

BILL NO. 00-12

ORDINANCE NO. 00-12

**AN ORDINANCE OF THE CITY OF JEANNETTE
AUTHORIZING THE ACQUISITION OF PROPERTIES AND THE
FILING OF CONDEMNATION PROCEEDINGS IN FURTHERANCE
OF THE EMERGENCY STREAM BANK PROTECTION PROJECT**

WHEREAS, the Commonwealth of Pennsylvania, Department of Environmental Protection (hereafter referred to as "The Commonwealth") has entered into agreements, dated ✓ May 18, 1988 and December 16, 1996 (hereafter referred to as "Agreements") with the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania, (hereafter referred to as "The City"), whereby the Commonwealth has agreed to install certain flood control improvements along the channel of Brush Creek and three (3) of its tributaries, (hereinafter referred to as "The Project"), also known as "Project No. DGS 182-7", to alleviate, in part, flood damage and to prevent, as much as feasible, the recurrence of flood damage; and

WHEREAS, in accordance with the aforesaid Agreements, the City is required to provide all lands, easements, rights-of-way, rights of entry, and permits from adjoining land owners, utilities and political subdivisions necessary for the successful construction and future maintenance of the Project; and

WHEREAS, the City is empowered, under the Eminent Domain Code of Pennsylvania, 26 P.S. §1-101 et seq. and the Third Class City Code, 53 P.S. §37801, to exercise the power of

eminent domain and enter upon, appropriate, take, use, and occupy property in furtherance of the
aforenamed project; and

WHEREAS, the City has previously enacted Ordinance No. 99-1 authorizing the
acquisition of various properties and property rights within the City of Jeannette and this
Ordinance is intended to supplement such Ordinance and provide for the acquisition of additional
properties and property interests.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING
INCORPORATED HEREIN, IT IS HEREBY ORDAINED AND ENACTED AS FOLLOWS:

1. **PROPERTIES TO BE ACQUIRED.** The properties itemized in Exhibit "A"
attached hereto and more particularly identified in the attached surveys shall be acquired by the
City for the purposes of the Project.

2. **CONDEMNATION/FILING DECLARATION(S) OF TAKING.** A Declaration
or Declarations of Taking shall be filed where necessary as to all properties itemized in the
attached Exhibit "A", within one (1) year of the effective date of this Ordinance.

3. **ACQUISITIONS IN LIEU OF FORMAL CONDEMNATION PROCEEDINGS.**
Nothing in this Ordinance shall be deemed to require the City to attempt alternate means of
acquisition prior to the formal filing of a Declaration of Taking, however, amicable property
acquisitions are hereby authorized in furtherance of this Project, in accordance with the terms and
conditions of the Agreements with the Commonwealth.

4. **FUTURE ORDINANCES FOR PROPERTY ACQUISITION.** Nothing in this Ordinance shall preclude the passage of a supplemental Ordinance or Ordinances authorizing the acquisition of additional properties required in furtherance of the Project.

5. **RECORDING.** A copy of this Ordinance shall be recorded within thirty (30) days after its enactment in the Office of the Recorder of Deeds in and for Westmoreland County, Pennsylvania and shall be indexed in the name of the property owners affected hereby; and a copy of this Ordinance shall be sent by registered mail to each owner of property referenced in Exhibit "A" attached hereto, at his or her last known address.

6. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon passage.

ORDAINED AND ENACTED AT A PUBLIC MEETING OF THE COUNCIL OF THE CITY OF JEANNETTE ON DECEMBER 27, 2000.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:



Carl J. Matt, Mayor/President of Council

PROPERTY DESCRIPTION:

PARCEL A.1 – Property of Wesley Orange and John Orange, Sr.

BEGINNING at a point at the Southwest corner of Lot No. 233 in the E.M. Gross Plan of Lots as such Plan is recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Corporation Docket 2, page 560, thence along the Southerly boundary line of Lot 233 South 56° 20' 00" East a distance of approximately 54.45 feet to a point; thence, South 36° 51' 32" East a distance of 48 feet to a point; thence, North 60° 15' 58" East a distance of 9 feet to a point; thence South 42° 14' 02" East a distance of 8.04 feet to a point; thence, South 33° 32' 00" West a distance of 77.17 feet to a point; thence, around a curve to the left with a radius of 169.20 feet an arc distance of 18.30 feet to a point; thence, North 37° 49' 58" West a distance of 322.19 feet to a point; thence, around a curve to the right with a radius of 289.18 feet an arc distance of 23.21 feet to a point; thence, North 33° 14' 03" West a distance of 17.51 feet to a point; thence, North 29° 11' 28" East a distance of 50.21 feet to a point; thence, South 17° 30' 00" East a distance of 158.80 feet to a point; thence, South 37° 47' 00" East a distance of 114.16 feet to a point; thence, North 33° 32' 00" East a distance of 15 feet to the place of beginning.

