

AN ORDINANCE CONDEMNING AND TAKING
CERTAIN EASEMENTS AND RIGHTS-OF-WAY
FOR FLOOD CONTROL PROJECT, UNIT NO. 2,
AND GRANTING NECESSARY RIGHTS-OF-WAY
FOR SAID PROJECT IN PUBLIC STREETS

WHEREAS the Borough of Rockwood has entered into an agreement with Pennsylvania Department of Forests and Waters for the construction of certain flood control works and improvements as shown upon plans entitled: "Rockwood Flood Protection Project, Casselman River and Coxes Creek, Rockwood, Somerset County, Pennsylvania, Contract No. C56:4-102.1, Unit No. 2"; and

WHEREAS the Borough has agreed to provide all lands, easements, rights-of-way, rights of entry and permits from the property owners, utilities and political subdivisions affected, necessary for the useful construction and future maintenance of the project; and

WHEREAS certain easements and rights-of-way over private property and over the public streets of the Borough are required in said project; and

WHEREAS the Borough has acquired from all owners of private property affected, voluntary grants of the necessary easements and rights-of-way, except: William Bennix, Robert W. Hayman and Doris Jean Hayman, husband and wife, and Charles B. Hostetler, with whom the Borough has been unable to negotiate voluntary conveyances making necessary the condemnation and taking of the required easements and rights-of-way over the lands of said owners; and

...the Borough desires to grant the necessary easements and rights-of-way over public streets as required in said project.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Borough of Rockwood and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same as follows:

SECTION 1. The Borough of Rockwood hereby takes and condemns a perpetual easement and right-of-way for the installation and construction in, and the maintenance of the facilities and improvements required according to said project plans above mentioned, including the pressure conduit for storm drainage and its appurtenances, in, over and across all that certain parcel of land situate in Rockwood Borough, Somerset County, Pennsylvania, bounded and described as follows:

BEGINNING for a tie line at the alley between this lot and lot No. 186, on the southerly line of B&O Railroad right-of-way; thence along the southerly side of said railroad right-of-way south $83^{\circ} 30'$ west 70.2 feet to a point the place of BEGINNING; thence continuing along the southerly side of said railroad right-of-way south $83^{\circ} 30'$ west 20 feet to a point; thence by the residue of which this is a part south $6^{\circ} 42'$ east 75 feet to a point; thence north $83^{\circ} 30'$ east 20 feet to a point; thence by said residue north $6^{\circ} 42'$ west 75 feet to the place of beginning. CONTAINING 0.034 acre.

BEING a portion of lot No. 185 on the general plan of said Borough and the same premises conveyed to William Bennix, Condemnee, by Somerset County Tax Claim Bureau on June 22, 1962, Tax Sale Record volume 7 page 91.

SECTION 2. The Borough of Rockwood hereby takes and condemns temporary easements and rights-of-way to enter upon and to occupy during construction of the project as required and provided by the construction contract, in, over and across the

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(a) BEGINNING at a stake at the alley between this lot and lot No. 186 at the southeast corner of this lot; thence south $83^{\circ} 30'$ west 70 feet to a point at the southeast corner of the perpetual easement through this lot above described; thence along the easterly side of said perpetual easement north $6^{\circ} 42'$ west 75 feet to a point on the southerly side of B&O Railroad right-of-way; thence along the southerly side of said railroad right-of-way north $83^{\circ} 30'$ east 10 feet to a point; thence by the residue south $6^{\circ} 42'$ east 2.43 feet; thence by same north $83^{\circ} 18'$ east 60.2 feet to a point on said alley; thence along said alley south $6^{\circ} 30'$ east 72.7 feet to the place of beginning.

(b) BEGINNING for a tie line at a stake at the alley at the southwest corner of this lot; thence by the property line north $83^{\circ} 30'$ east 9.8 feet to a stake the place of BEGINNING; thence by the residue north $6^{\circ} 42'$ west 71.8 feet to a point; thence by same north $83^{\circ} 18'$ east 40 feet to a point; thence by same north $6^{\circ} 42'$ west 2.95 feet to a point on the southerly line of B&O Railroad right-of-way; thence along the southerly line of said railroad right-of-way north $83^{\circ} 30'$ east 10 feet to a point at corner of the perpetual easement through lot above described; thence along the westerly line of said perpetual easement south $6^{\circ} 42'$ east 75 feet to a point on the property line; thence by said property line south $83^{\circ} 30'$ west 50.2 feet to the place of beginning.

BEING portions of lot No. 185 on the general plan of said Borough, the same premises conveyed to William Bennis Condemnee, by Somerset County Tax Claim Bureau on June 22, 1962, Tax Sale Record volume 7 page 91.

The combined area of said temporary easements is 0.203 acre.

