

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

RESOLUTION NO. 98-11

**A RESOLUTION APPROVING AN EASEMENT FOR
THE MAINTENANCE OF AN ENCROACHMENT OF
PROPERTY LOCATED AT 727 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 727 Lowry Avenue, bearing Westmoreland County Tax Map No. 14-3-4-355, such property being more particularly bounded and described as follows:

ALL that certain lot, piece or parcel of ground situate in the City of Jeannette, County of Westmoreland and Commonwealth of Pennsylvania, known and designated as Lot No. 378 in the Byers Park Plan, laid out by Samuel O. Lowry, and recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania in Plan Book Volume 1, Page 276, and more particularly described as follows:

BEGINNING at the Northwest corner of Lowry Avenue and Vine Street (formerly Pearl Street); thence along said Lowry Avenue, North $21^{\circ} 5'$ East 25 feet to the line of Lot No. 379 in said Plan; thence North $68^{\circ} 55'$ West 120 feet to a fifteen (15) foot alley, thence South $21^{\circ} 5'$ West 25 feet to Vine Street (formerly Pearl Street); thence along said Pearl Street, South $68^{\circ} 55'$ East 120 feet to Lowry Avenue, the place of beginning; and

WHEREAS: the aforesaid property is currently owned by James F. Solomon and Nancy C. Solomon, his wife, by virtue of a Deed from Mary Salomone, a widow, of the City of Jeannette, Westmoreland County, Pennsylvania dated JULY 27, 1995 and recorded in the Office of the Recorder of Deeds for Westmoreland County, Pennsylvania in Deed Book Volume 3356, Page 183; and

WHEREAS: the structure on such property is to be used for Commercial Enterprises and the construction of a handicap ramp is necessary to accommodate handicap access to the structure on such property; and

WHEREAS: due to traffic patterns and vehicular access, it is necessary to construct the aforesaid handicap access ramp on the line of the aforesaid real estate which abuts Vine Street; and

RESOLUTION NO. 98-11 - (Continued)

WHEREAS: the owners have previously obtained permission of the Council of the City of Jeannette for the construction of such ramp under the auspices of the City Engineer; and

WHEREAS: the City Engineer has determined that the appropriate location of the handicap ramp in question would cause an encroachment of such ramp of approximately five feet two inches (5'2") into the pedestrian walkway associated with Vine Street, a copy of a drawing referenced by the Engineer for the City of Jeannette showing the size and location of the proposed handicap access ramp is attached hereto, made a part hereof and marked Exhibit "A"; and

WHEREAS: the aforesaid encroachment is minimal, does not affect access by the public over the roadways in question nor impede pedestrian traffic along and adjoining Vine Street; and

WHEREAS: the aforesaid encroachment does not pose a threat to the public health, safety and well-being.

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 DOES HEREBY RESOLVE AS FOLLOWS:

1. An easement is hereby given to James F. Solomon and Nancy C. Solomon, his wife, for the construction and maintenance of a handicap ramp within the fifty (50) foot right-of-way of Vine Street for purposes of providing handicap access to the commercial building located at 727 Lowry Avenue, Jeannette, Westmoreland County, Pennsylvania bearing Westmoreland County Tax Map Parcel No. 14-3-4-355.

2. The encroachment into the public right-of-way described herein shall be not greater than five feet two inches (5'2") and shall extend from the Southeasterly corner of such property not greater than twenty-seven (27) feet along the line of Vine Street.

3. As consideration for the grant of this easement, the property owners shall hold the City of Jeannette harmless for any claims, liability or damages associated with the construction and/or maintenance of such handicap ramp within the City's right-of-way of Vine Street.

RESOLUTION NO. 98-11 - (Continued)

4. The easement given herein is intended to insure to the benefit of the heirs, executors, administrators and assigns of James F. Solomon and Nancy C. Solomon, his wife.

5. Nothing in this Resolution shall be deemed or construed as the grant of an easement for any other construction, improvement or other addition to the structures currently situate upon the property in question and the aforesaid easement is specifically intended to be restricted and limited to only the handicap ramp referenced herein and as more particularly described in the drawing attached hereto as Exhibit "A"

THIS RESOLUTION IS DULY ADOPTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD NOVEMBER 4, 1998.

ATTEST:

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

THE CITY OF JEANNETTE:

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