

BILL NO. 99-2

ORDINANCE NO. 99-2

**AN ORDINANCE OF THE CITY OF JEANNETTE
AUTHORIZING THE ACQUISITION OF ADDITIONAL 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 aforementioned project; and

WHEREAS, on February 10, 1999, in accordance with the foregoing, the Council of the City of Jeannette enacted Ordinance 99-1, authorizing the acquisition of certain properties and the filing of condemnation proceedings in furtherance of the Emergency Stream Bank Protection Project; and

WHEREAS, there are additional properties which must be acquired in furtherance of the aforementioned project.

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 in ten (10) days.

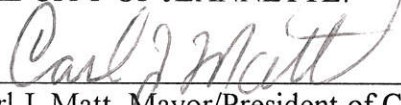
ORDAINED AND ENACTED AT A PUBLIC MEETING OF THE COUNCIL OF THE CITY OF JEANNETTE ON JUNE 9th, 1999.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:



Carl J. Matt, Mayor/President of Council

ORDINANCE 99-2

EXHIBIT "A"
LIST OF ADDITIONAL PROPERTY ACQUISITIONS FOR
EMERGENCY STREAM BANK PROTECTION PROJECT

The following properties, or interests therein, shall be acquired by the City for the purposes of the Emergency Stream Bank Protection Project, as set forth in paragraph 1 and 2 of this Ordinance:

1. Property owned by Leonard J. Galante and Grace D. Galante:

A permanent easement through the lands now or formerly of Leonard J. Galante and Grace D. Galante, more commonly known as Lot 55 in the John Loughner Plan of Lots as recorded in Plan Book 1, Page 34, in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, such parcel being situate in the City of Jeannette, Westmoreland County, Pennsylvania and being more particularly bounded and described as follows:

BEGINNING at the point where the Southwest corner of such Lot 55 intersects with the Northern line of the Scott Avenue right-of-way, thence South $71^{\circ} 10' 00''$ East a distance of 29.62 feet to a point; thence through said Lot 55 North $25^{\circ} 27' 50''$ East a distance of 119.48 feet to a point along a 15 foot public alleyway; thence along the common line of the lands of Galante and said 15 foot alleyway North $71^{\circ} 10' 00''$ West a distance of 32.34 feet to a point; thence North $67^{\circ} 12' 56''$ West a distance of 7.89 feet to a point; thence South $25^{\circ} 27' 50''$ West 72.22 feet to a point; thence South $24^{\circ} 10' 00''$ West a distance of 47.84 feet to a point; thence South $72^{\circ} 00' 26''$ East a distance of 9.57 feet to the place of beginning. The aforesaid description containing a portion of a 10' alley way which was vacated by Ordinance No. 82-10 of the City of Jeannette on August 18, 1982, and which alleyway reverted to Leonard J. Galante and Grace D. Galante, the same being 100% of the owners of property abutting said alleyway.

CONTAINING approximately 4,756.3378 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-01-12-0-012.

The above description is prepared in accordance with a survey prepared by Antonacci & Associates dated September 1, 1998, as revised February 25, 1999, a copy of such survey being attached hereto.

2. Property owned by Leonard J. Galante and Grace D. Galante:

A permanent easement through those lands now or formerly of Leonard J. Galante and Grace D. Galante, more commonly known as Lots 1, 2 and 3 in the John Loughner Plan of Lots as recorded in Plan Book 1, Page 34 in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, such parcels being situate in the City of Jeannette, Westmoreland County, Pennsylvania and being more particularly bounded and described as follows:

BEGINNING at a point on the Southeastern corner of Lot No. 3 of such plan; thence North $67^{\circ} 20' 00''$ West a distance of 1.09 feet to a point; thence North $29^{\circ} 17' 49''$ East a distance of 47.95 feet to a point on the common line of Lot No. 2 of such plan and a 10' alley which was vacated by Ordinance 82-10 on August 18, 1982; thence South $28^{\circ} 00' 00''$ West a distance of 47.84 feet to the Southeast corner of Lot No. 3 in said plan, the place of beginning.

