

AVALON BOROUGH

OFFICIAL RESOLUTION NO. 801

AUTHORIZING THE EXONERATION OF DELINQUENT AND CURRENT  
PROPERTY TAXES FOR THE E & C PROJECT NO. PT12-0103,  
THE REPLACEMENT OF THE CALIFORNIA AVENUE BRIDGE  
AND THE EXECUTION OF DEEDS  
TRANSFERRING TO THE COUNTY OF ALLEGHENY  
RIGHTS-OF-WAY, SLOPE PROTECTION EASEMENTS  
AND TEMPORARY CONSTRUCTION EASEMENT AREAS REQUIRED  
FOR NEW BRIDGE CONSTRUCTION

ADOPTED THE 16TH DAY OF FEBRUARY, 1993

WHEREAS, the County of Allegheny with its planned replacement of the California Avenue Bridge, known as the E & C Project No. PT12-0103, requires various rights-of-way, slope protection easements and temporary construction easement areas to accomplish such project on three parcels or pieces of ground nor or formerly belonging to the Estate of Robert F. Powell, Deceased, Lot and Block 214-L-300, which property is more particularly described on an Indenture, a copy of which is attached hereto and made a part hereof as Exhibit "1", and on two tracts of land now or formerly belonging to the Estate of John T. Schleid, Deceased, Lot and Block 214-K-20, which property is more particularly described on an Indenture, a copy of which is attached hereto and made a part hereof as Exhibit "2", for which properties there exists delinquent and current property taxes; and

WHEREAS, the heirs to the Estates of Robert F. Powell, Deceased, and the heirs to the Estate of John T. Schleid, Deceased, have remised, released and quit-claimed all their interests in said Estates and in said parcels, pieces or tracts of land unto the Northgate School District, the Borough of Avalon and the County of

Allegheny in consideration for the exoneration of all delinquent and current property taxes due and payable to the three political subdivisions on said properties; and

WHEREAS, the Borough of Avalon desires to exonerate the delinquent and current property taxes on Lot and Block 214-L-300 and Lot and Block 214-K-20 in consideration of obtaining title to said properties to accomplish said replacement of the California Avenue Bridge; and

WHEREAS, the County of Allegheny has requested that the Borough of Avalon together with the Northgate School District remise, release and quit-claim to the County of Allegheny all those two temporary construction easement areas and two permanent right of right areas situate in the Borough of Avalon on Parcels "A", "B", "C" and "D" on an Indenture attached hereto and made a part hereof as Exhibit "3" and four temporary construction easement areas and two permanent slope protection easement areas situate in the Borough of Avalon on Parcels "A", "B", "C", "D", "E" and "F" on an Indenture attached hereto and made a part hereof as Exhibit "4", and the Borough of Avalon if desirous of doing so.

NOW THEREFORE, be it resolved that the Borough Council of the Borough of Avalon and it is hereby resolved and enacted by and with the authority of same as follows:

1. The proper officers of the Borough of Avalon are hereby authorized and directed to take any and all steps necessary to exonerate the delinquent and current property taxes for those

properties identified on Exhibits "1" and "2", Lot and Block 214-L-300 and Lot and Block 214-K-20 for the consideration therein stated.

2. The proper officers of the Borough of Avalon are hereby authorized and directed to execute those Indentures identified as Exhibits "3" and "4", remising, releasing and quit-claiming to the County of Allegheny the rights-of-way, slope protection easements and temporary construction easement areas contained therein under the hand of its Mayor, attested by its Secretary, under its corporate seal and approved as to form by its Solicitor.

ADOPTED this 16th day of February, 1993.

ATTEST:

BOROUGH OF AVALON

  
Secretary

  
Council President

APPROVED BY THE MAYOR this 16th day  
of February, 1993.