ALTERNATE DESCRIPTION

BEGINNING at a point at the Southwest corner of Lot No. 233 in the E.M. Gross Plan of Lots as such Plan is recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Corporation Docket 2, page 560, thence along the Southerly boundary line of Lot 233 South 62° 51' 32" East a distance of approximately 54.45 feet to a point; thence, South 36° 51' 32" East a distance of 48 feet to a point; thence, North 60° 15' 58" East a distance of 9 feet to a point; thence South 42° 14' 02" East a distance of 8.04 feet to a point; thence, South 27° 00' 28" West a distance of 77.17 feet to a point; thence, around a curve to the left with a radius of 169.20 feet an arc distance of 18.30 feet to a point; thence, North 37° 49' 58" West a distance of 322.19 feet to a point; thence, around a curve to the right with a radius of 289.18 feet an arc distance of 23.21 feet to a point; thence, North 33° 14' 03" West a distance of 17.51 feet to a point; thence, North 29° 11' 28" East a distance of 50.21 feet to a point; thence, South 24° 01' 32" East a distance of 158.80 feet to a point; thence, South 44° 18' 32" East a distance of 114.16 feet to a point; thence, North 27° 00' 28" East a distance of 15 feet to the place of beginning.

CONTAINING 12,795.3793 square feet or 0.2937 acres more or less.

EXHIBIT "A"

BEING a portion of Tax Map Parcel No. 14-1-15-39 and also BEING a part of that property conveyed to Wesley Orange and John Orange, Sr. by a Deed recorded in the office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Deed Book Volume 2905, Page 106.

The above property description is prepared in accordance with a survey prepared by Antonacci and Associates, Registered Engineers, dated February 29, 2000.

The two (2) descriptions set forth above relate to the same parcel of land. The difference in descriptions arises from variations in certain courses and/or distances between the deeds recorded for the real estate from which this parcel is taken and those courses and/or distances determined by the surveying engineer using D.E.P. Meridian measure. The initial description is made using courses and distances set forth in the condemnee's deed for the property. The Alternative Description is made by using courses and distances determined by D.E.P. Meridian measure.

PARCEL A.2 – Property of Wesley Orange and John Orange, Sr.

BEGINNING at a point South 33° 32' 00" West 106 feet then South 17° 30' 00" East 21 feet; then South 54° 40' 00" East 71 feet from the southeast corner of Lot No. 233 in the E.M. Gross Plan of Lots, such point being the place of beginning; thence from said place of beginning, South 09° 30' 00" East 196.00 feet to a point; thence, North 25° 03' 24" West a distance of 233.87 feet to a point; thence South 54° 40' 00" East a distance of 51.77 feet to the point of beginning.

ALTERNATE DESCRIPTION

BEGINNING at a point South 27° 00' 28" West 106 feet then South 17° 30' 00" East 21 feet; then South 61° 11' 32" East 71 feet from the southeast corner of Lot No. 233 in the E.M. Gross Plan of Lots, such point being the place of beginning; thence from said place of beginning, South 16° 01' 32" East a distance of 194.47 feet to a point; thence, North 25° 03' 24" West a distance of 233.87 feet to a point; thence South 61° 11' 32" East a distance of 51.77 feet to the point of beginning.

CONTAINING approximately 3,569.5423 square feet or 0.0819 acres, more or less.

EXHIBIT "A" CONTINUED

BEING a portion of Tax Map Parcel No. 14-1-15-39 and also BEING a part of that property conveyed to Wesley Orange and John Orange Sr. by deed recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Deed Book Volume 2905, page 106.

The above property description is prepared in accordance with a survey prepared by Antonacci and Associates, Registered Engineers, dated February 29, 2000.

The two (2) descriptions set forth above relate to the same parcel of land. The difference in descriptions arises from variations in certain courses and/or distances between the deeds recorded for the real estate from which this parcel is taken and those courses and/or distances determined by the surveying engineer using D.E.P. Meridian measure. The initial description is made using courses and distances set forth in the condemnee's deed for the property. The Alternative Description is made by using courses and distances determined by D.E.P. Meridian measure.

