

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN LANDS FOR THE FLOOD CONTROL PROJECT OF BOROUGH OF ROCKWOOD

WHEREAS Rockwood Borough is engaged in a flood control project in cooperation with Department of Forests and Waters of the Commonwealth of Pennsylvania; and

WHEREAS it is necessary in said project that the Borough acquire the necessary lands, easements and rights-of-way therefor; and

WHEREAS it is necessary that the Borough acquire permanent easements and rights-of-way on, over and across the lands hereinafter described; and

WHEREAS the Borough has entered into negotiations with the owners of said lands for the purpose of agreeing upon the compensation to be made for said easements and rights-of-way, but have been unable to reach any agreement with said owners.

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:

§1. Borough of Rockwood does hereby take, appropriate and condemn perpetual easements and rights-of-way over and across the following described lands, all situate in Rockwood Borough, Somerset County, Pennsylvania, for the purpose of constructing, operating, maintaining, repairing, or rebuilding the flood control project and facilities as shown upon plans of Department of Forests and Waters of the Commonwealth of Pennsylvania entitled "Rockwood Flood Protection Project, Unit No. 1, Casselman River and Coxes Creek, Rockwood, Pennsylvania, Somerset County", bounded and described as follows:

No. 1: BEGINNING at a hub, a common corner of said lot and an alley, thence by the southeasterly boundary of said lot north 38° 27' east 52.2 feet to a hub, common corner of said lot and lot No. 6; thence by lot No. 6 north 51° 33' west 53.2 feet to a stake; thence by the residue of said lot south 44° 12' west 45.0 feet to a stake; thence by the residue of said lot north 56° 25' west 78.2 feet to a stake; thence by the residue of said lot south 44° 12' west 0.8 feet to a stake on the common property line of said lot and an alley; thence by said alley south 51° 33' east 135.7 feet to the place of beginning. CONTAINING 0.074 acres.

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BEING a portion of lot No. 7 on the general plan of ...
to Herbert P. Phillippi and Maud Phillippi, husband and wife, by deed of J. W. Phillips dated October 10, 1940 recorded in the office for the recording of deeds at Somerset, Pa., in deed book volume 324 page 42; thereafter said Herbert P. Phil died whereupon the title to the premises survived unto said Maud Phillippi, present owner.

No. 2: BEGINNING at a hub, common corner of said lot and an alley, by the southeasterly boundary of said lot North 38° 27' east 28.56 feet to a hub common corner of said lot and lot No. 7-B; thence by lot 7-B north 51° 33' west 28.5 feet to a stake; thence by the residue south 44° 12' west 28.6 feet to a stake on the property line of said lot, said stake being 41.55 feet from the south east corner of the brick building erected thereon; thence by the alley south 51° 33' east 31.3 feet to the place of beginning. CONTAINING 0.020 acres.

BEING a portion of lot No. 7 on the general plan of said Borough as conveyed by deed of Vera M. Barber, widow, dated July 12, 1946, recorded as aforesaid in deed book volume 349 page 584, to Harry B. Wiley and Rose K. Wiley, husband and wife, the present owners.

No. 3: BEGINNING at a hub, common corner of said lot and lot No. 8-A; thence by the southeasterly boundary of said lot north 38° 27' east 26.0 feet to a hub at an alley; thence by said alley north 51° 33' west 25.7 feet to a point; thence by the residue of said lot south 38° 27' west 27.5 feet to a point on line of Lot No. 8-A; thence by lot No. 8-A south 51° 33' east 4.7 feet to a point; thence by lot No. 8-A north 38° 27' east 1.5 feet to a point; thence by lot No. 8-A south 51° 33' east 21.0 feet to the place of beginning. CONTAINING 0.016 acres

BEING a portion of lot No. 8 on the general plan of said Borough as conveyed by deed of the executors and trustees of Annie C. Hemminger deceased, et al, dated August 20, 1953 recorded as aforesaid in deed book volume 461 page 74, to Florence H. Hemminger, present record owner, of which James B. Phillippi and Edna Mae Phillippi, husband and wife are reputed to have an interest.

§2. The officers of the Borough are hereby authorized and directed to make, execute and deliver the bonds of the Borough to the respective owners and reputed owners of said lands to secure payment to them of such damages as they are or may be lawfully entitled to receive for the easements and rights-of-way herein taken, appropriated and condemned, and said officers are further authorized and directed to institute and file in behalf of the Borough such legal proceedings as may be necessary or proper to carry out the terms of this ordinance and to obtain possession of said easements and rights-of-way without delay.

§3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Adopted this 17th day of June, 1964.

ATTEST:

William J. Forbes
Secretary

Robert E. Sennhaues
President of Council

Approved this 22nd day of June, 1964.

William M. Chaff
Mayor