  
Mayor

THIS INDENTURE

MADE the 15<sup>TH</sup> day of JANUARY 1993,

BETWEEN MARY A. POWELL, widow, MARY ANN POWELL ZINK, married, and ELIZABETH POWELL THOMAS, married, being all of the intestate heirs of the Estate of Robert F. Powell, Deceased,

(hereinafter called Grantors)

AND

NORTHGATE SCHOOL DISTRICT, BOROUGH OF AVALON and the COUNTY OF ALLEGHENY,

(hereinafter called Grantees)

WITNESSETH, that the said Grantors, in consideration of the total sum of

ONE DOLLAR AND 00/100 (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION SET FORTH HEREIN

to them now paid by the said Grantees, do hereby remise, release, and quit-claim unto the said Grantees,

ALL THOSE TWO (2) TRACTS of land situate in the Borough of Avalon, County of Allegheny and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

TRACT 1

ALL THAT CERTAIN parcel of land situate in Avalon Borough, BEGINNING at a point on the boundary line between Avalon Borough and Ben Avon Heights Borough on the south side of a 1 foot reserve strip in the Highfield Plan of Lots, recorded in Plan Book Volume 25, Page 100 at a corner common to land now or formerly of John S. Witherspoon and land of the Grantor, said point of beginning being S 88° 55' E a distance of 717.23 feet from the corner common to the Borough of Avalon, Borough of Ben Avon and Kilbuck Township; thence along the line between Avalon Borough and Ben Avon Heights Borough and along the said 1 foot reserve strip that borders along lots now or formerly of Norman C. Sens, William A. Penrod, III and Edward P. Ernest S 88° 55' E a distance of 300 feet to the northwest corner of land now or

EXHIBIT "1"

formerly of Trinity Evangelical Lutheran Church Cemetery; thence by a line along said Church Cemetery and lands now or formerly of Patrick R. Donahue, Samuel Taylor Estate and James A. Davis S 0° 35' W a distance of 1489 feet to a corner of land now or formerly of William Andrew Zink; thence along Zink land and land now or formerly of Richard Edmunds northwest approximately 335 feet to the line of land now or formerly of Roderick W. Scott; thence along land of Scott N 20° 01' E a distance of 150 feet to the northeast corner of said Scott parcel; thence continuing along Scott and along land now or formerly of Rocco Didomenico N 69° 59' W a distance of 200 feet to a point; thence continuing along Didomenico land S 20° 01' W a distance of 122.93 feet; thence continuing along Didomenico land N 55° W a distance of 138.22 feet; thence continuing along Didomenico land S 89° 35' W a distance of 231.23 feet to a point; thence S 20° 10' W a distance of 106.25 feet to a Spruce Run Road, 33 feet wide; thence along Spruce Run Road and across the right-of-way of the California Avenue Bridge, 50 feet wide, S 89° 35' W a distance of 98 feet, more or less, to a point on the line dividing the Borough of Avalon from the Borough of Ben Avon; thence along said Borough dividing line N 0° 24' E a distance of 232.12 feet to a corner of land now or formerly of Thomas M. Dush; thence along Dush land S 89° 36' E a distance of 137.51 feet to the westerly side of California Avenue, 50 feet wide; thence continuing S 89° 36' W across the right-of-way of California Avenue to the easterly right-of-way line at Lot Number 33 in the Woodland Park Plan of Lots, recorded in Plan Book Volume 42, Page 69, said lot now or formerly of James A. Baldassare; thence along said right-of-way line Southwest a distance of 40 feet, more or less, to the southerly line of said Lot 33; thence along the southerly line of said Woodland Park Plan Lot Numbers 33, 34 and 35, S 81° 50' E a distance of 258.47 feet to a point; thence continuing along Lot Numbers 36, 37, 38, 39 and 40, N 74° E a distance of 335.43 feet to a point; thence along Lot Number 41, N 53° 45' E a distance of 135.26 feet to a point; thence along Lot Number 42, N 7° 9' W a distance of 165.42 feet to the southerly right-of-way line of Virginia Avenue; thence along said right-of-way line S 78° 12' W a distance of 12.23 feet to a point; thence across half said right-of-way N 11° 48' E a distance of 20 feet to the center line of Virginia Avenue at land now or formerly conveyed to Golden Lion Enterprises by deed recorded in Deed Book Volume 6054, Page 621; thence along land of Golden Lion Enterprises northwest for a distance of 389 feet to a point; thence northwest along the extended line of the southwest border of lot and block 214-L-135, said property now or formerly of John S. Witherspoon, a distance of 95 feet, more or less, to the southeast corner of said land of Witherspoon; thence along said Witherspoon land N 2° 9' W a distance of 300 feet to the point of beginning.