CONTAINING approximately 25.9122 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-01-11-0-281.

The above description is prepared in accordance with a survey prepared by Antonacci & Associates dated September 1, 1998, a copy of such survey being attached hereto.

3. Property owned by Robert A. Salvatore, Michael J. Salvatore, and Carmen W. Salvatore:

A temporary easement through those lands now or formerly of Robert A. Salvatore, Michael J. Salvatore and Carmen W. Salvatore, more commonly known as Lots 839 and 841 in the Western Land and Improvement Plan of Lots as recorded in Plan Book Volume 3, Page 2 in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, said lands being situate in the City of Jeannette, Westmoreland County, Pennsylvania, and being more particularly bounded and described as follows:

BEGINNING at a point North $76^{\circ} 12' 00''$ West a distance of 119.85 feet from the Northeastern corner of Lot No. 839 in such plan, thence North $76^{\circ} 12' 00''$ West a distance of 0.65 feet to a point, thence South $13^{\circ} 48' 00''$ West a distance of 152.80 feet to a point; thence South $77^{\circ} 11' 49''$ East a distance of 3.13 feet to a point; thence North $18^{\circ} 11' 29''$ East a distance of 55.75 feet to a point; thence North $13^{\circ} 39' 02''$ East a distance of 75.00 feet to a point; thence North $76^{\circ} 20' 58''$ West a distance of 6.50 feet to a point; thence North $13^{\circ} 39' 02''$ East a distance of 22.18 feet to the place of beginning.

CONTAINING approximately 855.18 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-1-11-0-017.

The above description is prepared in accordance with a survey prepared by Antonacci & Associates dated January 13, 1999, a copy of such survey being attached hereto.

4. Property owned by Vincent P. Altieri and Janice M. Altieri:

A permanent easement through the lands now or formerly of Vincent P. Altieri and Janice M. Altieri, his wife, situate in the City of Jeannette, Westmoreland County, Pennsylvania, such lands being commonly known as Lot No. 11 in the Adam B. Shaffer Plan of Lots as recorded in Plan Book 1, Page 204 in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, and being more particularly bounded and described as follows:

BEGINNING at a point on the Northeast corner of Lot No. 11 in such plan, thence South $31^{\circ} 19' 00''$ West a distance of 138.01 feet to a point; thence North $58^{\circ} 27' 12''$ West a distance of 2.71 feet to a point; thence North $31^{\circ} 32' 48''$ East a distance of 25.73 feet to a point; thence along a line curving to the left having a radius of 214.18 feet, an arc distance of 52.62 feet to a point; thence North $17^{\circ} 28' 09''$ East a distance of 52.50 feet to a point; thence along the line going to the right having a radius of 5,636.00 feet, an arc distance of 23.28 feet to the place of beginning.

CONTAINING approximately 1,179.30 square feet.

TOGETHER with a temporary easement through Lot 11 of such Plan for the construction of improvements associated with the Jeannette City and Penn Borough Flood Protection Project, such temporary easement being adjacent to the above described permanent easement and more particularly bounded and described as follows:

BEGINNING at a point on the Southeastern corner of such Lot No. 11, thence along the common line of Lot No. 11 and a 20 foot right-of-way, North $31^{\circ} 19' 00''$ East a distance of 141.99 feet to a point; thence North $58^{\circ} 27' 12''$ West a distance of 2.71 feet to a point; thence North $31^{\circ} 32' 48''$ East a distance of 25.73 feet to a point; thence along the line curving to the left having a radius of 214.18 feet, an arc distance of 52.62 feet to a point; thence North $17^{\circ} 28' 09''$ East a distance of 52.50 feet to a point on the Northern boundary of Lot No. 11; thence along a line going to the left having a radius of 5,636.00 feet, an arc distance of 30.43 feet to a point; thence South $17^{\circ} 28' 09''$ West a distance of 47.41 feet to a point; thence along a line curving to the right having a radius of 184.18 feet, a arc distance of 45.25 feet to a point; thence South $31^{\circ} 32' 48''$ West a distance of 172.27 feet to a point; thence South $66^{\circ} 15' 00''$ East a distance of 33.59 feet to the place of beginning.

