

DOCKET NO. 172

NUMBER	TERM	YEAR
<u>2</u>	<u>November</u>	<u>1960</u>

In the Matter of Condemnation by
the Pike Township Municipal Authority
of a Certain Right of Way of Land Of
Estate of Leonard Neeper

VERSUS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE MATTER OF CONDEMNATION BY THE
PIKE TOWNSHIP MUNICIPAL AUTHORITY OF
A CERTAIN RIGHT OF WAY ON LAND OF:

ESTATE OF LEONARD NEEPER

PETITION FOR APPROVAL OF BOND TO
SECURE PAYMENT OF CONDEMNATION
AWARDS AND FOR THE FILING THEREOF

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The petition of the Pike Township Municipal Authority
respectfully represents:

1. Petitioner is a body politic and corporate, organized
as a general authority by the Supervisors of Pike Township, Clear-
field County, Pennsylvania, on or about March 1, 1959, particularly
under the Municipality Authorities Act of May 2, 1945, P.L. 382,
and its amendments.

2. Petition is authorized by the Municipality Authorities
Act of May 2, 1945, P.L. 382, and its amendments, to exercise the
right of eminent domain and hasheretofore on October 10, 1960, by
Resolution duly passed and adopted as a regular meeting of said
body, at which a quorum was present, condemned and appropriated a
certain right of way in Pike Township, Clearfield County, Pennsyl-
vania; said Resolution being as follows:

"It was regularly moved, seconded and unanimously adopted:

RESOLVED, WHEREAS, certain real estate owned by
the Estate of Leonard Neeper located in Pike
Township has upon it an existing road utilized
by the Pike Township Municipal Authority in the
past for vehicular passage to its truck; the
Authority does hereby condemn over said land a
right of way ten (10) feet in width for the pur-
pose of constructing a road so that vehicles may
pass of the Authority to its pump station; and the
proper officers of the Authority be and hereby are
authorized to take all steps necessary to complete
this condemnation, including therein the application
and execution of any surety bond."

3. Petitioner had utilized a certain road over land of the Owner in Pike Township, and avers that the same was done pursuant to an unrecorded Right of Way Agreement. It is necessary for the Petitioner to utilize said road because it is the only means of access due to terrain to Petitioner's chlorination plant.

4. Said Owner now refuses to allow Petitioner to utilize said road and Petitioner is unable to chlorinate its water because of this.

5. Owner continues to refuse to allow Petitioner to use said road, even though Petitioner has tendered an open penalty bond for any damages that may be payable to it.

6. The Petitioner is willing to file an open penalty bond for such amount of damages as may be found to be due by reason of the taking and appropriation of the right of way, and such bond having *Celine Mutual Insurance Co.*, a corporation, as Surety thereon; said bond is sufficient surety for the payment of any damages which might be suffered by the Owner.

7. Petitioner has given the Owner of said right of way notice that the bond hereto attached would on *Nov. 7*, 1960, at *10* o'clock *A.M.*, be presented to your Honorable Court for approval, or as soon thereafter as it is convenient.

8. Owner has been advised and given notice of Petitioner's intention to present the bond for Court approval at the time and place above-mentioned.

9. Petitioner avers and believes that the said bond is sufficient to secure payment of any and all damages that may be sustained by any person having an interest therein.

WHEREFORE, your Petitioner respectfully presents the said Bond to your Honorable Court and prays that it may be approved and filed for the benefit of said Obligee, his heirs, executors, administrators and assigns as provided by law.

PIKE TOWNSHIP MUNICIPAL AUTHORITY

BY A. S. Bloom
Chairman

STATE OF PENNSYLVANIA:
SS

COUNTY OF CLEARFIELD :

AI S. BLOOM, being duly sworn according to law, deposes and says he is the Chairman of the PIKE TOWNSHIP MUNICIPAL AUTHORITY, Petitioner named in the foregoing Petition; that being thereunto duly authorized, he makes the foregoing Petition and this Affidavit for and on behalf of said Petitioner; and that the averments contained in the foregoing Petitioner are true and correct to the best of his knowledge, information and belief.

Al S. Bloom
(Al S. Bloom)

Sworn and subscribed to
before me this 3rd day
November
of October, 1960.

Mrs. Mildred L. Lindner
NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

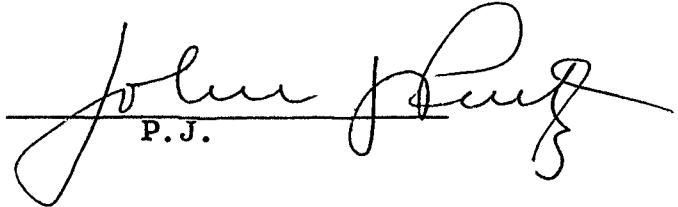
IN THE MATTER OF CONDEMNATION BY
THE PIKE TOWNSHIP MUNICIPAL AUTHORITY
OF A CERTAIN RIGHT OF WAY ON LAND OF:

ESTATE OF LEONARD NEEPER

ORDER

NOW, the 7th day of Nov, 1960, it is hereby ordered
and decreed that the Pike Township Municipal Authority is permitted
to enter upon the land of the Estate of Leonard Neeper upon the
within described premises and right of way, upon the approval and
filing of a Bond to secure payment of any condemnation award.

BY THE COURT



P.J.