## TRACT 2

ALL THAT CERTAIN lot of land, situate in Borough of Avalon, known as Lot Number 41 in the Woodland Park Plan, recorded in the

Allegheny County Office of Recorder of Deeds in Plan Book Volume 42, Page 70, BEGINNING at a point of curvature on the southerly right-of-way line of Victoria Drive at the line between Lot Number 40 and Lot Number 41; thence northeastward by an 80 foot radius curve to the left an arc distance of 54.99 feet to the line of Lot Number 42; thence along Lot Number 42 S 55° 23' E a distance of 120 feet to the line of land of Robert F. Powell described as Tract 1 above; thence along Powell land S 53° 45' W a distance of 135.26 feet to the line of Lot Number 40; thence along Lot Number 40 N 16° W a distance of 121.37 feet to the point of beginning.

BEING part of a larger tract of land which Ernest L. Miller and Thelma Miller, his wife, by their deed dated May 29, 1952 and recorded in the Recorder's Office of Allegheny County, Pennsylvania, in Deed Book volume 3228, page 122 granted and conveyed to Robert F. Powell, trading as Powell and Company. The said Robert F. Powell died intestate on November 16, 1984 and was survived by his spouse, Mary A. Powell, and two daughters, Mary Ann Powell Zink and Elizabeth Powell Thomas, as his sole intestate heirs, who are all of the Grantors herein.

All of the Grantors herein do hereby swear and affirm that none is a party in an action of divorce currently pending in Pennsylvania or in any other jurisdiction.

THIS CONVEYANCE is being made in consideration for the exoneration of all delinquent and current property taxes due and payable to all three Grantees herein and is in lieu of a judicial sale and is therefore exempt from taxation under applicable Pennsylvania law.

TO HAVE AND TO HOLD all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantors to and for the use of the Grantees, their successors and assigns forever.

NOTICE - THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (THIS NOTICE IS SET FORTH IN THE MANNER PROVIDED IN SECTION 1 OF THE ACT OF JULY 17, 1957, P.L. 984, AS AMENDED, AND IS NOT INTENDED AS NOTICE OF UNRECORDED INSTRUMENTS, IF ANY.)

PL3-POWELL-DED





Witness the hand and seal of the following Grantor.

Acqueline Vitale  
Witness

Elizabeth Powell Thomas (SEAL)  
ELIZABETH POWELL THOMAS

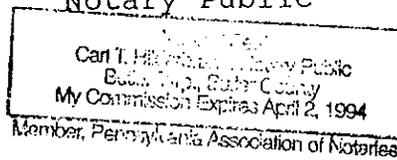
ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS.  
COUNTY OF )

On this, the 15th day of January, 1993, before me, a Notary Public, the undersigned officer, personally appeared ELIZABETH POWELL THOMAS, married, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Carl T. Hilderbrand  
Notary Public



SEAL

MY COMMISSION EXPIRES:

Certificate of Residence

I, Robert C. Lucas, Esquire

do hereby certify that Grantees'

precise residence is c/o Allegheny County, 101 Court House, Pittsburgh, PA 15219

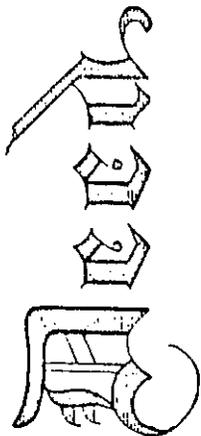
Witness my hand this

day of

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Number

Recorded



Page

(Adopted)

Vol.

From  
MARY A. POWELL, WIDOW, MARY ANN  
POWELL ZINK, MARRIED, AND ELIZABETH  
POWELL THOMAS, MARRIED, ALL OF THE  
INTESTATE HEIRS OF THE ESTATE OF  
ROBERT F. POWELL, DECEASED

To

COUNTY OF ALLEGHENY, NORTHGATE  
SCHOOL DISTRICT AND BOROUGH OF  
AVALON

Recorder, please mail to:

Robert C. Lucas, Esquire  
Allegheny County, E & C  
Room 501 County Office Building  
Pittsburgh, PA 15219

OR  
Telephone Robert C. Lucas at  
Tel. No. 355-7182 to arrange for  
personal pick-up.

Commonwealth of Pennsylvania

County of.....

§§.

Recorded on this..... day of.....

A.D. 19....., in the Recorder's office of the said County, in Deed Book,

Volume....., page.....