CONTAINING approximately 8,500.09 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-01-11-0-089.

The above descriptions for permanent and temporary easements are made in accordance with a survey prepared by Antonacci & Associated dated September 11, 1998, a copy of such survey being attached hereto.

5. The property owned by Peter P. Burczyk:

A permanent easement through those lands of Peter P. Burczyk, such lands being commonly known as lots 4, 5, 6 and 7 in the John Loughner Plan of Lots as recorded in Plan Book 1, Page 34 in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, such lands being situate along Scott Avenue in the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania and being more particularly bounded and described as follows:

BEGINNING at a point at the intersection of the Northeast corner of lot No. 4 of said Plan and the Northwest corner of a ten (10') foot alleyway vacated by the City of Jeannette through Ordinance No. 239, thence, North, $71^{\circ} 10' 0''$ West a distance of 8.17 feet to a point.; thence, through Lot No. 4 of said Plan, South $36^{\circ} 56' 09''$ West, a distance of 7.05 feet to a point; thence, along a line curving to the left having a radius of 134.59 feet, an arc distance of 25.33 feet to a point; thence, South $26^{\circ} 9' 16''$ West a distance of 78.79 feet to a point along the common line of a certain 30 foot alleyway and the Southern boundary of Lot No. 6 of said Plan; thence, along the line of such alleyway, South $71^{\circ} 10' 0''$ East a distance of 15.74 feet to a point; thence, continuing along the line of said alleyway, South $68^{\circ} 53' 13''$ East a distance of 10.01 feet to a point on the Southwest corner of Lot No. 7 of said Plan; thence South $69^{\circ} 26' 49''$ East a distance of 14.48 feet to a point; thence, through Lot No. 7, North $26^{\circ} 09' 16''$ East a distance of 57.88 feet to a point; thence, North $71^{\circ} 11' 14''$ West a distance of 5.05 feet to a point; thence, North $18^{\circ} 47' 17''$ East a distance of 29.73 feet to a point; thence, South $71^{\circ} 49' 39''$ East a distance of 9.90 feet to a point; thence, along a line going to the right having a radius of 94.59 feet, an arc distance of 4.15 feet to a point; thence, North $36^{\circ} 56' 09''$ East a distance of 20.13 feet to a point in common with the southerly side of the Scott Avenue right-of-way and the Northern boundary of Lot No. 7; thence, North $71^{\circ} 10' 0''$ West a distance of 33.91 feet to the point of beginning.

CONTAINING approximately 4254.5470 square feet.

TOGETHER with a temporary easement over the remainder of Lot No. 7 in said Plan for the construction of improvements associated with the Jeannette City and Penn Borough Flood Protection Project.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-01-11-0-012.

The aforesaid description is prepared in accordance with a survey completed by Antonacci & Associates dated September 4, 1998, a copy of such survey being attached hereto.

6. Property now or formerly of Sherer Oil Company, Inc.:

A permanent easement through the lands now or formerly of Sherer Oil Company, Inc., more commonly known as Lots 47, 48, and 49 in the E.M. Gross Plan of Lots as recorded in Corporation Docket 3, Page 295 in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, such lands being situate in the City of Jeannette, Westmoreland County, Pennsylvania being more particularly bounded and described as follows:

BEGINNING at a point on the common line of Lot No. 47 of said plan and the Southern line of the Penn Avenue right-of-way, South $60^{\circ} 17' 00''$ West a distance of 1.66 feet from the Northeastern corner of said Lot 47; thence South $03^{\circ} 31' 23''$ West a distance of 29.34 feet to a point; thence along a line curving to the left having a radius of 94.59 feet, an arc distance of 61.04 feet to a point; thence South $33^{\circ} 26' 58''$ East a distance of 24.07 feet to a point; thence South $53^{\circ} 40' 00''$ West a distance of 40.05 feet to a point; thence North $33^{\circ} 26' 58''$ West a distance of 26.08 feet to a point; thence along a line curving to the right having a radius of 134.59 feet, an arc distance of 86.85 feet to a point; thence North $03^{\circ} 31' 23''$ East a distance of 3.13 feet to a point on the common line of Lot 48 of said plan and the Southern line of the Penn Avenue right-of-way; thence North $60^{\circ} 17' 00''$ East a distance of 47.82 feet to the place of beginning.