PROPERTY DESCRIPTION – PROPERTY OWNED BY GERALD F. RIZZARDI

PARCEL A.3

BEGINNING at a point on the intersection of lands now or formerly of Gerald F. Rizzardi and Wesley Orange and John Orange, Sr., then North 33° 14' 03" West a distance of 126.98 feet to a point, then along the arc of a curve to the left having a radius of 194.65 feet an arc distance of 208.07 feet to a point, then along the arc of a curve to the right having a radius of 138 feet, an arc distance of 157 feet to a point, then South 61° 26' 15" East a distance of 41.28 feet to a point, then South 36° 18' 28" West a distance of 7.40 feet to a point, then South 33° 15' 16" East a distance of 39.77 feet to a point, then North 56° 44' 44" East a distance of 13.97 feet to a point, then South 42° 41' 32" East a distance of 8.66 feet to a point, then South 55° 00' 00" East a distance of 49 feet to a point; then South 17° 30' 00" East a distance of 36.02 feet to a point, then South 29° 13' 28" West a distance of 50.25 feet to the place of beginning.

ALTERNATE DESCRIPTION

BEGINNING at a point on the intersection of lands now or formerly of Gerald F. Rizzardi and Wesley Orange and John Orange, Sr., then North 33° 14' 03" West a distance of 126.98 feet to a point, then along the arc of a curve to the left having a radius of 194.65 feet an arc distance of

EXHIBIT "A" CONTINUED

208.07 feet to a point, then along the arc of a curve to the right having a radius of 138 feet, an arc distance of 154.70 feet to a point, then South 67° 57' 47" East a distance of 41.28 feet to a point, then South 36° 18' 28" West a distance of 7.40 feet to a point, then South 33° 15' 16" East a distance of 39.77 feet to a point, then North 56° 44' 44" East a distance of 13.97 feet to a point, then South 42° 41' 32" East a distance of 8.66 feet to a point, then South 61° 31' 32" East a distance of 49 feet to a point; then South 24° 01' 32" East a distance of 36.02 feet to a point, then South 29° 13' 28" West a distance of 50.25 feet to the place of beginning.

CONTAINING 6,042.1910 square feet or .1387 acres, more or less.

BEING a portion of Tax Map Parcel No. 14-1-11-199, and also BEING a portion of that parcel of ground conveyed to the condemnee herein by Deed recorded in the Office of the Recorder of Deeds of Westmoreland County in Deed Book Volume 2655, Page 54.

The above property description is prepared in accordance with a survey prepared by Antonacci & Associates, Registered Engineers, dated March 1, 2000.

The two (2) descriptions set forth above relate to the same parcel of land. The difference in descriptions arises from variations in certain courses and/or distances between the deeds recorded for the real estate from which this parcel is taken and those courses and/or distances determined by the surveying engineer using D.E.P. Meridian measure. The initial description is made using courses and distances set forth in the condemnee's deed for the property. The Alternative Description is made by using courses and distances determined by D.E.P. Meridian measure.

PROPERTY DESCRIPTION – PROPERTY OWNED BY DWAYNE EDWARD GUEST

PARCEL A.4

ALL that certain lot of ground situate in the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania, known as Lot Number Five (5) in Burg's Plan of Lots, recorded in the Recorder's Office of said County of Westmoreland, in Corporation Book No. 2, page 515. Said lot fronting Fifty (50) feet on Burg Street, and extending back along the line of Lot Number Four (4) in said plan, One Hundred Four and eight-tenths (104.8) feet, and along an alley on the South One Hundred and Six (106) feet to an alley on the West.

EXHIBIT "A" CONTINUED

BEING the same lot of ground conveyed from Watson Guest, Sr., unmarried, to Dwayne Edward Guest, single, by Deed dated February 22, 1995, as the same was recorded in the Recorder's Office of Westmoreland County, Pennsylvania in Deed Book Volume 3328, Page 040.

EXHIBIT "A" CONTINUED

ALTERNATE DESCRIPTION

BEGINNING at a point at the intersection of the westerly side of 17th Street and the southeast corner of lands now or formerly of Joseph and Martha Petrill; thence North 81° 00' 00" West, a distance of 105.11 feet to a point; thence South 21° 00' 00" West, a distance of 50.18 feet to a point; thence South 81° 00' 00" East, a distance of 106.00 feet to a point; thence North 21° 00' 00" East, a distance of 50.00 feet to the place of beginning.

BEING the same lot of ground conveyed from Watson Guest, Sr., unmarried, to Dwayne Edward Guest, single, by Deed dated February 22, 1995 and recorded in the Recorder's Office in and for Westmoreland County, Pennsylvania in Deed Book Volume 3328, Page 040.

The above property description is prepared in accordance with a Survey prepared by Antonacci & Associates, Registered Engineers, dated February 16, 2000, such Survey being performed using D.E.P. Meridian Measure.

EXHIBIT "A" CONTINUED