Given under my hand and the seal of the said office, the day and year  
aforesaid.

Recorder.

THIS INDENTURE

MADE the 15<sup>th</sup> day of February, 1993,

JANET DIETRICH, married, and MARTHA MATTEIS, married, the two testate heirs of the Estate of John T. Schleid, Deceased, RAYMOND HILDENBRAND, married, and KATHLEEN HILDENBRAND SPRUNG, formerly KATHLEEN HILDENBRAND, married, the sole personal representatives/beneficiaries of a deceased heir of said estate, and ESTHER SCHLEID, widow, a taker under the Last Will of John T. Schleid, Deceased, respectively, who together are all of the parties of interest in the Estate of John T. Schleid, Deceased,

(hereinafter called Grantors)

AND

NORTHGATE SCHOOL DISTRICT, BOROUGH OF AVALON and the COUNTY OF ALLEGHENY,

(hereinafter called Grantees)

WITNESSETH, that the said Grantors, in consideration of the total sum of

ONE DOLLAR AND 00/100 (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION SET FORTH HEREIN

to them now paid by the said Grantees, do hereby remise, release, and quit-claim unto the said Grantees,

ALL THOSE CERTAIN THREE (3) PARCELS OR PIECES OF GROUND situate in the Borough of Avalon, County of Allegheny and Commonwealth of Pennsylvania, more particularly bounded and described as follows, to-wit:

FIRST PARCEL:

BEGINNING at a pin on the Ben Avon and Avalon Borough line, north of Spruce Run Road as now located (33 feet wide) at the land now or late of Misbaugh; thence eastwardly along the lands now or late of Misbaugh a distance of 100 feet to a point on the northerly side of Spruce Run Road; thence in a southerly direction across Spruce Run Road and along the line of land now or late of Delp a distance of 241.50 feet to a point on the northerly line of Ravine Alley (20 feet wide); thence northwest

along the aforesaid line a distance of 117.92 feet to a point on the dividing line between Ben Avon and Avalon Boroughs; thence northeast along the aforesaid line a distance of 224.30 feet to a point along the line of land now or late of Misbaugh, the point at the place of beginning.

**EXCEPTING** and reserving therefrom all of the land occupied by the established right of way of Spruce Run Road, (33 feet wide) as shown in condemnation proceedings.

**SECOND PARCEL:**

**BEGINNING** on the northerly side of Spruce Run Road at the northeasterly corner of lot sold and conveyed to Emma J. Laughlin by Leonard Delp, et ux by Deed dated January 2, 1897 and of record in the Recorder's Office of Allegheny County in Deed Book Volume 1152, page 584; thence along the line of said lot, southeastwardly 241.50 feet to the northerly side of Ravine Alley; thence along the line of Ravine Alley, South 82 degrees 33' East approximately 212 feet to line of lots now or late of John Haglein; thence northwardly along said line of lots now or late of John Haglein and parallel with easterly line of said Emma J. Laughlin's lot aforesaid, 271.50 feet more or less to a point; and thence westwardly through and along Spruce Run Road, as now located, a distance of approximately 260 feet to a point at the place of beginning.

**EXCEPTING** and reserving therefrom all of the land occupied by the established right of way of Spruce Run Road, (33 feet wide) as shown in condemnation proceedings.

**EXCEPTING** therefrom and thereout that tract of land conveyed by Leo S. Weiss et ux, et al by deed dated June 9, 1960 and recorded in Deed Book Volume 3834, page 321, being bounded and described as follows:

**THIRD PARCEL:**

**BEGINNING** at a pin on the Ben Avon and Avalon Borough line, north of Spruce Run Road as now located at the land of Misbaugh; thence eastwardly along said Misbaugh land, along and through Spruce Run Road a distance of 360 feet more or less to line of other land of grantors, formerly Blackwell; thence South along said line a distance of 100 feet more or less, to corner of other land of grantors, formerly Haglein; thence West parallel with line of Ravine Way, a distance of 350 feet to Avalon-Ben Avon Borough line; thence northwardly along said line a distance of 130 feet more or less, to the place of beginning.

**EXCEPTING AND RESERVING** therefrom a right of way 10 feet wide from Spruce Run Road to the Southerly line for utility, sewer and water lines; and further reserving therefrom all of the land

occupied by the established right of way of Spruce Run Road 33 feet wide as shown in condemnation proceedings.

