

BOROUGH OF SEWICKLEY
ALLEGHENY COUNTY, PENNSYLVANIA
RESOLUTION NO. 2024-004

A RESOLUTION OF THE BOROUGH OF SEWICKLEY, ALLEGHENY COUNTY, PENNSYLVANIA AUTHORIZING THE FILING OF A DECLARATION OF TAKING FOR PROPERTY LOCATED AT 929 CRESCENT AVENUE (PARCEL ID 421-D-236), 914 NEVIN AVENUE (PARCEL ID 421-D-220), AND AN UNADDRESSED NEVIN AVENUE LOT (PARCEL ID 421-D-218), FOR THE WIDENING AND STABILIZATION OF CRESCENT AVENUE, PURSUANT TO THE EMINENT DOMAIN CODE, 26 PA.C.S.A. § 101, ET SEQ., AND THE BOROUGH CODE, 8 PA.C.S.A. § 1721.1.

WHEREAS, the Borough of Sewickley is a duly organized political subdivision under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Council of the Borough of Sewickley finds that the Borough requires additional property along Crescent Avenue to properly administer its governmental function of providing safe, necessary, navigable, and adequate roadways for transportation in Sewickley; and

WHEREAS, the Council of the Borough of Sewickley desires to widen and improve portions of Crescent Avenue, a public right-of-way, to stabilize the adjacent hillside to prevent the collapse of the roadway and foster the safe and efficient flow of traffic along such road; and

WHEREAS, portions of real property known as 929 Crescent Avenue (Parcel ID 421-D-236), 914 Nevin Avenue (Parcel ID 421-D-220), and an unaddressed lot along Nevin Avenue (Parcel ID 421-D-218) are located in the said area which requires additional right-of-way to provide for a stable and adequate cartway on Crescent Avenue for vehicles to safely travel; and

WHEREAS, the Council of the Borough of Sewickley has examined the property and finds that the property meets the criteria specified in the Pennsylvania Eminent Domain Code, 26 Pa.C.S.A. § 101, et seq. as private property for public use; and

WHEREAS, the Borough is further authorized to acquire private property for roadway widening and improvement pursuant to Section 1721.1 of the Borough Code, 8 Pa.C.S.A. § 1721.1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Sewickley as follows:

Section 1. The Sewickley Borough Council, pursuant to the power authorized by the Eminent Domain Code, 26 Pa.C.S.A. § 101, et seq. and Section 1721.1 of the Borough Code, 8 Pa.C.S.A. §1721.1, does hereby elect and resolve to take, use, and appropriate, and it does hereby take, use, and appropriate for the public purpose of widening and improving the Crescent Avenue right-of-way, those permanent easements and rights-of-way in portions of property as specifically set forth in the Plans and Legal Descriptions attached hereto as **Exhibits A, B, and C** (collectively the “Proposed Easements”), the same being incorporated by reference and made a part hereof.

Section 2. The Sewickley Borough Council intends to acquire the Proposed Easements, including any improvements and fixtures, and authorizes the payment of just compensation as may be agreed upon between the owners of such property and the Borough of Sewickley, or as otherwise determined by a court of competent jurisdiction in the manner provided by law.

Section 3. The Sewickley Borough Council hereby authorizes the Borough Solicitor to proceed in the name of and on behalf of the Borough of Sewickley to institute all necessary proceedings in the Courts, including, but not limited to the Courts of Allegheny County, Pennsylvania; said proceedings to include but not be limited to the filing of Declarations of Taking, recording the Notices of Filing of the same in the Recorder of Deed’s Office, the sending and service of all proper notices required for the condemnation of said properties, the filing of any and all Estimated Just Compensation payments, and/or Bonds, whether municipal, recognizance, or corporate, with or without surety, that may be necessary in the institution and carrying out of the aforesaid property acquisitions or condemnation proceedings, in accordance with appropriate procedures, statutes, regulations, and rules of court.

