

BILL NO. 99-6

ORDINANCE NO. 99-6

**AN ORDINANCE OF THE CITY OF JEANNETTE
AMENDING ORDINANCE NO. 99-2,
AUTHORIZING THE ACQUISITION OF PROPERTIES
AND THE FILING OF CONDEMNATION PROCEEDINGS
IN FURTHERANCE OF THE EMERGENCY STREAMBANK
PROTECTION PROJECT**

WHEREAS, on June 9, 1999, the Council of the City of Jeannette enacted Ordinance No. 99-2, authorizing the acquisition of additional properties and the filing of condemnation proceedings in furtherance of the Emergency Streambank Protection Project (hereinafter referred to as "the Project"); and

WHEREAS, Ordinance No. 99-2 authorized the acquisition of certain property interests itemized in Exhibit "A" attached thereto, for the purposes of the project, and the filing of Declarations of Taking, where necessary, as to such properties; and

WHEREAS, Ordinance 99-2 contemplated the acquisition of permanent easements through the lands of Lee, Thompson and Fawcett Company, and through the lands of Moween Trust, as more particularly identified in Exhibit "A", items 10 and 11, attached to Ordinance 99-2; and

WHEREAS, the permanent easement through the lands of Lee, Thompson and Fawcett Company included an easement across said property for the purpose of accessing the area where a reinforced concrete pipeline and concrete walled inlet structure is to be constructed on the property owned by both Lee, Thompson and Fawcett Company and on the adjacent property owned by Moween Trust; and

WHEREAS, since the enactment of Ordinance 99-2, the City has discovered that there is an existing right-of-way granted to Penn Borough through the property owned by Moween Trust which would facilitate access to the proposed pipeline and inlet structure; and

WHEREAS, it is apparent that it would be in the best interest of the City of Jeannette, Penn Borough, and the affected property owners to provide access to the proposed pipeline and inlet structure through the existing right-of-way on the Moween Trust property, instead of through the Lee, Thompson and Fawcett Company property; and

WHEREAS, the permanent easement areas pertaining to the aforementioned properties have been resurveyed, a copy of the revised surveys prepared by Antonacci & Associates, dated August 18, 1999 being attached hereto; and

WHEREAS, Ordinance 99-2 also contemplated the acquisition of permanent and temporary easements on the lands of Peter P. Burczyk, as more particularly identified in Exhibit "A", item 5, attached to Ordinance 99-2; and

WHEREAS, since the enactment of Ordinance 99-2 the City has been advised by the Project Engineers that it is possible to reduce the area of permanent easement on the lands of Peter P. Burczyk; and

WHEREAS, it would be in the best interest of both the City of Jeannette and Peter P. Burczyk to reduce the area to be acquired on the Burczyk property; and

WHEREAS, the permanent easement area to be acquired on the Burczyk property has been resurveyed, a copy of the revised survey prepared by Antonacci & Associates dated October 5, 1999 being attached hereto; and

WHEREAS, Ordinance 99-2 contemplated the acquisition of permanent and temporary easements on the property owned by Sherer Oil Company, Inc., as more particularly identified in Exhibit "A", item No. 6, attached to Ordinance 99-2; and

WHEREAS, since the enactment of Ordinance 99-2, the property owned by Sherer Oil has been purchased at a free and clear tax sale by Howard Gasoline-Oil Company, which company has made certain improvements to the property, and the survey of such property has been revised to account for such improvements occurring on the property, without any change to the boundaries of the easements to be acquired thereon, a copy of the revised survey of Antonacci & Associates dated June 18, 1999 being attached hereto;

WHEREAS, Ordinance 99-2 was recorded in the office of Recorder of Deeds of Westmoreland County, Pennsylvania, in Deed Book Volume 3677, Page 529, on June 16, 1999, and indexed in the names of the property owners affected thereby.

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

1. Exhibit "A" to Ordinance 99-2 is hereby amended to change the descriptions of the easements to be acquired on the Lee, Thompson and Fawcett Company property, on the Moween Trust property, and on the Peter P. Burczyk property, in accordance with the surveys attached hereto.

2. The property descriptions set forth in Exhibit "A" attached hereto, pertaining Lee, Thompson and Fawcett Company, Moween Trust, and Peter P. Burczyk, shall replace those property descriptions set forth in item numbers 10, 11 and 5 of Exhibit "A" attached to Ordinance 99-2, respectively.

3. The June 18, 1999 revised survey of the easements to be acquired on the property of Howard Gasoline-Oil Company, (formerly owned by Sherer Oil Co., Inc.), Westmoreland County Tax Map Parcel No.'s 14-1-11-0-131 and 14-1-11-0-132, which survey is attached hereto, shall replace the former survey of such property referenced in Ordinance 99-2.

