

ORDINANCE NO. 859

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING
THE TAKING, USING, APPROPRIATING AND CONDEMNING OF A
ROAD EASEMENT THROUGH PRIVATE PROPERTY.

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 right-of-way and easement hereinafter described to be used for public purposes, to-wit, for an extension of Ramsey Road to form a cul-de-sac; and hereby appropriates takes and condemns said right-of-way and easement.

Section 2. 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 3. 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 Frank J. Rudolf a right-of-way and easement being described as follows, to-wit:

BEGINNING at a point on the dividing line between F. Rudolf and Haymaker Village Plan No. 3, said point being North $89^{\circ} 10' 50''$ East a distance of one hundred thirty-seven and $236/1000$ (137.236) feet from the common corner between F. Rudolf, Haymaker Village Plan No. 3 and V. Rokicask along the dividing line between Haymaker Village No. 3 and F. Rudolf at a point on the West right-of-way line of Ramsey Road; thence through the lands of Rudolf South $1^{\circ} 11' 40''$ East a distance of 0.33 feet to a point of a curve to the right; thence by the said curve with a radius of forty (40) feet a distance of thirty-eight and $16/100$ (38.16) feet to a point of a curve to the left; thence by the said curve to the left with a radius of forty (40) feet a distance of one hundred seventy-five and $47/100$ (175.47) feet to a point of a curve to the right; thence by the said curve to the right with a radius of forty (40) feet a distance of thirty-eight and $16/100$ (38.16) feet to the common point between Haymaker Village Plan No. 3, F. Rudolf and the East side of Ramsey Road; thence along the dividing line between Ramsey Road and F. Rudolf South $89^{\circ} 10' 50''$ West a distance of fifty (50) feet to the place of beginning containing 0.12 acres.

Section 4. The right-of-way and easement hereby appropriated, taken and condemned shall be for the possession and use of the Borough of Monroeville for the purpose taken, but in the event the use ceases, the right-of-way and easement shall revert to the above owner, his heirs or assigns.

ORDAINED AND ENACTED this 11th day of December, 1973.

BOROUGH OF MONROEVILLE

ATTEST:

S/ Marshall W. Bond
Secretary

By S/ George C. Dale
President of Council

EXAMINED AND APPROVED this day of , 1973.

Mayor

Entered in Legal Book, January 14, 1974.

NOTE:

The following was received from Mayor John J. Duncan:

"Monroeville Borough
Marshall Bond, Mgr.

I am returning, unsigned, Ordinance 859, authorizing the taking, using, appropriating and condemning of a road easement through private property.

Although I am in agreement with the area residents and their safety, I feel our Borough ~~should~~ follow ordinance and land subdivision regulations in authorizing and accepting roads and streets.

John J. Duncan
Mayor

December 27, 1973."