

11-11-1958
A N O R D I N A N C E

Establishing and providing for the construction of a system of sewers and drainage within a part of Shenango Township which is hereby constituted and shall be known as Sanitary Sewer District No. 1, the boundaries of which are described as follows, to-wit:

On the NORTH by Route #422;
On the EAST by a Township Road;
On the SOUTH by a State Road;
On the WEST by the City of New Castle;

being an area of approximately three square miles, more or less, and that area which is covered by the Master Sewer Plan for Shenango Township, Lawrence County, Pennsylvania, as prepared by Consoer, Townsend & Associates, Consulting Engineers, Chicago, Illinois, as shown on map number 54-183, and approved by the Board of Supervisors of Shenango Township at its regular meeting on the 28th day of March, 1958, to be recorded in the office of the Recorder of Deeds of Lawrence County, Pennsylvania; authorizing the publication of this ordinance as provided by Section 1502 of the Second Class Township Code; taking and condemning certain private lands for the construction and maintenance of a sanitary sewer system in the said district of Shenango Township; authorizing the making of a contract for the construction thereof; levying a part of the cost of and damages for the same on the abutting property owners especially benefited by the said improvements; providing for the assessment of liens therefor upon the abutting properties to be benefited by the said sewer, if and when the same are made available for use to the said properties; providing for

the payment of the cost thereof; and providing for the assessment of damages for the taking of private land necessary for the said sewer as herein provided and for the payment of the same.

WHEREAS, there is immediate need in a part of Shenango Township for the establishment and construction of a system of sewers and drainage which will provide for the disposal of sanitary sewage from the County Home of the Institution District of Lawrence County and from a new school building of the School District of Shenango Township, which will be adequate to provide sewage disposal eventually for all of the said portion of Shenango Township; and,

WHEREAS, the Township Supervisors have entered into a contract with the City of New Castle on the 11th day of February, 1957, which contract is recorded in Lawrence County in Deed Book Volume 432, page 236, whereby the City of New Castle agreed immediately to permit the Sewage District hereby established to be connected with the sanitary sewer system of the City of New Castle and all of the sewage arising at the said County Home and Township School Building to be disposed of immediately, and which contract further contemplated the future disposal through the City sewer system of all of the sewage arising in the said sewer district.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF SHENANGO TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA, That under the authority of the Second Class Township Code and particularly Sections 1501 to 1545 thereof, a system of

drainage is hereby established and provided to be constructed in a part of Shenango Township which is hereby constituted and shall be known as Sanitary Sewer District No. 1, the boundaries of which are described as follows, to-wit:

On the NORTH by State Legislative Route #422;
On the EAST by a Township Road;
On the SOUTH by a State Road;
On the WEST by the City of New Castle;

being an area of approximately three square miles, more or less, and that area which is covered by the Master Sewer Plan for Shenango Township, Lawrence County, Pennsylvania, as prepared by Consoer, Townsend & Associates, Consulting Engineers, Chicago, Illinois, as shown as map number 54-183, and approved by the Board of Supervisors of Shenango Township at its regular meeting on the 28th day of March, 1958, to be recorded in the office of the Recorder of Deeds of Lawrence County, Pennsylvania.

SECTION 2. The Supervisors of Shenango Township reserve the right, granted by the said Act, where necessary for the public health and when the said sewer system has been constructed, to require any and all adjoining and adjacent property owners to connect with and use the said sewer. In case any owner of property adjoining or adjacent to such sewer, who shall be required by Resolution of the said Supervisors to connect with the same and to pay his proportionate cost of the said sewer as the same shall be assessed against his said land, shall neglect or refuse to connect with and use the said sewer for a period of sixty (60) days after notice to do so has been served upon him by the Supervisors, either by personal service or by registered

mail, said Supervisors or their agents may enter upon such property and construct such connection at the expense of the said property owner.

In such case, the Supervisors shall forthwith, when the said work of constructing the said sewer has been fully completed and final contract made with the City of New Castle for the disposal of the sewage arising from the particular property, by Resolution, levy and tax against the properties abutting on or adjacent to the said sewer, which can be served thereby, a fair, equal, proportionate and legal charge for the use of such sewer, and require the owners of such properties to connect with the said sewer as herein above provided for and shall send to such property owner an itemized bill of the assessment against his said property and of the cost of construction of such connections as have been made by the Township to the owner of the property to which connection has been so made, and such assessments and bills shall be payable forthwith.

In case of neglect or refusal by the owner of such property to pay such assessment or bill, it shall be the duty of the Township Supervisors to file municipal liens for the said assessment and construction within six (6) months of the date of completion of the assessment and the construction of the said connection, as the case may be, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

SECTION 3. That there is hereby established a right-of-way or easement of the width of twenty (20) feet through-

out, with an additional thirty (30) feet, except as hereinafter otherwise indicated, for construction purposes, and the servitude of the said right-of-way or easement which is hereby taken shall be that which is reasonably necessary for the installation and maintenance of the said sewer and shall be along the following center line, one-half of the said right-of-way or easement being on each side of the said center line, and where that right-of-way or easement passes over private lands, such a right-of-way and easement is hereby condemned and taken from the private lands of the owners of the same who are herein specifically named, to-wit:

1. Commencing at a point where the center line of the spillway for Cascade Lake in the City of New Castle intersects the center line of Cascade Boulevard, said point being manhole station 0+00, as shown on Drawing No. 57-167 as prepared by Consoer, Townsend and Associates;
2. Thence South $74^{\circ} 54'$ East 500 feet to manhole station 5+00 and lands of the City of New Castle;
3. Thence South $21^{\circ} 04'$ East 160 feet to manhole station 6+60, over public lands of the City of New Castle (not condemned or taken); and over lands of the Allegheny and Western Railroad Company on which the said easement is condemned and taken;
4. Thence North $65^{\circ} 21'$ East 103.45 feet to manhole station 7+63.45 and over lands of Allegheny and Western Railroad Company and lands of Donald Kelly;
5. Thence North $87^{\circ} 03'$ East 329.18 feet to manhole station 10+92.63, over lands of Donald Kelly, W. T. Bockius heirs, and Walter Fruit;

6. Thence South $56^{\circ} 22'$ East 436.29 feet to manhole station 15+28.65, over lands of Walter Fruit, George Galbraith, and H. Curnes;

7. Thence South $47^{\circ} 48'$ East 558.35 feet to manhole station 20+87, over lands of H. Curnes, E. Neyman, A. Horrill, and right-of-way of The Pennsylvania Power Company;

8. Thence North $79^{\circ} 28'$ East 432.12 feet to manhole station 25+19.12, over land of Pennsylvania Power Company, and land of M. Maricone;

9. Thence South $35^{\circ} 02'$ East 408.88 feet to manhole station 29+28, located in Joyce Road, and over land of M. Maricone, G. Zingaro, W. R. Waddington, Norman Reno, and on Joyce Road;

10. Thence South $13^{\circ} 23'$ West 300.50 feet to manhole station 32+25.50, over Joyce Road, and public lands of Shenango Township School District (not condemned or taken);

11. Thence South $7^{\circ} 41'$ West, 258.04 feet to manhole station 34+86.54, over Joyce Road and public lands of Shenango Township School District (not condemned or taken);

12. Thence South $76^{\circ} 48'$ East 544.98 feet to manhole station 40+31.52, over public lands of Shenango Township School District (not condemned or taken);

13. Thence South $78^{\circ} 58'$ East 751.55 feet to manhole station 47+83.07, over public lands of Shenango Township School District (not condemned or taken);

14. Thence South $46^{\circ} 31'$ East 978.68 feet to manhole station 57+61.74, over public lands of the Shenango Township School District (not condemned or taken);

15. Thence South 73° 36' East 560.92 feet to manhole station 63+22.66, over public lands of the Shenango Township School District (not condemned or taken); lands of the New Castle Duntile Company; Legislative Route 88 (not condemned or taken); and public lands of the City of New Castle (not condemned or taken);

16. Thence South 66° 29' East 1114.86 feet to manhole station 74+37.52, over public lands of the City of New Castle and the County of Lawrence (not condemned or taken);

17. Thence South 63° 18' East 782.57 feet to manhole station 82+20.09, over public lands of the County of Lawrence (not condemned or taken) terminating at an area distribution box for the Lawrence County Home.

SECTION 4. The lands hereby condemned and affected by the above described easement are those parcels of land assessed to the following parties and more specifically described and shown on Lawrence County Tax Map for Shenango Township prepared by Lloyd H. Mullen Engineering Company, being number 2F-61; 3906 and filed of record in the County Commissioners Office in and for Lawrence County:

| <u>ASSESSED OWNER</u> | <u>LOT NUMBER</u> |
|------------------------------------|-------------------|
| Walter Fruit, 814 Allegheny Ave. | 243 |
| W. T. Bockius, c/o Francis Bockius | 244 and 245 |
| Donald Kelly, 802 Allegheny Ave. | 246 and 247 |
| M. Natis, R. D. #9 | 339 |
| Norman Reno, R. D. #9 | 341 |
| George Galbraith, Box 167 | 370 |
| H. Curnes, 1530 Butler Ave. | 369 |

| | |
|-------------------------------------|-----|
| E. Neyman | 368 |
| A. Horrell, 816 Alborn St. | 367 |
| M. Maricone, 814 Savannah Road | 356 |
| G. Zingaro, 2402 E. Washington St. | 344 |
| W. R. Waddington, 846 Savannah Road | 345 |
| G. Zingaro | 342 |
| Shenango School Area | 134 |
| New Castle Duntile | 119 |

SECTION 5. For the purpose of diminishing the damages to land, arising from the said improvement, and for the settlement of the same, the chairman of the Board of Supervisors is hereby authorized to negotiate and enter into, if possible, a contract with the owners of the lands hereby condemned and taken, and execute the same when said contract has been approved by the Supervisors. Any contract so made with any railroad or public utility shall be subject to the approval of the Public Utility Commission of the Commonwealth of Pennsylvania, as provided by law.

SECTION 6. In the event that any of the property owners over whose lands an easement is taken by this ordinance do not, within a reasonable time, settle their claims for damages, the Township shall proceed, as provided by law, to give bond and to have a Board of Viewers appointed and the said damages assessed and any special benefits arising or accruing to the lands over which such easements are taken, which are unusual and special benefits to the said land because of the establishment and construction of the said sewer district across the said lands, shall

be assessed as benefits against the said lands and set off against any damages which are allowed because of the said improvement.

All of the damages assessed under the authority of this section, after deducting therefrom the benefits also assessed, shall be paid out of an appropriation to be made for that purpose by the Supervisors of Shenango Township.

SECTION 7. All provisions of this ordinance shall be subject to and in conformity with the contract entered into the 18th day of February, 1957 between the Township of Shenango and the City of New Castle, a copy of which is recorded in the Office of the Recorder of Deeds in and for Lawrence County in Deed Book Volume 432, page 236.