CONTAINING approximately 4,611.8375 square feet.

BEING a portion of Westmoreland County Tax Map Parcel Nos. 14-1-11-0-131 and 14-1-11-0-132.

TOGETHER with a temporary easement through the lands now or formerly of Sherer Oil Company, Inc., more commonly known as Lots 48, 49 and 50 in the E. M. Gross Plan of Lots as aforesaid for the construction of improvements associated with the Jeannette City and Penn Borough Flood Protection Project, such temporary easement being adjacent to the above described permanent easement and being more particularly bounded and described as follows:

BEGINNING at a point along the common line of Lot No. 48 of said plan and the Southern line of the Penn Avenue right-of-way, South 60° 17' 00" West a distance of 49.48 feet from the Northeast corner of Lot No. 47; thence South 03° 31' 23" West a distance of 3.13 feet to a point; thence along a line curving to the left having a radius of 134.59 feet, an arc distance of 86.85 feet to a point; thence South 33° 26' 58" East a distance of 26.08 feet to a point; thence South 53° 40' 00" West a distance of 20.03 feet to a point; thence North 33° 26' 58" West a distance of 27.09 feet to a point; thence along a line curving to the right having a radius of 154.59 feet, an arc distance of 89.97 feet to a point along the common line of Lot 49 of said plan and the Southern line of the Penn Avenue right-of-way; thence North 60° 17' 00" East a distance of 23.54 feet to the place of beginning.

CONTAINING approximately 2,330.5741 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-1-11-0-131.

The above descriptions of the permanent and temporary easements are prepared in accordance with a survey prepared by Antonacci & Associates dated January 22, 1999, a copy of such survey being attached hereto.

7. Property owned by the Ukranian Citizens Club:

A permanent easement through the lands now or formerly of the Ukranian Citizens Club, situate in the City of Jeannette, Westmoreland County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point along the Southerly line of the Mapleton Avenue right-of-way where the Northeast corner of the lands of Ukranian Citizens Club meets the Northwest corner of lands of the City of Jeannette, thence South 31° 15' 00" West a distance of 105.77 feet to the Southern most point of the lands of the Ukranian Citizens Club; thence North 31° 07' 00" West a distance of 24.51 feet to a point; thence North 42° 17' 00" West a distance of 15.79 feet to a point; thence North 60° 51' 16" East a distance of 0.96 feet to a point; thence through the lands now or formerly of the Ukranian Citizens Club along a line curving to the left, having a radius of 209.18 feet, an arc distance of 93.83 feet to a point along the common line of the lands of the Ukranian Citizens Club and the Southerly line of the Mapleton Avenue right-of-way; thence South 58° 45' 00" East a distance of 11.10 feet to the place of beginning.

Containing approximately 2009.6222 square feet.

TOGETHER with a temporary easement through the lands now or formerly of the Ukranian Citizens Club for the purpose of constructing improvements associated with the Jeannette City and Penn Borough Flood Protection Project, such temporary easement being adjacent to the above described permanent easement, and being more particularly bounded and described as follows:

BEGINNING at a point along the common line of the Mapleton Avenue right-of-way and lands now or formerly of the Ukranian Citizens Club, North 58° 45' 00" West a distance of 11.10 feet from the point where the Northeastern corner of the lands of the Ukranian Citizens Club meets the Northwestern corner of lands of the City of Jeannette; thence North 58° 45' 00" West a distance of 1.53 feet to a point; thence North 77° 30' 00" West a distance of 42.56 feet to a point; thence along a line curving to the right having a radius of 169.18 feet, an arc distance of 59.36 feet to a point; thence South 60° 51' 16" West a distance of 10.29 feet to a point; thence South 42° 17' 00" East a distance of 41.08 feet to a point; thence North 60° 51' 16" East a distance of 0.96 feet to a point; thence along a line curving to the left having a radius of 209.18 feet, an arc distance of 93.83 feet to the place of beginning.

