

## CITY OF JEANNETTE

## WESTMORELAND COUNTY, PENNSYLVANIA

## RESOLUTION NO. 98-9

**A RESOLUTION APPROVING AN EASEMENT FOR THE  
MAINTENANCE OF AN ENCROACHMENT OF PROPERTY  
LOCATED AT 728 LOWRY AVENUE AND  
VINE STREET IN THE CITY OF JEANNETTE**

**WHEREAS:** Both Vine Street and Lowry Avenue are public roadways within the City of Jeannette duly dedicated, accepted and opened by the City for purposes of public ingress, regress and egress; and

**WHEREAS:** the City Maintains a fifty (50') foot right-of-way for Vine Street and a sixty (60') foot right-of-way for Lowry Avenue for use as a cartway and sidewalk for pedestrian traffic; and

**WHEREAS:** there exists certain real estate located at the intersection of Vine Street and Lowry Avenue, known as 728 Lowry Avenue, bearing Westmoreland County Tax Map No. 14-3-4-428, such property being more particularly bounded and described as follows:

ALL those two (2) certain lots of ground situate in the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania known designated and numbered as Lots 319 and 320 in the Byers Park Plan of Lots, which Plan is of record in the Recorder's Office of Westmoreland County in Plan Book Volume 1, Page 276, etc., the said lots having together a frontage of fifty (50') feet, each lot being twenty-five (25') feet in width, on the Easterly side of Lowry Avenue, and extending back of equal width one-hundred twenty (120') feet to an alley; bounded on the North by Lot No. Three Hundred Eighteen (318) in said Plan and on the South by Vine Street, formerly known as Pearl Street; and

**WHEREAS:** an undivided one-half interest in said real estate was conveyed to Donald J. Dublino and Ann S. Dublino, his wife, by Deed dated March 3, 1947, from Anna V. Dahlem, said Deed being recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Deed Book Volume 1279, Page 314, with the other undivided one-half interest of such property being conveyed to Joseph Dublino and Helen Dublino, his wife, by Deed dated March 3, 1947, from Domenica Dublino Cestello, a/d Angeline Maddalena Cestello, and Angelo Robert Cestello, her husband, as same in recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Deed Book Volume 1279, Page 306; and

**RESOLUTION NO. 98-9 (Continued)**

**WHEREAS:** Ann S. Dublino died January 5, 1975 vesting to that aforesaid undivided one-half interest in her husband, Donald J. Dublino and Donald J. Dublino died August 16, 1990, vesting current title to this one-half interest in the Estate of Donald J. Dublino; and

**WHEREAS:** Joseph Dublino died May 18, 1998 vesting title in this undivided one-half interest to Helen Dublino; and

**WHEREAS:** Helen Dublino and the Estate of Donald J. Dublino, desire to transfer the aforesaid real estate to third parties; and

**WHEREAS:** during the process of effecting such transfer, a survey was performed on the within property revealing that improvements upon such property encroached approximately .38 feet onto the right-of-way of Vine Street and .14 feet onto the right-of-way of Lowry Avenue. A copy of the survey of Stein, Sunder & Associates dated October 19, 1998 evidencing such encroachments is attached hereto, made a part hereof and marked "Exhibit "A"; and

**WHEREAS:** the City Solicitor received correspondence from Counsel for the current property owners dated October 22, 1998 requesting the City of Jeannette to pass a Resolution or Ordinance approving these encroachments and authorizing the maintenance of same upon such property. A copy of correspondence dated October 22, 1998 from George Conti to Solicitor Gary A. Falatovich is attached hereto, made a part hereof and marked Exhibit "B"; and

**WHEREAS:** the aforesaid encroachments are minimal, do not affect access by the public over the roadways in question nor impede pedestrian traffic along sidewalk adjoining the streets; and

**WHEREAS:** the afore said encroachments pose no threat to the public health, safety, and well-being and have been in existence for approximately fifty (50) years without incident.

**NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, AT A PUBLIC MEETING HELD OCTOBER 27, 1998, THE COUNCIL OF THE CITY OF JEANNETTE DOES HEREBY RESOLVE AS FOLLOWS:**

**RESOLUTION NO. 98-9 (Continued)**

1. An easement is hereby given by the City of Jeannette to Helen Dublino and the Estate of Donald J. Dublino for the maintenance of existing .38 foot building encroachments for existing structures within the City right-of-way for Vine Street, formerly Pearl Street, associated with the above described property.

2. An easement is hereby given to Helen Dublino and the Estate of Donald J. Dublino for the maintenance of an existing .14 foot encroachment for an existing structure upon the right-of-way of Lowry Avenue.

3. The easements hereby given and the existing encroachments are more specifically set forth, described and depicted on the survey of Lots No. 319 and 320 in the Byers Park Plan of Lots performed by Stein, Sunder and Associates dated October 19, 1998 and attached hereto as Exhibit "A".

4. The easements given herein are intended to insure to the heirs, executors, administrators and assigns of Helen Dublino and the Estate of Donald J. Dublino.

5. Nothing in this Resolution shall be deemed or construed as the grant of an easement for any further construction, improvement or other addition to the structures currently situate on the property in question and the aforesaid easements are specifically intended to be restricted to only those structures currently in existence on the aforesaid property.

This Resolution is duly adopted by the Council of the City of Jeannette at a public meeting held October 27, 1998.

**ATTEST:**

/s/ Ronald E. Dinsmore  
**RONALD E. DINSMORE,**  
**CITY CLERK**

**THE CITY OF JEANNETTE:**

/s/ Carl J. Matt, Mayor  
**CARL J. MATT, MAYOR**  
**PRESIDENT OF COUNCIL**

## CITY OF JEANNETTE

## WESTMORELAND COUNTY, PENNSYLVANIA

## RESOLUTION NO. 98-10

RESOLUTION OF THE CITY OF JEANNETTE  
APPROVING THE CITY'S PARTICIPATION IN  
A RENTAL REHABILITATION PROGRAM FOR  
THE IMPROVEMENT AND REHABILITATION OF  
RENTAL UNITS WITHIN THE CITY OF JEANN-  
ETTE.

**WHEREAS:** there is a need within the City of Jeannette for suitable and affordable housing for the benefit of low to moderate income individuals; and

**WHEREAS:** there exists within the City residential rental properties that, if rehabilitated and/or improved, would be suitable for occupancy by low to moderate income individuals; and

**WHEREAS:** the City desires to make available, through the Community Development Department on a matching fund basis, funding for residential rental property owners, at low interest rates, for purposes of making improvements to and rehabilitation of old or dilapidated rental units in order to (1) provide suitable housing for low to moderate income individuals; (2) to enhance the appearance of the City of Jeannette for the benefit of the owners of such property; and (3) to further the well-being of the residents of the City of Jeannette in general.

**NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, AT A PUBLIC MEETING HELD NOVEMBER 4, 1998, THE COUNCIL OF THE CITY OF JEANNETTE HEREBY RESOLVES AS FOLLOWS:**

1. That the City establish and participate in a program, hereinafter known as the "City of Jeannette Rental Rehabilitation Program" for purposes of providing funding to qualified residential rental property owners to provide funding for the improvement and rehabilitation of residential rental units within the City of Jeannette.
2. That such program be conducted through and under the auspices of the City of Jeannette Community Development Department:
3. That the City of Jeannette Community Development Coordinator, in conjunction with the City Solicitor, prepare guidelines, documents, agreements and other related forms for the implementation of this program consistent with the intent of this Resolution and any requirements imposed by Federal, State or local funding sources:
4. That the Community Development Coordinator budget funds on an annual basis for purposes of funding this program.
5. That any loan extended by the City of Jeannette to qualifying property owners under the City of Jeannette Rental Rehabilitation Program be approved by the Council of the City of Jeannette at a public meeting; and
6. That all agreements, loans and other documents entered between the City, and property owner and/or contractor associated with such project be consistent with the intent of this Resolution as outlined in the overview of the City of Jeannette Rental Rehabilitation Program attached hereto, made a part hereof and marked Exhibit "A".