BEING part of the properties which Anna R. Weiss, a/k/a Annie S. Weiss, widow, by her deed dated May 20, 1970 and recorded in the Recorder's Office of Allegheny County, Pennsylvania, in Deed Book Volume 4845, page 257, granted and conveyed her one-half interest therein to John T. Schleid, who had previously received the other one-half interest by virtue of deeds from the County of Allegheny, Borough of Avalon and the School District of the Borough of Avalon, dated August 2, 1957 and October 4, 1957 and recorded in the Recorder's Office of Allegheny County aforesaid in Deed Book Volume 3623, page 324 and Deed Book Volume 3618, page 624 respectively.

THE SAID John T. Schleid died testate on January 22, 1977 after having first prepared his Last Will and Testament dated December 22, 1976, wherein he appointed Mary E. Hildenbrand and Robert G. Leiendecker, as Co-Executors, to whom Letters Testamentary were duly granted by the Allegheny County Register of Wills on January 26, 1977 at Estate Proceedings No. 386 of 1977. Decedent's said Last Will left everything in three equal shares to his two daughters, Martha Matteis and Janet Dietrich, and his secretary, Mary E. Hildenbrand. Decedent's surviving spouse, Esther Schleid, subsequently elected to take against Decedent's Last Will and was granted a one-third interest therein which she is conveying by her joinder to this quit-claim deed. Decedent's daughters, Martha Matteis and Janet Dietrich, are also conveying all of their interest to the herein described properties by their joinder herein.

THE SAID Mary E. Hildenbrand, subsequently married and was known as Mary E. Wiegman when she died testate on November 22, 1991, having first prepared her Last Will dated February 5, 1987 wherein she appointed her two children, Raymond Hildenbrand and Kathleen Hildenbrand a/k/a Kathleen Hildenbrand Sprung, as her Co-Executors, to whom Letters Testamentary were duly granted by the Allegheny County Register of Wills at Estate Proceedings No. 8237 of 1991. The said Raymond Hildenbrand and Kathleen Hildenbrand Sprung, formerly Kathleen Hildenbrand, were also named in their mother's Last Will as her sole devisees and they are conveying all of their interest to the herein described properties by their joinder to this quit-claim deed.

All of the Grantors herein do hereby swear and affirm that none is a party in an action of divorce currently pending in Pennsylvania or in any other jurisdiction.

THIS CONVEYANCE is being made in consideration for the exoneration of all delinquent and current property taxes due and payable to all three Grantees herein and is in lieu of a judicial sale and is therefore exempt from taxation under applicable Pennsylvania law.

TO HAVE AND TO HOLD all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantors to and for the use of the said Grantees, their successors and assigns forever.

NOTICE - THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (THIS NOTICE IS SET FORTH IN THE MANNER PROVIDED IN SECTION 1 OF THE ACT OF JULY 17, 1957, P.L. 984, AS AMENDED, AND IS NOT INTENDED AS NOTICE OF UNRECORDED INSTRUMENTS, IF ANY.)

PL3-SCHLEID-DED



Witness the hand and seal of the following Grantor.

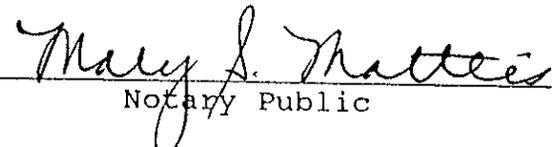
  
 Witness  
 (SEAL)  
~~MARY~~ **MARTHA** ~~MATTEIS~~, Devisee  
 M.S.M. of Estate of John T. Schleid,  
 Deceased

ACKNOWLEDGMENT

STATE OF FLORIDA )  
 COUNTY OF Palmer Beach ) SS.

On this, the 1st day of February, 1993,  
 before me, a Notary Public, the undersigned officer, personally  
 appeared ~~MARY~~ <sup>MARTHA</sup> ~~MATTEIS~~, married, known to me (or satisfactorily  
<sup>M.S.M.</sup> proven) to be the person whose name is subscribed to the within  
 instrument and acknowledged that she executed the same for the  
 purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
 Notary Public

SEAL

MY COMMISSION EXPIRES:

NOTARY PUBLIC STATE OF FLORIDA  
 MY COMMISSION EXP. SEP. 14, 1994  
 BONDED THRU GENERAL INS. CO.