CONTAINING approximately 3,300.2873 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-1-11-0-287.

The above description for the permanent and temporary easement are made in accordance with a survey prepared by Antonacci & Associates dated January 22, 1999, a copy of which survey is attached hereto.

8. Property of the City of Jeannette:

A permanent easement through the parcel of land of the City of Jeannette, such parcel more commonly known as a tract of land including Lot No. 244 in the E. M. Gross Plan of Lots as recorded in Plan Book 2, Page 560, in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, such parcel being situate in the City of Jeannette, Westmoreland County, Pennsylvania and being more particularly bounded and described as follows:

BEGINNING at a point on the Northwest corner of said parcel where the same intersects the Mapleton Avenue right-of-way; thence South 58° 45' 00" East a distance of 30.51 feet to a point; thence along a line curving to the right having a radius of 249.18 feet, an arc distance of 111.20 feet to a point; thence North 31° 15' 00" East a distance of 105.98 feet to the place of beginning.

CONTAINING approximately 2072.0218 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 14-1-15-0-025.

The above description is prepared in accordance with a survey prepared by Antonacci & Associates dated February 22, 1999, a copy of such survey being attached hereto.

9. Property of Edward C. Backus and Theresa Backus:

A permanent easement through the land now or formerly of Theresa Backus and Edward C. Backus, more commonly known as Lots 845, 845 A, 847, 849 and 851 in the Western Land and Improvement Plan as recorded in Plan Book 3, Page 2 in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, said lands being located in the City of Jeannette, Westmoreland County, Pennsylvania and being more particularly bounded and described as follows:

BEGINNING at a point along the common line of Lot 845 of said plan and the Southern line of the Gaskill Avenue right-of-way, North $76^{\circ} 12' 00''$ West a distance of 3.43 feet from the Northeast corner of Lot 845; thence along a line curving to the left having a radius of 99.59 feet, an arc distance of 36.61 feet to a point; thence South $14^{\circ} 06' 42''$ West a distance of 154.86 feet to a point; thence North $83^{\circ} 47' 00''$ West a distance of 18.22 feet to a point; thence North $85^{\circ} 12' 00''$ West a distance of 12.11 feet to a point; thence North $14^{\circ} 06' 42''$ East a distance of 159.32 feet to a point; thence along a line curving to the right having a radius of 129.59 feet, an arc distance of 36.08 feet to a point along the common line of Lot 845 and the Southern line of the Gaskill Avenue right-of-way, thence South $76^{\circ} 12' 00''$ East a distance of 31.66 feet to the place of beginning.

CONTAINING approximately 5,799.1144 square feet.

TOGETHER with a temporary easement through Lots numbered 845, 845 A, 847 and 849 of such plan for the purpose of constructing improvements associated with the Jeannette City and Penn Borough Flood Protection Project, said temporary easement being adjacent to the above-described permanent easement and being more particularly bounded and described as follows:

BEGINNING at a point on the Northeast corner of Lot No. 845 in such plan, thence South $13^{\circ} 48' 00''$ West a distance of 152.80 feet to a point; thence through Lot No. 849 of such plan North $77^{\circ} 11' 49''$ West a distance of 10.92 feet to a point; thence through the lands of Backus North $14^{\circ} 06' 42''$ East a distance of 117.24 feet to a point; thence along a line curving to the right having a radius of 99.59 feet, an arc distance of 36.61 feet to a point on the common line of Lot

845 and the Southern line of the Gaskill Avenue right-of-way; thence South 76° 12' 00" East a distance of 3.43 feet to the place of beginning.

CONTAINING approximately 1,527.498 square feet.