SECTION 3. The Borough of Rockwood hereby takes and condemns a temporary easement and right-of-way to enter upon and to occupy during construction of the project as required and provided by the construction contract, in, over and across the

BEGINNING for a tie line at the north-west corner of this lot at the intersection of Walnut Street and Broadway; thence along the southerly side of Broadway north $83^{\circ} 30'$ east 8.6 feet to a point the place of BEGINNING; thence continuing along the southerly side of Broadway north $83^{\circ} 30'$ east 34.9 feet to a point; thence by the residue of which this is a part south $5^{\circ} 22'$ east 126.5 feet to a point; thence by same south $84^{\circ} 38'$ west 4.3 feet to a point; thence by same south $5^{\circ} 22'$ east 21.2 feet to a point; thence by same north $84^{\circ} 38'$ east 4.3 feet to a point; thence by same south $5^{\circ} 22'$ east 2.3 feet to a point on an alley; thence along the northerly side of said alley south $83^{\circ} 30'$ west 35.1 feet to a point; thence by the residue north $5^{\circ} 22'$ west 150 feet to the place of beginning. CONTAINING 0.117 acre.

BEING the larger portion of lot No. 203 and part of lot No. 204 as conveyed to Robert W. Hayman and Doris Jean Hayman, husband and wife, Condemnees, by deed of Kathryn L. Saylor and her husband, dated June 20, 1959, deed book volume 537 page 130.

SECTION 4. The Borough of Rockwood hereby takes and condemns temporary easements and rights-of-way to enter upon and to occupy during construction of the project as required and provided by the construction contract, in, over and across the following described portion of land situate in Rockwood Borough, Somerset County, Pennsylvania:

(a) BEGINNING at a stake at an alley at the southeast corner of this lot; thence by the property line south $83^{\circ} 30'$ west 50 feet to a point at lot No. 179; thence along lot No. 179 north $6^{\circ} 30'$ west 6.6 feet to a point; thence by the residue of which this is a part north $77^{\circ} 32'$ east 41.6 feet to a point; thence by same north $9^{\circ} 45'$ east 30.6 feet to a point on the alley; thence along the westerly side of said alley south $6^{\circ} 30'$ east 40.2 feet to a point the place of beginning. CONTAINING 0.013 acre.

BEING a portion of lot No. 180 on the general plan of said Borough, as conveyed to Charles B. Hostetler, Condemnee, by deed of Walter Bishop and wife dated May 17, 1947, deed book volume 366 page 332.

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right-of-way, and northeast corner of said lot; thence along the southerly side of said railroad right-of-way north 83° 30' east 15.6 feet to a point the place of BEGINNING; thence continuing along the southerly side of said railroad right-of-way north 83° 30' east 24.4 feet to a point on line of land of B&O Railroad Co.; thence along said railroad company land south 6° 30' east 9.4 feet to a point; thence by the residue of which this is a part south 83° 15' west 9.7 feet to a point; thence by same south 7° 48' east 11 feet to a point; thence by same south 9° 45' west 108.3 feet to a point on the easterly side of said alley; thence along the easterly side of said alley north 6° 30' west 70.5 feet to a point; thence by the residue north 9° 45' east 55.9 feet to a point on the southerly side of said railroad right-of-way, the place of beginning.

(c) BEGINNING at a point on the easterly side of an alley, the southwest corner of this lot; thence along the easterly side of said alley north 6° 30' west 13.9 feet to a point; thence by the residue of which this is a part north 72° 53' east 40.7 feet to a point on line of land of B&O Railroad Co.; thence along said Railroad Co. land south 6° 30' east 21.4 feet to a point, the southeastern corner of this lot; thence by the property line south 83° 30' west 40 feet to the place of beginning.

BEING portions of lot No. 181 as conveyed to Charles B. Hostetler, Condemnee, by deed of Walter Bishop and wife, dated May 17, 1947, deed book volume 366 page 332.

The combined area of (b) and (c) above is 0.059 acre.

SECTION 5. The president of Council and the Borough secretary are hereby authorized and directed to make, execute and deliver in behalf of the Borough the requisite Declaration of Taking, Notice of Taking and any and all other documents, instruments and legal proceedings necessary or proper to be taken according to law to effectuate the condemnations herein made, to obtain possession of the easements and rights-of-way herein condemned, and to determine the damages payable if any.

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SECTION 6. The proper Borough officers are hereby authorized and directed to offer and to pay damages for said condemned easements and rights-of-way in such amounts as hereafter authorized by resolution of Borough Council.

SECTION 7. The Borough of Rockwood hereby authorizes the use and occupancy of the public streets and alleys of the Borough, and grants the necessary easements and rights of way therein, for the construction and maintenance of said Flood Control Project, Unit No. 2.

SECTION 8. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Adopted by Borough Council this 6th day of March, 1967.

ATTEST

Nelda R. Younstein
Secretary

John W. Stoner
President of Council

Approved this 6th day of March, 1967.

[Signature]
Mayor