

## ORDINANCE NO. 504

### BOROUGH OF SOUTHMONT, CAMBRIA COUNTY, PENNSYLVANIA

AN ORDINANCE AUTHORIZING THE CONDEMNATION BY EMINENT DOMAIN TO ACQUIRE, A TEN FOOT PERMENANT EASEMENT AND A FIVE FOOT TEMPORARY EASEMENT, OF CERTAIN REAL PROPERTY LOCATED IN THE BOROUGH AND USED AS RESIDENTIAL PROPERTY LOCATED AT THE REAR OF 125 PALLISER STREET AND ALONG THE SOUTH EASTERLY SIDE OF LANDS OWNED BY JULIA A. BOROSKI TO BE USED FOR THE INSTALLATION AND MAINTENANCE OF SANITARY SEWER SYSTEM IN THE BOROUGH OF SOUTHMONT.

The Council of the Borough of Southmont ("Borough"), Cambria County, Pennsylvania, hereby ORDAINS as follows:

**Section 1.** The Borough shall by eminent domain, pursuant to the Eminent Domain Code, 26 Pa.C.S. Section 101 et. seq., condemn and take, for Borough purposes, a ten (10) foot permanent easement and a five (5) foot temporary easement, a portion of real property that is located in the Borough of Southmont and by Cambria County Assessment Office identified as a portion of tax parcel number 55-016.-125.001 purportedly owned by the Estate of Ronald E. Boroski. The permanent easement contains approximately 466 square feet of land, more or less and the temporary easement contains approximately 184 square feet of land, more or less (hereinafter referred to as "Subject Property"). The Subject Property is more specifically shown and described on a map attached hereto as Exhibit A and is a portion of property of real property described as follows:

BEGINNING at the Southwest corner of other lands formerly owned by Nettie V. Varner, widow, which point is located South 31° 45' East one hundred fifty (150) feet from the Southerly line of Palliser Street; thence through land of which this was formerly a part, South 30° 45' East ninety (90) feet to a point on line of land formerly of Harold B. Minor et us., now of John A Henneke et ux.; thence along same, North 55° 50' East thirty-three and fifty-nine hundredths (33.59) feet to a point o land formerly of M.L. Daugherty, now of Robert L. Hagerich et al.; thence along same, North 20° 45' West ninety-two and thirty-nine hundredths (92.39) feet to a point on other lands of grantees herein; thence along same, South 55° 50' West fifty and ninety-nine hundredths (50.99) feet to a point and place of beginning.

**Section 2.** The Borough is authorized to take such action under the Eminent Domain Code following enactment of an authorized ordinance as provided for under the Borough Code specifically set forth at 8 Pa.C.S.A. §1501 et. seq. which collectively sets forth the authority for such takings by the Borough for the erection and extension of sewerage systems for public use and benefit.

**Section 3.** The Borough has determined that acquisition of the Subject Property for public use as more specifically described on Exhibit "A", which is attached hereto and incorporated herein, is needed as part of construction, extension and maintenance of the Borough's sanitary sewer system, and the Borough finds it necessary to take the Subject Property for this purpose as further described in the Declaration of Taking.

**Section 4.** The Borough shall acquire a permanent and temporary easement to the Subject Property.

**Section 5.** Just compensation for acquisition of the Subject Property shall be secured by the power of taxation of the Borough whereupon the funds raised or to be so raised is deemed pledged and made security for the payment of damages as shall be determined by law.

**Section 6.** The Borough Solicitor and all other Borough Officers and Staff are hereby authorized to take such actions as are necessary to implement this Ordinance and condemn and take the Subject Property, including, but not limited to, filing a Declaration of Taking, Notice of Condemnation and giving notice to the Condemnees.

**Section 7.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, parts, or sections hereof. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof, not been included herein.

**Section 8.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

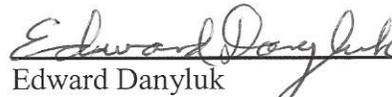
**Section 9.** This Ordinance shall become effective upon enactment as provided by law.

**PASSED AND ENACTED** by the Council of the Borough of Southmont this 30<sup>th</sup> day of June, 2016.

Attest:

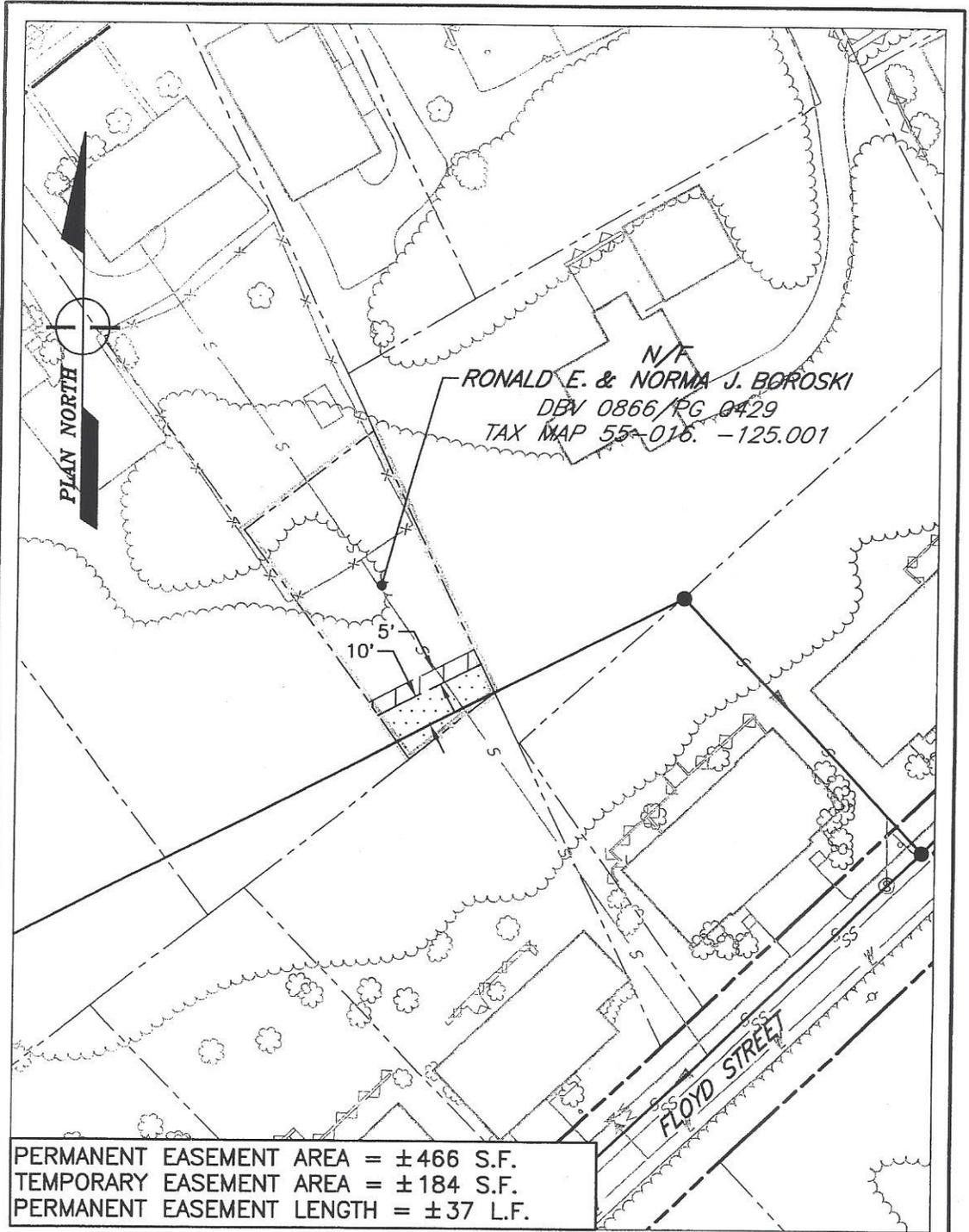
SOUTHMONT BOROUGH

  
Secretary

  
Edward Danyluk  
Council President

Approved this 30<sup>th</sup> day of June, 2016.

  
Mayor



PERMANENT EASEMENT AREA = ±466 S.F.  
 TEMPORARY EASEMENT AREA = ±184 S.F.  
 PERMANENT EASEMENT LENGTH = ±37 L.F.

**NOTES:**

1. PROPERTY LINE LOCATIONS WERE COMPILED FROM TAX RECORDS AND RECORDED DEED INFORMATION AND DO NOT REPRESENT A BOUNDARY RETRACEMENT SURVEY.
2. PERMANENT SANITARY SEWER EASEMENT TO BE 20'-0" WIDE UNLESS OTHERWISE NOTED.
3. TEMPORARY CONSTRUCTION EASEMENT TO BE 5'-0" WIDE UNLESS OTHERWISE NOTED.

**LEGEND**

- TEMPORARY EASEMENT
- UTILITY EASEMENT
- PROPOSED SANITARY SEWER AND MANHOLE
- SUBJECT PROPERTY LINE
- RIGHT-OF-WAY LINE

**STIFFLER McGRAW**  
 Engineers • Surveyors • Architects

BLAIR COUNTY  
 1731 N. Juniata Street  
 Hollidaysburg, PA 16648  
 Phone: 814.696.6280 Fax: 814.696.6240

With Offices In The Counties Of:  
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DRAFT SHOWING  
 SANITARY SEWER EASEMENT  
 TO BE ACQUIRED BY  
 SOUTHMONT BOROUGH  
 FROM

RONALD E. & NORMA J. BOROSKI  
 SITUATE  
 SOUTHMONT BOROUGH  
 CAMBRIA COUNTY, PENNSYLVANIA

SCALE: 1" = 40'	REVISION DATE: 11/2/15	PLAT NO.: 548	PROJECT NO.: 14-0008
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