B O N D

KNOW ALL MEN BY THESE PRESENTS, that the PIKE TOWNSHIP MUNICIPAL AUTHORITY, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal office in the Borough of Curwensville, Clearfield County, Pennsylvania, and *Colina Mutual Insurance Company* as Surety, are held and firmly bound unto the ESTATE OF LEONARD NEEPER, or whomsoever may be a party with a compensable interest in the hereafter described property, as their interests may appear, hereinafter collectively called Obligee, for such amount of damages as the said Obligee shall be entitled to receive by reason of the appropriation of a certain right of way of the Obligee, which payment well and truly to be made, the said Pike Township Municipal Authority, as Principal, and the said *Colina Mutual Insurance Co.* as Surety, and each of them, do bind themselves, their respective successors and assigns, jointly and severally, firmly, by these presents.

IN WITNESS WHEREOF, Principal and Surety have caused this instrument to be duly executed the 31 day of October, 1960.

WHEREAS, the Pike Township Municipal Authority, under the provisions of the Municipality Authorities Act of May 2, 1945, P.L. 382, and its amendments, has the power of eminent domain for the public purpose of laying out, constructing, maintaining, and improving a road suitable for vehicular passage and certain pole lines over the property of the Obligee, and pursuant thereto by Resolution dated October 10, 1960, has appropriated the hereinafter right of way of Obligee and is about to enter upon the same for the purpose of constructing, maintaining, laying, and improving a road suitable for vehicular passage and certain pole lines over the property of the Obligee, being more fully described as follows:

Being thirty (30) acres, more or less, more particularly described on the Clearfield County Assessment Map of Pike Township as H9-28; bounded on the north by George Raymond Jones, George Wink and Harold Wink; on the east by Lee Passmore, and Harbison-Walker; on the west by the Curwensville Sportsmen's Club.

The Right of Way required is ten (10) feet in width to construct a road.

WHEREAS, the said Obligee is, or claims to be, the owner of said land and the Pike Township Municipal Authority has endeavored to, but cannot agree with the Obligee as to the compensation proper for the damage to be sustained by the Obligee by reason of the aforesaid taking of said right of way for the purpose aforesaid.

NOW, THEREFORE, the condition of this obligation is such that if the Pike Township Municipal Authority shall pay or cause to pay to the said Estate of Leonard Neeper, or whomsoever may be a party with a compensable interest in the aforesaid, Obligee, and his certain attorneys, executors, administrators, or assigns, such amount of damages as they shall be entitled to receive for the taking and appropriation by the Pike Township Municipal Authority of the same right of way, after such damages have been agreed upon by the parties, or assessed in the manner provided by law, then this obligation to be void; otherwise to remain in full force and virtue.

ATTEST:

(Seal)

1st Fred M. Bennett
Secretary

PIKE TOWNSHIP MUNICIPAL AUTHORITY

BY R. S. Bloom
Chairman

Colins Mutual Insurance Co.
by 15/
SURETY

227-196

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSA.

IN THE MATTER OF COMMISSION
TO SECURE PAYMENT OF A
CERTAIN AMOUNT OF MONEY
LAND OF:
ESTATE OF LEONARD NEFFER

COMMISSION TO ATTORNEY, C.R.
OUT TO SECURE PAYMENT OF
COMMISSION AWARDS AND FOR
FILING THEREOF

SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

Lap-over Margin

B O N D

KNOW ALL MEN BY THESE PRESENTS, that the PIKE TOWNSHIP MUNICIPAL AUTHORITY, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal office in the Borough of Curwensville, Clearfield County, Pennsylvania, and Celina Mutual Insurance Company, Celina, Ohio

as Surety, are held and firmly bound unto the ESTATE OF LEONARD NEEPER, or whomsoever may be a party with a compensable interest in the hereafter described property, as their interests may appear, hereinafter collectively called Obligee, for such amount of damages as the said Obligee shall be entitled to receive by reason of the appropriation of a certain right of way of the Obligee, which payment well and truly to be made, the said Pike Township Municipal Authority, as Principal, and the said Celina Mutual Insurance Company as Surety and each of them, do bind themselves, their respective successors and assigns, jointly and severally, firmly, by these presents.

IN WITNESS WHEREOF, Principal and Surety have caused this instrument to be duly executed the 3rd day of October, 1960.

WHEREAS, the Pike Township Municipal Authority, under the provisions of the Municipality Authorities Act of May 2, 1945, P.L. 382, and its amendments, has the power of eminent domain for the public purpose of laying out, constructing, maintaining, and improving a road suitable for vehicular passage and certain pole lines over the property of the Obligee, and pursuant thereto by Resolution dated October 10, 1960, has appropriated the hereinafter right of way of Obligee and is about to enter upon the same for the purpose of constructing, maintaining, laying, and improving a road suitable for vehicular passage and certain pole lines over the property of the Obligee, being more fully described as follows:

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ATTEST:

Edmund Bement
Secretary

PIKE TOWNSHIP MUNICIPAL AUTHORITY

BY *A. S. Bloom*
Chairman

CELINA MUTUAL INSURANCE COMPANY

CELENA MUTUAL INSURANCE COMPANY
SURETY

Approved this 1st day of November
A.D. 1960
John J. Neary
P.J.

— Lap-over Margin —

SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

EDWARD M. SMITH, JR.
ATTORNEY
AND