

## ORDINANCE NO. 660

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING THE TAKING, USING, APPROPRIATING AND CONDEMNING OF 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 certain sanitary sewer rights-of-way and easements ten (10) feet in width over, under and across the private properties hereinafter described, 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 1501 et seq. of the Borough Code of 1966, as amended, and the Eminent Domain Code of 1964, as amended.

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 Bilo Stations, Inc. 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 right-of-way line of William Penn Highway, U. S. Traffic Route 22, said point being five (5) feet west of the dividing line between property of Bilo Stations, Inc. and property of the Pennsylvania Turnpike Commission; thence through property of Bilo Stations, Inc. North  $22^{\circ} 12' 20''$  West and maintaining a uniform distance of five (5) feet west of said dividing line, a distance of two hundred fifty-five (255) feet to a point; thence South  $83^{\circ} 37'$  West, a distance of ninety-one (91) feet, more or less, to a point on the easterly line of Lot No. 14 in the Williamsburg Heights Plan of Lots No. 1, recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 47, Page 44.

- (b) Across property of Paul D. Sturm and Madeline M. Sturm, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to-wit:

(1) BEGINNING at a point on the westerly line of Ohio Street, said point being North  $27^{\circ} 00'$  West, a distance of five (5) feet along said westerly line of Ohio Street from the southeast corner of Lot No. 1 in the Captain James McCully Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 17, Page 128; thence through said Lot No. 1 parallel to and maintaining a uniform distance of five (5) feet north of the southerly line of said Lot South  $48^{\circ} 25'$  West, two hundred thirteen and  $51/100$  (213.51) feet to a point on the westerly line of said Lot.

(2) BEGINNING at a point on the southerly line of Lot No. 1 in the Captain James McCully Plan of Lots, recorded as aforesaid, said point being South  $48^{\circ} 25'$  West, a distance of one hundred fifteen (115) feet along said dividing line from the southeast corner of said Lot No. 1; thence North  $28^{\circ} 04'$  West, one hundred two (102) feet, more or less, to a point on the southerly line of Lot No. 2 in said Plan.

- (c) Across property of Ernest F. Nevling 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 southerly line of Lot No. 7 in the Capt. James McCully Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 17, Page 128, said point being South  $48^{\circ} 25'$  West, a distance of one hundred thirty-eight (138) feet along said southerly line from the southeasterly corner of said Lot; thence through said Lot No. 7 North  $34^{\circ} 10'$  West, one hundred twenty-two (122) feet, more or less, to a point on the northerly line of said Lot No. 7.

- (d) Across property of John Worrall and Mildred L. Worrall, 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 southerly line of Lot No. 5 in the Capt. James McCully Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 17, Page 128, said point being South  $48^{\circ} 25'$  West, a distance of one hundred eighteen (118) feet along said southerly line from the southeast corner of said Lot; thence through said Lot No. 5 North  $34^{\circ} 10'$  West, a distance of one hundred (100) feet, more or less, to a point on the southerly line of Lot No. 6 in said Plan.

- (e) Across property of Adam J. Patrickowski 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 southerly line of Lot No. 4 in the Capt. James McCully Plan of Lots as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 17, Page 128, said point being South  $48^{\circ} 25'$  West, one hundred fourteen (114) feet along said southerly line from the southeast corner of said lot; thence through said Lot No. 4 North  $28^{\circ} 04'$  West, seventy-two (72) feet to a point; thence North  $34^{\circ} 10'$  West, twenty-nine (29) feet, more or less, to a point on the southerly line of Lot No. 5 in said Plan.

- (f) Across property of William A. Cobler and Grace M. Cobler, 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 southerly line of Lot No. 2 in the Capt. James McCully Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 17, Page 128, said point being South  $48^{\circ} 25'$  West, one hundred fourteen (114) feet along said southerly line from the southeast corner of said lot; thence through said Lot No. 2 North  $28^{\circ} 04'$  West, one hundred two (102) feet, more or less, to a point on the southerly line of Lot No. 3 in said Plan.

- (g) Across property of Louise C. Hohman a right-of-way and easement ten (10) feet in width, the westerly line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property of Louise C. Hohman and property now or formerly of Frank Matich, said point being at the northerly line of property of George McCracken et ux; thence along said dividing line between Matich and Hohman and the extension thereof North  $25^{\circ} 09'$  West, two hundred ninety-one and  $\frac{3}{10}$  (291.3) feet to a point on the southerly line of Lot No. 1 in the Capt. James McCully Plan of Lots, as recorded in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Vol. 17, Page 128.

- (h) Across property of George McCracken and Philomena McCracken, his wife, a right-of-way and easement ten (10) feet in width, the westerly line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property now or formerly of McCracken and property now or formerly of Frank Matich, said point being on the southerly line of property of Louise C. Hohman; thence along said dividing line between McCracken and Matich South  $46^{\circ} 36'$  East, one hundred five (105) feet, more or less, to a point on the northerly line of Gregory Drive.

- (i) Across property of Thomas A. Wilson, Jr. and Florence Wilson, 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 Thomas A. Wilson, Jr. et ux and property of James E. McGrath et ux, said point being South  $28^{\circ} 25'$  East, a distance of two hundred sixteen (216) feet along said dividing line from the center line of James Street; thence across property of Wilson North  $63^{\circ} 40'$  East, a distance of seventy-two (72) feet, more or less, to a point on line of property now or formerly of Braunger.

- (j) Across property of James E. McGrath and Genevieve McGrath, his wife, a right-of-way and easement ten (10) feet in width, the center line whereof being described as follows, to-wit:

(1) BEGINNING at a point on the dividing line between property of James E. McGrath et ux and property of Raymond E. Henkel et ux, said point being South  $28^{\circ} 25'$  East, one hundred sixty-three (163) feet along said dividing line from the center line of James Street; thence through property of McGrath South  $89^{\circ} 00'$  East, a distance of one hundred sixty-one (161) feet, more or less, to a point on the westerly line of property now or formerly of Thomas A. Wilson et ux.

(2) BEGINNING at a point on the southerly line or property of James E. McGrath et ux, said point being South  $52^{\circ} 10'$  West, a distance of seventeen (17) feet along said southerly line from the westerly line of property now or formerly of Thomas A. Wilson et ux; thence through property of McGrath North  $25^{\circ} 06'$  West, two hundred twenty-five (225) feet to a point.

(3) A right-of-way and easement ten (10) feet in width, the easterly line of which is described as follows, to-wit:

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BEGINNING at a point on the dividing line between property of James E. McGrath et ux and property of Thomas A. Wilson et ux, said property being at the center line of James Street; thence along said dividing line South 28° 25' East, a distance of two hundred sixteen (216) feet to a point.

Section 5. 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 the 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 6. 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 12th day of August, 1969.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ Frank A. Witt  
President of Council

S/ Carrol F. Pickens  
Secretary

EXAMINED AND APPROVED this 13th day of August, 1969.

S/ John J. Duncan  
Mayor

Entered in Legal Book August 19, 1969.