Witness the hand and seal of the following Grantor.

*John T. Schleid*  
Witness

*Esther Schleid* (SEAL)  
ESTHER SCHLEID,  
Taker under Will of  
John T. Schleid, Deceased

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS.  
COUNTY OF ALLEGHENY )

On this, the 1<sup>st</sup> day of February, 1993,  
before me, a Notary Public, the undersigned officer, personally  
appeared ESTHER SCHLEID, widow, known to me (or satisfactorily  
proven) to be the person whose name is subscribed to the within  
instrument and acknowledged that she executed the same for the  
purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official  
seal.

*Mary S. Matters*  
Notary Public

SEAL

MY COMMISSION EXPIRES:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. MAR. 14, 1994  
BONDED THRU GENERAL INS. UFD.

PL3:ACKNOWLD.IND

Witness the hand and seal of the following Grantor.

	(SEAL)
Witness	RAYMOND HILDENBRAND, Devisee of Estate of Mary E. Wiegman, formerly Mary E. Hildenbrand, Deceased

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA	)	
	)	SS.
COUNTY OF ALLEGHENY	)	

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 1993, before me, a Notary Public, the undersigned officer, personally appeared RAYMOND HILDENBRAND, married, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

SEAL

MY COMMISSION EXPIRES:



Certificate of Residence

I. Robert C. Lucas, Esquire

do hereby certify that Grantees'

precise residence is c/o Allegheny County, 101 Court House, Pittsburgh, PA 15219

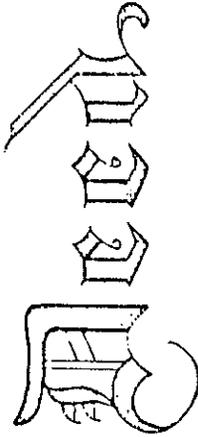
Witness my hand this

day of

, 19

Number

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(Adopted)

Vol.

From JANET DIETRICH, MARTHA MATTEIS, RAYMOND HILDENBRAND, KATHLEEN HILDENBRAND SPRUNG, FORMERLY KATHLEEN HILDENBRAND, AND ESTHER SCHLEID, ALL OF THE PARTIES IN INTEREST IN ESTATE OF JOHN T. SCHLEID, DECEASED

To COUNTY OF ALLEGHENY, NORTHGATE SCHOOL DISTRICT AND BOROUGH OF AVALON

Fees, \$

Recorder, please mail to: Robert C. Lucas, Esquire Allegheny County, E & C Room 501 County Office Building Pittsburgh, PA 15219

OR Telephone Robert C. Lucas at Tel. No. 355-7182 to arrange for personal pick-up.

Commonwealth of Pennsylvania

County of.....

ss.

Recorded on this.....day of..... A.D. 19....., in the Recorder's office of the said County, in Deed Book, Volume....., page.....

Given under my hand and the seal of the said office, the day and year aforesaid.

Recorder.



## TEMPORARY CONSTRUCTION EASEMENT "B"

BEGINNING at a point on the easterly legal right-of-way of California Avenue, said point being 25 feet right of center line station 8+53; thence northeast along the right-of-way line to a point 25 feet right of station 8+75; thence through land of the grantors to a point on the line of land now or formerly of James A. Baldassare, said point being 42 feet right of station 8+95; thence east along Baldassare land to a point 65 feet right of station 9+00; thence southwest through land of the grantors to the point of beginning.

## RIGHT-OF-WAY "C"

BEGINNING at a point on the westerly right-of-way line of California Avenue, said point being 25 feet left of right-of-way center line station 8+70; thence north through land of the grantors along the line of Temporary Construction Easement "A" described above to a point on the line of land now or formerly of Thomas M. Dush, said point being 29 feet left of station 8+77; thence along Dush land east to a point on said right-of-way line 25 feet left of station 8+77; thence southeast along said right-of-way line to the point of beginning.

## RIGHT-OF-WAY "D"

BEGINNING at a point on the easterly right-of-way line of California Avenue, said point being 25 feet right of right-of-way center line station 8+75; thence northwest along said right-of-way line to a point 25 feet right of station 8+91; thence east along the line of land now or formerly of James A. Baldassare to a point 42 feet right of station 8+95; thence southwest along the line of the Temporary Construction Easement "B" described above to the point of beginning.