Section 4. The Sewickley Borough Council hereby authorizes, empowers, and directs the Borough Manager and President of Borough Council to:

- a. Execute any and all Declarations of Taking, Notices of Filing of the same, or any other legal documents or papers as may be necessary in order to carry out the intent and direction of this Resolution for the acquisition of the Proposed Easements;

- b. Deliver bonds or other appropriate forms of security on behalf of the Borough of Sewickley as obligor in the amount of estimated just compensation as may be required by law;
- c. Make application to the Court of Common Pleas of Allegheny County to have the value of the damages and just compensation ascertained in the manner provided by law;
- d. Remit payment for damages and just compensation as may be required by law; and
- e. Negotiate with property owners a fair and reasonable price for the Proposed Easements in lieu of the above authorized condemnation proceedings should the same be feasible without undue delay.

DULY RESOLVED the 9th day of April 2024 by the Council of the Borough of Sewickley.

ATTEST:

BOROUGH OF SEWICKLEY



Donna M. Kaib
Borough Manager/Secretary



Cynthia Mullins
President of Council

NEVIN AVENUE 40'
BITUMINOUS PAVEMENT

PERMANENT EASEMENT
(1,887 SQ.FT.)

NOW OR FORMERLY
BOROUGH OF SEWICKLEY
DBV:3345 PG:111

TAX ID
421-D-226

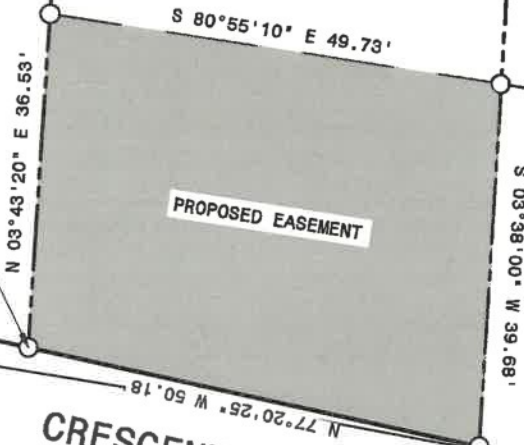
NOW OR FORMERLY
LAUREN ELIZABETH BARNES
DBV:18290 PG:70

TAX ID
421-D-220

NOW OR FORMERLY
DANIEL W. FORD AND
REBECCA LEE FORD
DBV:3390 PG:113

TAX ID
421-D-218

POINT OF
BEGINNING

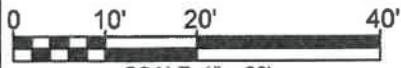


PROPOSED PERMANENT
EASEMENT

CRESCENT AVENUE 20'
BITUMINOUS PAVEMENT

RIGHT OF WAY LINE

RIGHT OF WAY LINE



SCALE: 1" = 20'

NOTES:

- 1) PERMANENT SANITARY LINE EASEMENT PER PLAN BOOK VOLUME 18290 PAGE 70.

THE GATEWAY ENGINEERS, INC. RETAINS OWNERSHIP RIGHTS OF ALL DATA WITHIN THE PLANS. DATA CONTAINED WITHIN IS ONLY TO BE USED FOR ITS INTENDED PURPOSE BY ITS RESPONSIBLE PARTY. THE USE, REPLICATION, REPRODUCTION, OR REDISTRIBUTION OF DATA CONTAINED WITHIN IS STRICTLY PROHIBITED AND SUBJECT TO LEGAL ACTION.

 GATEWAY ENGINEERS	The Gateway Engineers, Inc. Full-Service Civil Engineering & Surveying 100 McMorris Road, Pittsburgh, PA 15205 www.GatewayEngineers.com 855-634-9284
	<p align="center">EXHIBIT A PLAN FOR PERMANENT EASEMENT</p> <p align="center">SITUATE IN 941 NEVIN AVENUE SEWICKLEY, PENNSYLVANIA MADE FOR BOROUGH OF SEWICKLEY COUNCIL 69400-0003</p>

PM: NSH DB: AMP CB: NSH

DATE: FEBRUARY 06, 2024

SCALE: 1" = 20'

DWG. NO.: XXX,XXX

EXHIBIT A
LEGAL DESCRIPTION OF EASEMENT
LAUREN ELIZABETH BARNES (GRANTOR)
CONVEYS TO
BOROUGH OF SEWICKLEY COUNCIL (GRANTEE)

