

ORDINANCE NO. 279

ORDINANCE PROVIDING FOR THE ACCEPTANCE OF SUSAN DRIVE FROM DIAMOND BOULEVARD TO L. R. 11011 SPUR KNOWN AS MENOHER BOULEVARD, AS A PUBLIC HIGHWAY FOR PUBLIC USE, FOR THE ACQUISITION BY PURCHASE OR CONDEMNATION OF THREE PARCELS OF LAND TO BE DEDICATED AND BECOME A PART OF SUSAN DRIVE, AND FOR DEDICATION, OPENING AND ACCEPTANCE OF LAND OWNED BY SOUTHMONT BOROUGH AS A CONTINUATION OF SUSAN DRIVE; FOR THE RELOCATION OF A PORTION OF SUSAN DRIVE ON LAND OWNED BY SOUTHMONT BOROUGH AND FURTHER PROVIDING FOR THE GRADING, DRAINING AND PAVING OF SUSAN DRIVE AND FOR THE ASSESSMENT AND COLLECTION OF THE COST THEREOF FROM THE OWNERS OF THE REAL ESTATE ABUTTING ON THE IMPROVEMENT ON THE FOOT FRONT PLAN.

Be it ordained and enacted, and it is hereby ordained and enacted by the Council of the Borough of Southmont, Cambria County, Pennsylvania, as follows:

Section 1: Susan Drive, as hereinafter described and as laid out and dedicated on the plan of Southmont Borough, shall be and is hereby accepted as a public highway for public use and the portions thereof as hereinafter described not heretofore dedicated are hereby dedicated and accepted as a public highway for public use.

Section 2: Susan Drive, as hereinafter described, shall be graded, drained and paved with paving material, and storm sewers, drains, inlets and manholes shall be installed, and other work incidental thereto completed in accordance with the plans therefor, as submitted to the Borough Council by the Borough Engineer.

Section 3: The width, lines, grades, courses, distances, drainage plans and paving specifications as submitted to the Borough Council by the Borough Engineer are hereby accepted and designated as the proper width, lines and grades and plans for Susan Drive.

Section 4: The Borough Council and the appropriate Borough Officers are hereby authorized to purchase by negotiation any piece of land needed for public use as part of Susan Drive, as so described, and in the event of inability to acquire the same by negotiation and purchase, the said officers are hereby authorized to file a declaration of taking to condemn the same for public use under the power of Eminent Domain in accordance with the Eminent Domain Code.

Section 5: Susan Drive, as hereby dedicated and accepted, is described as follows:

ALL that certain strip of land or right-of-way situate in Southmont Borough, Cambria County, Pennsylvania, the centerline of which is described as follows:

BEGINNING AT a point in the centerline of LR11011 Spur, known as Menoher Boulevard, said point being Station 0+00 of Susan Drive; thence South 49° 11' 00" West a distance of 50 feet to Station 0+50 being a point on the Right-of-Way of said LR11011; thence continuing South 49° 11' 00" West 98.85 feet to Station 1+48.85; thence with a curve to the left having a radius of 70.00 feet for an arc length of 84.53 feet to Station 2+33.38; thence South 20° 00' 30" East a distance of 327.63 feet to Station 5+61.01; thence with a curve to the right having a radius of 140.00 feet for an arc length of 96.44 feet to Station 6+57.45; thence South 19° 27' 30" West a distance of 191.98 feet to Station 8+49.43; thence with a curve to the right having a radius of 492.00 feet for an arc length of 61.26 feet to Station 9+10.69; thence South 26° 35' 33" West a distance of 240.33 feet to Station 11+51.02;

thence with a curve to the right having a radius of 65.00 feet for an arc length of 61.62 feet to Station 12+12.64; thence South 80° 54' 33" West a distance of 261.11 feet to Station 14+73.75 being a point on the centerline of Diamond Boulevard. The Right of Way varies along the length of Susan Drive and is bounded and described as follows:

BEGINNING at a point on the Right of Way of said LR11011 Spur at Susan Drive centerline station 0+50.00; thence along the said right of way line of LR11011 spur South 40° 49' 00" East 37.50 feet to a point; thence along the right of way of Susan Drive, South 49° 11' 00" West a distance of 140.00 feet to a point; thence South 33° 00' 00" East a distance of 210.00 feet to a point; thence South 7° 46' 26" East a distance of 222.83 feet to a point common to the right of way of Cheney Street, Shady Lane and an unnamed 20' alley; thence South 53° 23' 50" West a distance of 33.51 feet to a point; thence South 0° 13' 50" West a distance of 67.52 feet to a point; thence South 12° 32' 10" East a distance of 31.83 feet to a point; thence with a curve to the left having a radius of 76.91 feet for an arc length of 84.26 feet to a point; thence with a curve to the right having a radius of 512.00 feet for an arc length of 106.33 feet to a point; thence South 26° 35' 33" West a distance of 240.33 feet to a point; thence with a curve to the right having a radius of 85.00 feet for an arc length of 80.58 feet to a point; thence South 80° 54' 33" West a distance of 223.89 feet to a point on the right of way line of Diamond Boulevard; thence along said right of way of Diamond Boulevard with a curve to the left having a radius of 130.00 feet for an arc length of 128.91 feet to a point; thence continuing along the right of way of Susan Drive, with a curve to the left having a radius of 50.00 feet for an arc length of 86.57 feet to a point; thence North 80° 54' 33" East a distance of 99.06 feet to a point; thence with a curve to the left having a radius of 45.00 feet for an arc length of 42.66 feet to a point; thence North 26° 35' 33" East a distance of 240.33 feet to a point; thence with a curve to the right having a radius of 472.00 feet for an arc length of 98.03 feet to a point; thence with a curve to the left having a radius of 116.91 feet for an arc length of 31.57 feet to a point; thence North 19° 27' 30" East a distance of 121.34 feet to a point; thence with a curve to the left having a radius of 120.00 feet for an arc length of 82.66 feet to a point; thence North 20° 00' 30" West a distance of 408.43 feet to a point; thence North 49° 11' 00" East a distance of 154.28 feet to a point on the above mentioned right of way line of LR11011 Spur; thence South 40° 49' 00" East a distance of 37.50 feet to the point of beginning.

Section 6: The President of Council and the Borough Secretary are hereby authorized to enter into a proper contract or contracts in the name of the Borough after proper advertisements for bids, for the whole or any part of said work, or for materials or labor connected therewith, with such parties and upon such terms as the Council may determine. Any and all action already taken in connection with the improvements of said alley is hereby ratified and confirmed.

Section 7: The Borough Engineer is hereby designated as the person in charge of said improvements with full power to act for the Borough in all engineering matters connected with said work and also to estimate and determine the amount of assessments therefor in accordance with law.

Section 8: The costs and expenses of the entire work hereby authorized shall be paid by the Borough of Southmont and the owners of the real estate abutting or bounding on said street in accordance with the Acts of Assembly in such cases made and provided, including the Act of Feb. 1, 1966 P.L. (1965) No. 581, as amended, so that 1/3 of said costs and expenses shall be paid by the Borough, and the same is hereby appropriated therefor out of the funds now or hereafter in the treasury, and 2/3 of said

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costs and expenses shall be paid by the owners of the real estate abutting or bounding on said street improved, and the same is hereby assessed against them according to the foot front plan, and said assessments are hereby appropriated therefor.

Section 9: All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same hereby are repealed.

Passed finally in Council this 14th day of July 1975.

ATTEST:

BOROUGH OF SOUTHMONT

Secretary

By Paul L. Weir
President of Council

Approved this 14th day of July, 1975.

Richard Moore
Mayor