TO HAVE AND TO HOLD all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantors to and for the use of the Grantee, its successors and assigns, forever.

BEING part of the same property which Mary A. Powell, widow, Mary Ann Powell Zink, married, and Elizabeth Powell Thomas, married, by their deed dated January 15, 1993, and recorded in Allegheny County Recorder's Deed Book Volume \_\_\_\_\_, page \_\_\_\_\_, granted and conveyed to the Northgate School District, Borough of Avalon and County of Allegheny, the Grantors herein.

FOR PURPOSES OF CLARIFICATION, the temporary construction easement areas described above and identified as Parcels "A" and "B" respectively are temporary in nature and are for the sole purpose of accommodating the construction of a new bridge and are to terminate on December 31, 1994.

IT IS RECOGNIZED BY THE PARTIES hereto that the rights-of-way and temporary construction easement areas are being acquired in lieu of condemnation under the Grantee's power of condemnation and, therefore, are exempt from taxation under applicable Pennsylvania law.

NOTICE - THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (THIS NOTICE IS SET FORTH IN THE MANNER PROVIDED IN SECTION 1 OF THE ACT OF JULY 17, 1957, P.L. 984, AS AMENDED, AND IS NOT INTENDED AS NOTICE OF UNRECORDED INSTRUMENTS, IF ANY.)

This Deed is made and executed pursuant to a resolution of the Board of County Commissioners of Allegheny County adopted at a regular meeting on \_\_\_\_\_, 1993; to a Resolution of the Borough of Avalon adopted at a regular meeting on \_\_\_\_\_, 1993; and to a Resolution of the Northgate School District, adopted at a regular meeting of the Northgate School Board on \_\_\_\_\_, 1993.







CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee is  
101 Court House, Pittsburgh, PA 15219

\_\_\_\_\_  
Agent for Grantee

DEED

FROM

COUNTY OF ALLEGHENY, BOROUGH OF

AVALON AND NORTHGATE SCHOOL DISTRICT

TO

COUNTY OF ALLEGHENY

MAIL TO:

Robert C. Lucas, Esq.  
Allegheny County Engineering & Construction  
501 County Office Building  
Pittsburgh, PA 15219

RECORDER, PLEASE CHARGE TO:  
COUNTY ENGINEERING & CONSTRUCTION  
PROJECT NO. PT12-0103

THIS INDENTURE

MADE the

day of

1993,

BETWEEN NORTHGATE SCHOOL DISTRICT, BOROUGH OF AVALON and the  
COUNTY OF ALLEGHENY,

(hereinafter called Grantors)

AND

COUNTY OF ALLEGHENY, a political subdivision of the Commonwealth  
of Pennsylvania,

(hereinafter called Grantee)

WITNESSETH, that the said Grantors, in consideration of the total  
sum of

ONE DOLLAR AND 00/100 (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE  
BENEFITS WHICH WILL INURE TO THE CONSTITUENTS OF THE GRANTORS  
HEREIN

to them now paid by the said Grantee, do hereby remise, release,  
and quit-claim unto the said Grantee, its successors and assigns,

ALL those four (4) temporary construction easement areas and two  
(2) permanent slope protection easement areas situate in the  
Borough of Avalon, County of Allegheny and Commonwealth of  
Pennsylvania, being identified as Parcels "A", "B", "C", "D", "E"  
and "F", respectively, all of which are bounded and described as  
follows, to-wit:

TEMPORARY CONSTRUCTION EASEMENT "A"

BEGINNING at a point on the westerly legal right-of-way line of  
California Avenue, 50 feet wide, in the Borough of Ben Avon, said  
point being 25 feet left of right-of-way center line station 4+38  
on Condemnation Plan for Replacement of California Avenue Bridge,  
Allegheny County Engineering and Construction Department file  
number 25986-C; thence along the line of land now or formerly of  
Harry Sanders northwest to a point 34 feet left of right-of-way  
center line station 4+37; thence along the line of land now or  
formerly of Mary H. Merker northeast to a point 34 feet left of  
right-of-way center line station 5+00; thence through land of the  
grantor southeast to a point 25 feet left of right-of-way center  
line station 5+00; thence along the legal right-of-way line  
southwest to the point of beginning.