TOGETHER with a temporary easement through Lots numbered 845, 845 A, 847 and 849 of such Plan for the purpose of constructing improvements associated with the Jeannette City and Penn Borough Flood Protection Project, said temporary easement being adjacent to the above described permanent easement and being more particularly bounded and described as follows:

BEGINNING at a point along the common line of Lot No. 845 of such plan and the Southern line of the Gaskill Avenue right-of-way North 76° 12' 00" West a distance of 35.09 feet from the Northeast corner of Lot No. 845; thence along a line curving to the left having a radius of 129.59 feet, an arc distance of 36.08 feet to a point; thence South 14° 06' 42" West a distance of 117.92 feet to a point; thence through Lot No. 849 of such plan, North 77° 11' 49" West a distance of 4.44 feet to a point; thence through Lots 849, 847, 845 A and 845 of such plan, North 13° 24' 55" East a distance of 153.59 feet to a point on the common line of Lot No. 845 and Southern line of the Gaskill Avenue right-of-way; thence South 76° 12' 00" East a distance of 11.30 feet to the place of beginning.

CONTAINING approximately 883.73 square feet.

BEING a part of Westmoreland County Tax Map Parcel No. 14-01-11-0-016.

The above descriptions of the permanent easement and temporary easements are prepared in accordance with a survey prepared by Antonacci & Associates dated January 13, 1999, a copy of such survey being attached hereto.

10. Property of Lee, Thompson and Fawcett Company:

A permanent easement through those lands now or formerly of Lee, Thompson and Fawcett Company, situate in the Borough of Penn, Westmoreland County, Pennsylvania and being more particularly bounded and described as follows:

BEING at a point on the Southwesternmost corner of said lands where the same intersects the Northern boundary of an abandoned public right-of-way known as North Railroad Street; thence North 25° 56' 32" West a distance of 10.06 feet to a point; thence through the lands now or formerly of Lee, Thompson and Fawcett Company North 57° 56' 00" East a distance of 405.79 feet to a point; thence North 14° 28' 54" East a distance of 38.46 feet to a point; thence North

75° 31' 06" West a distance of 10 feet to a point; thence North 14° 28' 54" East a distance of 5.33 feet to a point; thence along a line curving to the left having a radius of 32.30 feet, an arc distance of 16.01 feet to a point; thence North 13° 55' 01" West a distance of 65.98 feet to a point along the common line of said lands and lands now or formerly of Moween Trust; thence along this common line South 25° 56' 55" East a distance of 116.06 feet to a point; thence through said lands South 14° 28' 54" West a distance of 94.06 feet to a point along the common line of said lands and the Northern boundary of the abandoned public right-of-way known as North Railroad Street; thence South 66° 43' 28" West a distance of 37.95 feet to a point; thence North 14° 28' 54" East a distance of 73.90 feet to a point; thence South 57° 56' 00" West a distance of 396.31 feet to the place of beginning.

CONTAINING approximately 8,451.284 square feet.

TOGETHER with a temporary easement through said lands for the purpose of constructing improvements associated with the Jeannette City and Penn Borough Flood Protection Project, such temporary easement being adjacent to the above described permanent easement and being more particularly bounded and described as follows:

BEGINNING at a point North 70° 50' 00" East a distance of 218.35 feet from the Southwesternmost corner of said lands; thence North 66° 43' 28" East a distance of 78.15 feet to a point; thence North 14° 28' 54" East a distance of 24.67 feet to a point; thence South 66° 40' 39" West a distance of 93.27 feet to a point; thence South 23° 19' 21" East a distance of 19.43 feet to the place of beginning.

CONTAINING approximately 1,668.1830 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 29-01-10-0-155.

The above descriptions for the permanent and temporary easements are made in accordance with a survey dated January 18, 1999 and revised April 27, 1999, prepared by Antonacci & Associates, a copy of such survey being attached hereto.

