

ORDINANCE NO. 671

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 fifteen (15) 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 Andrew Fenyus and Yolán Fenyus, his wife, a right-of-way and easement fifteen (15) feet, in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the dividing line between property of Fenyus and property now or formerly of Penn Hall Academy, said point being in the vicinity of Hochberg Road and said point being South  $4^{\circ} 00'$  West, one hundred twenty-nine (129) feet along said dividing line from the center line of Old Frankstown Road; thence through property of Fenyus the following courses and distances:

South  $74^{\circ} 16' 26''$  East, ten (10) feet to a point; thence South  $24^{\circ} 09' 48''$  East, two hundred two and  $77/100$  (202.77) feet to a point; thence South  $68^{\circ} 54' 28''$  East, three hundred and  $11/100$  (300.11) feet to a point; thence South  $60^{\circ} 41' 24''$  East, three hundred ninety-two and  $20/100$  (392.20) feet to a point; thence South  $44^{\circ} 41' 27''$  East, three Hundred ninety-five and  $28/100$  (395.28) feet to a

point; thence South  $52^{\circ} 24' 50''$  East, four hundred and  $03/100$  (400.03) feet to a point; thence South  $76^{\circ} 25' 27''$  East, three hundred sixty-two and  $11/100$  (362.11) feet to a point; thence South  $51^{\circ} 02' 30''$  East, three hundred eighty-nine and  $66/100$  (389.66) feet to a point; thence South  $50^{\circ} 58' 14''$  East, three hundred eight-seven and  $47/100$  (387.47) feet to a point; thence South  $59^{\circ} 55' 53''$  East, three hundred fifty-one and  $27/100$  (351.27) feet to a point; thence South  $31^{\circ} 24' 43''$  East, three hundred six and  $99/100$  (306.99) feet to a point; thence South  $60^{\circ} 57' 39''$  East, one hundred sixty-eight and  $58/100$  (168.58) feet to a point on line of property now or formerly of Deakins.

- (b) Across property of Herbert Deakins and Carrie Deakins, his wife, life tenants, J. B. Deakins, Mildred Deakins, also known as Mildred Deakins Smith, and Twyla Deakins, also known as Twyla Deakins Brown, a right-of-way and easement fifteen (15) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the Westerly line of property now or formerly of McClintock Lumber Company, Inc., said point being South  $49^{\circ} 56'$  West, a distance of two hundred thirty-eight (238) feet along said line from the center line of Old Frankstown Road; thence through property of Deakins the following courses and distances:

North  $60^{\circ} 13' 38''$  West, one hundred sixty-five and  $35/100$  (165.35) feet to a point; thence North  $63^{\circ} 18' 49''$  West, three hundred ninety-two and  $45/100$  (392.45) feet to a point; thence North  $54^{\circ} 51' 09''$  West, three hundred ninety-two and  $58/100$  (392.58) feet to a point; thence North  $60^{\circ} 57' 39''$  West, two hundred ninety-nine (299) feet to a point on line of property now or formerly of Fenyus.

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.

Ordinance No. 671

-3-

ORDAINED AND ENACTED this 14th day of October, 1969.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ Frank A. Witt  
President of Council

S/ Gladys Diller  
Assistant Secretary

EXAMINED AND APPROVED this 15th day of October, 1969.

S/ John J. Duncan  
Mayor