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#### TEMPORARY CONSTRUCTION EASEMENT "B"

BEGINNING at a point on the easterly legal right-of-way line of California Avenue, said point being 25 feet right of the right-of-way center line station 4+44 on the above described Condemnation Plan; thence along said right-of-way line northeast to a point 25 feet right of station 5+00; thence through land of the grantor southeast to a point 45 feet right of station 5+00; thence continuing through land of the grantor southwest to a point 45 feet right of station 4+46; thence along the northerly right-of-way line of Ravine Alley, 20 feet wide, southwest to the point of beginning.

#### TEMPORARY CONSTRUCTION EASEMENT "C"

BEGINNING at a point on the westerly legal right-of-way line of California Avenue, said point being 25 feet left of the right-of-way center line station 5+60; thence through land of the grantor northwest to the line dividing Avalon Borough and Ben Avon Borough, said point being 44 feet left of station 5+60; thence north along the Borough line to a point 50 feet left of station 5+78; thence through land of the grantor northeast to a point 25 feet left of station 5+90; thence along the westerly legal right-of-way line southwest to the point of beginning.

#### TEMPORARY CONSTRUCTION EASEMENT "D"

BEGINNING at a point on the easterly legal right-of-way line of California Avenue, said point being 25 feet right of the right-of-way center line station 5+70; thence northeast along said right-of-way line to a point 25 feet right of station 5+90; thence through land of the grantor southeast to a point 44 feet right of station 5+90; thence continuing through land of the grantors herein northeast to a point in Spruce Run 52 feet right of station 6+08; thence along Spruce Run northeast to a point 116 feet right of station 6+55; thence through land of the grantor south to a point 125 feet right of station 6+25; thence continuing through land of the grantors herein southwest to a point 85 feet right of station 5+70; thence continuing through land of the grantors northwest to the point of beginning.

#### SLOPE PROTECTION EASEMENT "E"

BEGINNING at point on the westerly legal right-of-way line of California Avenue, said point being 25 feet left of right-of-way center line station 5+90; thence southwest through land of the grantor along the line of Temporary Construction Easement "C" to a point on the dividing line between Avalon Borough and Ben Avon Borough 50 feet left of station 5+78; thence north along said Borough line to a point 57 feet left of station 5+98; thence northeast along Spruce Run, as relocated for this project, to a point 25 feet left of station 6+14; thence along the westerly legal right-of-way line of California Avenue to the point of beginning.

SLOPE PROTECTION EASEMENT "F"

BEGINNING at a point of the easterly legal right-of-way line of California Avenue, said point being 25 feet right of right-of-way center line station 5+90; thence northeast along the right-of-way line to a point 25 feet right of station 6+13; thence southeast along Spruce Run, as relocated for this project, to a point 52 feet right of station 6+08; thence southwest through land of the grantors herein to a point 44 feet right of station 5+90; thence northwest through land of the grantors to the point of beginning.

TO HAVE AND TO HOLD all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantors to and for the use of the Grantee, its successors and assigns, forever.

BEING part of the same property which Janet Dietrich, married, and Martha Matteis, married, the two surviving testate heirs of the Estate of John T. Schleid, Deceased, Raymond Hildenbrand, married, and Kathleen Hildenbrand Sprung, formerly Kathleen Hildenbrand, married, the sole personal representatives/beneficiaries of a deceased heir of said estate, and Esther Schleid, widow, a taker under the Last Will of John T. Schleid, Deceased, together being all of the parties of interest in the Estate of John T. Schleid, Deceased, by their deed dated February 1, 1993 and recorded in Allegheny County Deed Book Volume \_\_\_\_\_, page \_\_\_\_\_, granted and conveyed to the Northgate School District, Borough of Avalon and County of Allegheny, the Grantors herein.

FOR PURPOSES OF CLARIFICATION, the temporary construction easement areas described above and identified as Parcels "A", "B", "C" and "D" respectively are temporary in nature and are for the sole purpose of accommodating the construction of a new bridge and are to terminate on December 31, 1994.

IT IS RECOGNIZED BY THE PARTIES hereto that the slope protection easement and temporary construction easement areas are being acquired in lieu of condemnation under the Grantee's power of condemnation and, therefore, are exempt from taxation under applicable Pennsylvania law.

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