4. 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 herein, at his or her last known address.

5. Effective Date: This Ordinance shall be come effective in ten (10) days.

ORDAINED AND ENACTED AT A PUBLIC MEETING OF THE COUNCIL OF THE CITY OF JEANNETTE ON OCTOBER 13, 1999.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:



Carl Matt, Mayor/President of Council

EXHIBIT "A"
REVISION TO PROPERTY DESCRIPTIONS SET FORTH
IN EXHIBIT "A" TO ORDINANCE 99-2:
REVISED PROPERTY DESCRIPTIONS FOR PROPERTIES
OWNED BY LEE, THOMPSON AND FAWCETT COMPANY AND
MOWEEN TRUST

The following property acquisition descriptions shall replace those property descriptions itemized in Exhibit "A" to Ordinance 99-2, items 10, 11 and 5, respectively:

1. 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:

BEGINNING at a point South 66° 43' 28" West a distance of 99.01 feet from the Southeasternmost corner of said lands; thence North 14° 28' 54" East a distance of 126.90 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; thence along the common line of said lands and lands now or formerly of Moween Trust; 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 the place of beginning.

CONTAINING approximately 4,438.7238 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 as revised August 18, 1999, prepared by Antonacci & Associates, a copy of such survey being attached hereto.

2. Property owned by Moween Trust:

A permanent easement through the lands or formerly of Moween Trust, situate in the Borough of Penn, Westmoreland County, Pennsylvania, for the purpose of constructing, operating, maintaining, repairing and relocating a reinforced concrete pipeline and concrete walled inlet structure (hereinafter referred to as "pipeline easement"), 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 this 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 4,519.82 square feet.

TOGETHER with a permanent easement for ingress and egress, allowing access to the above described permanent pipeline easement, and right thereunder to enter into and upon and use, for the purpose of constructing, repairing, relocating, operating and maintaining the project, such permanent easement for ingress and egress being more particularly bounded and described as follows:

BEGINNING at a point at the existing entranceway to said lands on Locust Street (SR 4013), South 71° 25' 00" West a distance of 72.43 feet from the Northeasternmost corner of said lands, thence through an existing right-of-way granted to the Borough of Penn for use as a fire lane by

Order of Court dated July 19, 1996, in the matter of The Borough of Penn v. The George DeLallo Company, Inc., et al., in the Court of Common Pleas of Westmoreland County, Pennsylvania, Case No. 1018 of 1996, South 51° 19' 24" West a distance of 248.98 feet to a point; thence continuing through said existing right-of-way South 22° 02' 41" West a distance of 201.18 feet to a point; thence continuing through said existing right-of-way South 36° 54' 31" West a distance of 193.65 feet to a point on the above described permanent pipeline easement; thence along a line curving to the left having a radius of 82.30 feet, an arc distance of 15.57 feet to a point; thence returning through the aforementioned existing fire lane, North 36° 54' 31" East a distance of 180.45 feet to a point; thence continuing through said fire lane North 22° 02' 41" East a distance of 202.49 feet to a point; thence continuing through said fire lane North 51° 19' 24" East a distance of 215.69 feet to a point on the entrance of said lands on Locust Street (SR 4013); thence North 66° 53' 05" East a distance of 37.28 feet to the place of beginning.

CONTAINING approximately 6,210.54 square feet.

The above described permanent easement for ingress and egress shall be subject to relocation by mutual consent of the owners of said lands and the Grantee herein, and its assigns, in the event that the owner of said lands is going forward with an approved plan to expand the building(s) on said property, provided however that said permanent easement for ingress and egress shall at all times continue to provide permanent access directly from the entrance of said lands on Locust Street as above described, to the permanent pipeline easement first described herein, so that the Grantee and its assigns shall forever be enabled to continue to access to the first described permanent pipeline easement for the purpose of constructing, repairing, operating, maintaining, and relocating the City of Jeannette/ Penn Borough Flood Control Project.

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

The above description for permanent pipeline easement and permanent access easement is prepared in accordance with a survey prepared by Antonacci & Associates dated January 13, 1999, as revised August 18, 1999, a copy of such survey being attached hereto.

3. Property of 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 12.75 feet to a point; thence, South $18^{\circ} 47' 17''$ West a distance of 57.30 feet to a point; thence North $71^{\circ} 12' 43''$ West a distance of 8.00 feet to a point; thence, South $26^{\circ} 9' 16''$ West a distance of 33.50 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 18.51 feet to a point; thence, North $18^{\circ} 47' 17''$ East a distance of 68.77 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 3905.2 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 revised survey completed by Antonacci & Associates dated October 6, 1999, a copy of such survey being attached hereto.