All that certain piece, parcel, or strip of land situated in the First Ward of the Borough of Sewickley, County of Allegheny, and Commonwealth of Pennsylvania, being more particularly described as follows:

Beginning at a corner, being the Southwest corner of land as recorded in the Recorder of Deeds office Allegheny County, PA in Deed Book Volume 18290, Page 70 being located on the northerly line of an existing 20 foot right-of-way also known as Crescent Avenue; Thus corner being located along frontage of lands owned by Parcel No. 421-D-220; Thence along the line dividing lands now or formerly Lauren Elizabeth Barnes and Borough of Sewickley, N 03°43'20" E a distance of 36.53 feet to a point on the line dividing lands now or formerly Lauren Elizabeth Barnes and Borough of Sewickley; Thence through said Parcel S 80°55'10" E a distance of 49.73 feet to a point on the line dividing lands now or formerly Lauren Elizabeth Barnes and Daniel W. & Rebecca Lee Ford; Thence along the line dividing lands now or formerly Lauren Elizabeth Barnes and Daniel W. & Rebecca Lee Ford S 03°38'00" W a distance of 39.68 feet to a point on the northerly line of Crescent Avenue; Thence along the northerly line of Crescent Avenue N 77°20'25" W a distance of 50.18 feet to the point of beginning. Containing 1,887 square feet, more or less.

NEVIN AVENUE 40'
BITUMINOUS PAVEMENT

PERMANENT EASEMENT
(2,478 SQ.FT.)

NOW OR FORMERLY
SCOTT G. LOCKERMAN AND
MELODY J. LOCKERMAN
DBV:6307 PG:657

TAX ID
421-D-215

NOW OR FORMERLY
DANIEL W. FORD AND
REBECCA LEE FORD
DBV:3390 PG:113

TAX ID
421-D-218

NOW OR FORMERLY
LAUREN ELIZABETH BARNES
DBV:18290 PG:70

TAX ID
421-D-220

PROPOSED PERMANENT
EASEMENT

S 80°55'10" E 60.94'

PROPOSED EASEMENT

N 03°38'00" E 39.68'

POINT OF
BEGINNING

NOW OR FORMERLY
LOUIS LOCKHART AND
MOZELLE A. LOCKHART
DBV:3589 PG:463

TAX ID
421-D-236

S 03°34'00" W 41.98'

N 78°46'40" W 61.25'
CRESCENT AVENUE 20'
BITUMINOUS PAVEMENT

RIGHT OF WAY LINE

RIGHT OF WAY LINE



SCALE: 1" = 20'

NOTES:

- 1) PERMANENT SANITARY LINE EASEMENT PER PLAN BOOK VOLUME 3390 PAGE 113.

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The Gateway Engineers, Inc.
Full-Service Civil Engineering & Surveying
100 McMorris Road, Pittsburgh, PA 15205
www.GatewayEngineers.com 855-634-9284

EXHIBIT B
PLAN FOR PERMANENT EASEMENT

SITUATE IN
NEVIN AVENUE
SEWICKLEY, PENNSYLVANIA

MADE FOR
BOROUGH OF SEWICKLEY
COUNCIL

69400-0003

PM: NSH DB: AMP CB: NSH

DATE: FEBRUARY 06, 2024

SCALE: 1" = 20'

DWG. NO.: XXX,XXX

EXHIBIT B
LEGAL DESCRIPTION OF EASEMENT
DANIEL W. FORD AND REBECCA LEE FORD (GRANTOR)
CONVEYS TO
BOROUGH OF SEWICKLEY COUNCIL (GRANTEE)

All that certain piece, parcel, or strip of land situated in the First Ward of the Borough of Sewickley, County of Allegheny, and Commonwealth of Pennsylvania, being more particularly described as follows:

Beginning at a corner, being the Southwest corner of land as recorded in the Recorder of Deeds office Allegheny County, PA in Deed Book Volume 3390, Page 113 being located on the northerly line of an existing 20 foot right-of-way also known as Crescent Avenue; Thus corner being located along frontage of lands owned by Parcel No. 421-D-218; Thence along the line dividing lands now or formerly Daniel W. & Rebecca Lee Ford and Lauren Elizabeth Barnes N 03°38'00" E a distance of 39.68 feet to a point on the line dividing lands now or formerly Daniel W. & Rebecca Lee Ford and Lauren Elizabeth Barnes; Thence through said Parcel S 80°55'10" E a distance of 60.94 feet to a point on the line dividing lands now or formerly Daniel W. & Rebecca Lee Ford and Louis & Mozelle A. Lockhart; Thence along the dividing line S 03°34'00" W a distance of 41.98 feet to a point on the northerly line of Crescent Avenue; Thence along the northerly line of Crescent Avenue N 78°46'40" W a distance of 61.25 feet to the point of beginning. Containing 2,478 square feet, more or less.

