance of one Hundred seventy-five (175) feet along said Westerly line from the Northerly line of Popular Avenue; thence through said Lot No. 75 South 55° 3' East, a distance of fifty-one and 5/10 (51.5) feet to a point on the Westerly line of Lot No. 76 in said plan.

- (d) Across property of Herbert Ilgenfritz and Jessie T. Ilgenfritz, 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 Westerly line of Lot No. 74 in the Rosecrest Park Plan of Lots No. 2, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 34, Pages 14 and 15, said point being North 30° 36' 40" East, a distance of one hundred eighty (180) feet along said Westerly line from the Northerly line of Poplar Avenue; thence through said Lot No. 74 South 55° 3' East, a distance of fifty-one and 5/10 (51.5) feet to a point on the Westerly line of Lot No. 75 in said plan.

- (e) Across property of Leslie Southall and Emeline Lois Southall, 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. 10 and 11 in the Rosecrest Park Plan of Lots No. 1, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 31, Page 195, said point being distant seventy-four (74) feet Southwestwardly along said dividing line from the Southerly line of Poplar Avenue; thence through said Lot No. 11 and Lot No. 12 South $36^{\circ} 8' 30''$ East, a distance of one hundred eight (108) feet to a point on the westerly line of Lot No. 87 in the Rosecrest Park Plan of Lots No. 2, recorded in said Recorder's Office in Plan Book Vol. 34, Pages 14 and 15.

- (f) Across property of John J. Urick and Nelda G. Urick, 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 Northerly line of property now or formerly of Naomi Graham, said point being on the dividing line between Lots Nos. 712 and 713 in the Haymaker Ridge Plan of Lots No. 7, as the same is recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 71, Pages 145 and 146; thence along said dividing line between Lots Nos. 712 and 713 North $35^{\circ} 43' 30''$ East, one hundred ten (110) feet to a point; thence through Lots Nos. 712 and 711 in said plan South $65^{\circ} 17'$ East, one hundred fifteen (115) feet to a point within said Lot No. 711; thence North $55^{\circ} 43'$ East, thirty (30) feet to a point on the Southerly line of Harvest Drive.

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.

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ORDAINED AND ENACTED this 13th day of January, 1966.

ATTEST:

BOROUGH OF MONROEVILLE

S/ Carrol F. Pickens
SecretaryBy S/Frank A. Witt
President of Council

EXAMINED AND APPROVED this 14th day of January, 1966.

S/John J. Duncan
Mayor