11. Property of Moween Trust:

A permanent easement through the lands or formerly of Moween Trust, situate in the Borough of Penn, Westmoreland County, Pennsylvania, and being more particularly bounded and described as follows:

BEGINNING at a point on the common line of said lands and lands now or formerly of Lee, Thompson and Fawcett Co., North 25° 56' 55" West a distance of 85.58 feet from the Southwesternmost point of said lands; thence along the common line North 25° 56' 55" West a distance of 116.06 feet to a point; thence through said lands North 13° 55' 01" West a distance of 10.29 feet to a point; thence North 76° 04' 59" East a distance of 50 feet to a point; thence South 13° 55' 01" East a distance of 76.27 feet to a point; thence along a line curving to the right having a radius of 82.30 feet, an arc distance of 40.79 feet to a point; thence South 14° 28' 54" West a distance of 5.33 feet to a point; thence North 75° 31' 06" West a distance of 10 feet to a point; thence South 14° 28' 54" West a distance of 9.61 feet to the place of beginning.

CONTAINING approximately 4,519.8226 square feet.

BEING a portion of Westmoreland County Tax Map Parcel No. 29-1-10-0-253.

The above description for permanent easement is prepared in accordance with a survey prepared by Antonacci & Associates dated January 13, 1999, and revised April 27, 1999, a copy of such survey being attached hereto.

12. Property of Unknown Ownership located Southwest of the lands of the City of Jeannette:

A permanent easement through lands of unknown ownership, such lands being situate in the City of Jeannette, Westmoreland County, Pennsylvania, in the Brush Creek right-of-way, Southwest of the lands of the City of Jeannette, and Southwest of lands now or formerly of the Ukranian Citizens Club, being more particularly bounded and described as follows:

BEGINNING at a point South 31° 15' 0" West a distance of 105.77 feet from the point where the Northwest corner of the lands now or formerly of the City of Jeannette intersects with the Southern line of the Mapleton Avenue right-of-way and the Northeast corner of lands now or formerly of the Ukranian Citizens Club; thence North 31° 07' 0" West a distance of 24.51 feet to a point; thence North 42° 17' 0" West a distance of 15.79 feet to a point; thence South 60° 51' 16" West a distance of 40.10 feet to a point in the Brush Creek right-of-way; thence South 29° 08' 44" East a distance of 40.00 feet to a point; thence North 60° 51' 16" East a distance of 41.05 feet to a point; thence along a line curving to the left having a radius of 249.18 feet, an arc distance of 3.30 feet to a point; thence North 31° 15' 0" East a distance of 0.21 feet to the place of beginning.

CONTAINING approximately 1,730.3567 square feet.

TOGETHER with a temporary easement for the construction of improvements associated with the Jeannette City and Penn Borough Flood Protection Project, said temporary easement being adjacent to the aforescribed permanent easement and being more particularly bounded and described as follows:

BEGINNING at a point in common with the Northwestern most corner of the above described permanent easement and the Southwestern boundary of the lands now or formerly of the Ukrainian Citizens Club; thence North $42^{\circ} 17' 0''$ West a distance of 41.08 feet to a point; thence South $60^{\circ} 51' 16''$ West a distance of 30.76 feet to a point in the Brush Creek right-of-way; thence South $29^{\circ} 08' 44''$ East a distance of 40 feet to a point on the Southwest corner of the above described permanent easement, thence along the Northwestern boundary of the above described permanent easement North $60^{\circ} 51' 16''$ East a distance of 40.10 feet to the place of beginning.

CONTAINING approximately 1,417.1743 square feet.

The above descriptions for permanent and temporary easements are prepared in accordance with a survey prepared by Antonacci & Associates dated March 4, 1999, a copy of such survey being attached hereto.