PERMANENT EASEMENT
(2,633 SQ. FT.)

NOW OR FORMERLY
DANIEL W. FORD AND
REBECCA LEE FORD
DBV:3390 PG:113

TAX ID
421-D-218

NOW OR FORMERLY
SCOTT G. LOCKERMAN AND
MELODY J. LOCKERMAN
DBV:6307 PG:657

TAX ID
421-D-215

NOW OR FORMERLY
LOUIS LOCKHART AND
MOZELLE A. LOCKHART
DBV:3589 PG:463

TAX ID
421-D-236

NOW OR FORMERLY
QUAKER VALLEY SCHOOL DISTRICT
DBV:6923 PG:434

TAX ID
421-D-238

PROPOSED PERMANENT
EASEMENT

PROPOSED EASEMENT

POINT OF
BEGINNING

CRESCENT AVENUE 20'
BITUMINOUS PAVEMENT

RIGHT OF WAY LINE

RIGHT OF WAY LINE



SCALE: 1" = 20'

NOTES:

- 1) PERMANENT SANITARY LINE EASEMENT PER PLAN BOOK VOLUME 3589 PAGE 463.

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**GATEWAY
ENGINEERS**

The Gateway Engineers, Inc.
Full-Service Civil Engineering & Surveying
100 McMorris Road, Pittsburgh, PA 15205
www.GatewayEngineers.com 855-634-8284

**EXHIBIT C
PLAN FOR PERMANENT EASEMENT**

SITUATE IN
929 CRESCENT AVENUE
SEWICKLEY, PENNSYLVANIA

MADE FOR
**BOROUGH OF SEWICKLEY
COUNCIL**

69400-0003

PM: NSH DB: AMP CB: NSH

DATE: FEBRUARY 06, 2024

SCALE: 1" = 20'

DWG. NO.: XXX,XXX

EXHIBIT C
LEGAL DESCRIPTION OF EASEMENT
LOUIS LOCKHART AND MOZELLE A. LOCKHART (GRANTOR)
CONVEYS TO
BOROUGH OF SEWICKLEY COUNCIL (GRANTEE)

All that certain piece, parcel, or strip of land situated in the First Ward of the Borough of Sewickley, County of Allegheny, and Commonwealth of Pennsylvania, being more particularly described as follows:

Beginning at a corner, being the Southwest corner of land as recorded in the Recorder of Deeds office Allegheny County, PA in Deed Book Volume 3589, Page 463 being located on the northerly line of an existing 20 foot right-of-way also known as Crescent Avenue; Thus corner being located along frontage of lands owned by Parcel No. 421-D-236; Thence along the line dividing Louis & Mozelle A. Lockhart and Daniel W. & Rebecca Lee Ford N 03°34'00" E a distance of 41.98 feet to a point on the line dividing lands now or formerly Louis & Mozelle A. Lockhart and Daniel W. & Rebecca Lee Ford; Thence along said dividing line S 80°55'10" E a distance of 28.31 feet to a point on the line dividing lands now or formerly Louis & Mozelle A. Lockhart and Scott G. & Melody J. Lockerman; Thence along said dividing line S 80°51'04" E a distance of 30.61 feet to a point being the Northwest corner of lands now or formerly Quaker Valley School District; Thence along the line dividing lands now or formerly Louis & Mozelle A. Lockhart and Quaker Valley School District S 06°28'20" W a distance of 49.40 feet to a point on the northerly line of Crescent Avenue; Thence along the northerly line of Crescent Avenue N 73°20'42" W a distance of 57.63 feet to the point of beginning. Containing 2,633 square feet, more or less.