

ORDINANCE NO. 729

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, in varying widths as hereinafter set forth, 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 the property of George B. McCloy 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 dividing line between West and McCloy at the northwest corner of the McCloy property; thence along the dividing line between West and McCloy North $42^{\circ} 59'$ East a distance of two hundred forty-two (242) feet, more or less, to the northeast corner of McCloy at Oak Street being a portion of Lot F of the Wall View Plan of Lots as recorded in Plan Book Volume 15, Page 58.

- (b) Across the property of Robert D. Crossett and Vivian B. Crossett, 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 the properties of Jenkins and Crossett said point being South $57^{\circ} 25'$ East from the northeast corner of Crossett where it joins the lands of the Oxford Land Company; thence through the property of Crossett South $59^{\circ} 30'$ West a distance of thirty (30) feet to a point; thence continuing through the property of Crossett South 12°

30' West a distance of one hundred fifty-nine (159) feet, more or less, to the dividing line between Crossett and the Oxford Land Company.

- (c) Across the property of James L. Quinn and Mary E. Quinn, 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 Spade and Quinn, said point being North $57^{\circ} 25'$ West a distance of one hundred seventy (170) feet from a point on the center line of Monroeville Road; thence through the lands of Quinn North $44^{\circ} 15'$ East a distance of thirty (30) feet to a point on the dividing line between Quinn and Myers.

- (d) Across the property of John W. Myers and Ann Myers, 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 Quinn and Myers, said point being North $57^{\circ} 25'$ West a distance of one hundred sixty-three (163) feet from the center line of Monroeville Road; thence through the lands of Myers North $44^{\circ} 15'$ East a distance of sixty-two (62) feet to a point on the dividing line between Myers and Oxford Land Company.

- (e) Across the property of Leonard Custer and Terra Custer, 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 Colbaugh and Custer, said point being South $32^{\circ} 34' 30''$ West a distance of ninety-three (93) feet from a point on the right-of-way line of Bosses Lane; thence through the lands of Custer North $51^{\circ} 12'$ West a distance of one hundred one (101) feet to a point on the dividing line between Custer and Emerick.

- (f) Across the property of Louis A. Rushe and Sarah E. Rushe, 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 Emerick and Rushe, said point being South $32^{\circ} 34' 30''$ West a distance of eighty-eight (88) feet from the right-of-way line of Bosses Lane; thence North

60° 30' West a distance of fifty-one (51) feet through the lands of Rushe to the dividing line between Rushe and Neely.

- (g) Across the property of Raymond T. Neely and Mildred Neely, 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 Rushe and Neely, said point being South 32° 34' 30" West a distance of ninety (90) feet from the right-of-way line of Bosses Lane; thence North 60° 30' West a distance of fifty-one (51) feet through the lands of Neely to the dividing line between Neely and Brunclik.

- (h) Across the property of James B. Long and Melva B. Long, 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 Becker and Long said point being South 57° 26' East a distance of fourteen (14) feet along the said dividing line between Long and Becker from the northwest corner of Long as it joins the lands of the Oxford Land Company; thence through the property of Long North 36° 05' East eighty (80) feet to a point on the dividing line between Long and Postlethwaite.

- (i) Across the property of Anthony Alfer and Agnes Alfer, 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 the lands of Frank and Alfer said point being South 55° 45' East twenty-three (23) feet along the said dividing line from the northwest corner of Alfer as it joins the Oxford Land Company; thence through the property of Alfer North 36° 05' East fifty (50) feet to a point on the dividing lines between Alfer and Rhinehart.

- (j) Across the property of Joseph M. Negley and Elizabeth E. Negley, 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 lands of Negley and Alfer said point being South 55° 45' East a distance of twenty-four (24) feet from the northwest corner of Negley as it joins the lands of the Oxford Land Company; thence

through the lands of Negley North $36^{\circ} 05'$ East fifty (50) feet to a point on the dividing lines between Negley and Smith.

- (k) Across the property of Albert E. Smith and Ruth W. Smith, 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 the lands of Negley and Smith said point being South $55^{\circ} 45'$ East a distance of twenty-five (25) feet from the northwest corner of Smith as it joins the property of the Oxford Land Company; thence through the lands of Smith North $36^{\circ} 05'$ East fifty (50) feet to a point on the dividing lines between Smith and Snyder

- (l) Across the property of George Snyder and Helen Snyder, 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 lands of Smith and Snyder said point being South $55^{\circ} 45'$ East twenty-eight (28) feet from the northwest corner of Snyder as it joins the Oxford Land Company; thence through the lands of Snyder North $43^{\circ} 05'$ East fifty (50) feet to a point on the dividing lines between Snyder and Dannels.

- (m) Across the property of Frank C. Muller and Annabelle Muller, 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 Dannels and Muller said point being South $55^{\circ} 45'$ East forty-three (43) feet from the northwest corner of Muller where it joins the lands of the Oxford Land Company; thence through the lands of Muller North $43^{\circ} 05'$ East one hundred (100) feet to a point on the dividing lines between Muller and DiTommaso.

- (n) Across the property of John D. DiTommaso and Sarah DiTommaso, 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 Muller and DiTommaso said point being South $55^{\circ} 45'$ East fifty-eight (58) feet from the northwest

corner of DiTommaso where it joins the lands of the Oxford Land Company; thence through the lands of DiTommaso North 43° 05' East fifty (50) feet to a point on the dividing lines between DiTommaso and Rhine.

- (o) Across the property of Thomas A. Scott 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 DiTommaso and Scott said point being South 55° 45' East sixty-six (66) feet from the northwest corner of Scott where it joins the lands of Oxford Land Company; thence through the property of Scott North 43° 05' East a distance of five (5) feet to a point five (5) feet from the dividing line between Scott and DiTommaso; thence continuing through the lands of Scott five (5) feet from and parallel to the dividing line between Scott and DiTommaso South 55° 45' East a distance of one hundred nine (109) feet to a point twenty-five (25) feet from the center line of Monroeville Road; thence parallel to the center line of Monroeville Road North 34° 15' East a distance of sixty-five (65) feet to a point on the dividing line between Scott and Oxford Land Company.

Section 5. 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 13th day of April, 1971.

BOROUGH OF MONROEVILLE

By S/ George C. Dale
President of Council

ATTEST:

S/ Carrol F. Pickens
Secretary

(SEAL)

EXAMINED AND APPROVED this 13th day of April, 1971.

S/ John J. Duncan
Mayor