13. Property of Unknown Ownership located Southeast of the lands now or formerly of Sherer Oil Company:

A permanent easement through lands of unknown ownership, such lands being situate in the Brush Creek right-of-way in the City of Jeannette, Westmoreland County, Pennsylvania, Southeast of the lands now or formerly of Sherer Oil Company known as Lots 48 and 49 in the E.M. Gross Plan of Lots, as recorded in Corporation Docket 3, Page 295 in the Office of Recorder of Deeds of Westmoreland County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a point located along the common line of the Southern boundary of the lands now or formerly of Sherer Oil Company and the Brush Creek right-of-way, which point is South $29^{\circ} 43' 00''$ East a distance of 12.69 feet from the Southeast corner of Lot No. 48 of the aforesaid plan, and thence South $53^{\circ} 40' 00''$ West a distance of 7.51 feet. From said point of beginning, South $33^{\circ} 26' 58''$ East a distance of 12.83 feet to a point; thence South $56^{\circ} 33' 02''$ West a distance of 40.00 feet to a point, thence North $33^{\circ} 26' 58''$ West a distance of 10.81 feet to a point; thence North $53^{\circ} 40' 00''$ East a distance of 40.05 feet to the place of beginning.

CONTAINING approximately 472.7790 square feet.

TOGETHER with a temporary easement for the construction of improvements associated with the Jeannette City and Penn Borough Flood Protection Project, said temporary easement being adjacent to the aforescribed permanent easement and being more particularly bounded and described as follows:

BEGINNING at a point on the Southwest corner of the above described permanent easement; thence North $33^{\circ} 26' 58''$ West a distance of 10.81 feet to a point along the common line of the lands now or formerly of Sherer Oil and the Brush Creek right-of-way; thence South $53^{\circ} 40' 00''$ West a distance of 20.03 feet to a point; thence South $33^{\circ} 26' 58''$ East a distance of 9.80 feet to a point; thence North $56^{\circ} 33' 02''$ East a distance of 20.00 feet to the place of beginning.

CONTAINING approximately 206.1645 square feet.

The above description is prepared in accordance with a survey prepared by Antonacci & Associates dated January 22, 1999, a copy of such survey being attached hereto.

14. Property of Unknown Ownership located Southeast of the South Penn Avenue right-of-way in Penn Borough:

A temporary easement for the construction of improvements associated with the Jeannette City/Penn Borough Flood Protection Project through lands of unknown ownership, such lands being situate in the Borough of Penn, Westmoreland County, Pennsylvania, in the Brush Creek right-of-way Southeast of the South Penn Avenue right-of-way; being more particularly bounded and described as follows:

BEGINNING at a point on the Southeast corner of lands now or formerly of John Henry and Ruth Reidmiller, (Westmoreland County Tax Map Parcel No. 29-1-14-0-19), which point is South $15^{\circ} 00' 00''$ East a distance of 130 feet from the point of intersection of the southern line of the Coal Street right-of-way and the western line of the South Penn Avenue right-of-way; thence South $68^{\circ} 19' 22''$ West a distance of 9.29 feet to a point; thence South $21^{\circ} 40' 38''$ East a distance of 46.30 feet to a point in the Brush Creek right-of-way; thence North $68^{\circ} 19' 22''$ East a distance of 15 feet to a point; thence North $21^{\circ} 40' 38''$ West a distance of 42.20 feet to a point; thence North $75^{\circ} 59' 37''$ West a distance of 7.03 feet to the place of beginning.

CONTAINING approximately 685.0178 square feet.

TOGETHER with a permanent easement through lands of unknown ownership, said permanent easement being adjacent to the above described temporary easement, and being more particularly bounded and described as follows:

BEGINNING at a point on the intersection of the South Penn Avenue right-of-way and the Brush Creek right-of-way, South $75^{\circ} 59' 37''$ East a distance of 7.03 feet from the Southeast corner of the lands now or formerly of John Henry and Ruth Reidmiller (Westmoreland County Tax Map Parcel No. 29-1-14-0-19); thence South $75^{\circ} 59' 37''$ East a distance of 30.78 feet to a point in the Brush Creek right-of-way; thence South $21^{\circ} 40' 38''$ East a distance of 24.25 feet to a point; thence South $68^{\circ} 19' 22''$ West a distance of 25 feet to a point; thence North $21^{\circ} 40' 38''$ West a distance of 42.20 feet to the place of beginning.

CONTAINING approximately 830.5439 square feet.

The above descriptions for permanent and temporary easements are made in accordance with a survey prepared by Antonacci & Associates dated April 16, 1999, a copy of such survey being attached hereto.