

DOCKET NO. 173

| NUMBER | TERM | YEAR |
|------------|-----------------|-------------|
| <u>254</u> | <u>November</u> | <u>1960</u> |

In the Matter of Condemnation by
Candy Township Municipal Authority
Lands of Joseph & Anastasia
Ogershok

VERSUS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

G. HAROLD HAMER :
VS : No. 261 November Term, 1960
THE CAPITOL EQUIPMENT : Assumpsit
COMPANY, INC. :
:

PRAECIPE FOR JUDGMENT FOR WANT
OF AN ANSWER OR APPEARANCE FILED

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Enter judgment in favor of G. Harold Hamer, plaintiff,
against the Capitol Equipment Company, Inc., defendant, in the
amount of \$2083.62, being the amount claimed, with interest, as
prayed for in the Complaint.

~~Joseph J. Lee~~
Attorney for Plaintiff

Dated: February 27, 1961

Affidavit of Service

G. Harold Hamer

vs.

The Capitol Equipment Company, Inc.

No. 261 November Term, 1960

Complaint In Assumpsit

Returnable within _____ days
from date of service hereof.

NOW December 19, 1960 at 10:10 o'clock A.M.

served the within Complaint In Assumpsit

on The Capitol Equipment Company, Inc.

at place of business, Route 322, Decatur Township, Clearfield

County, Pennsylvania

by handing to Mrs. Lucille Carson, Secretary

a true and attested copy of the original Complaint In Assumpsit and made

known to her the contents thereof.

Costs. Sheriff Ammerman \$9.60
(Paid by Atty Lee)

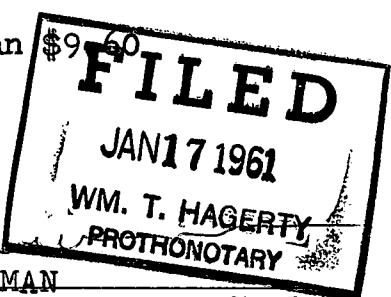
Sworn to before me this 19th

day of December A. D. 1960

Wm. T. Hagerty
Prothonotary

So answers,

Charles G. Ammerman



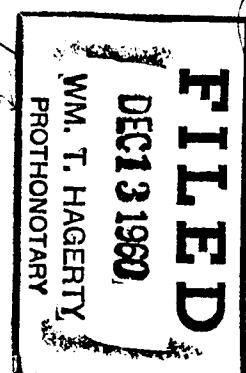
25470-1960
Lap-over Margin

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

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

JOSEPH & ANASTASIA OGERSHOK

PETITION AND ORDER



SMITH, SMITH & WORK

ATTORNEYS-AT-LAW
CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

#254 27-1960

JOSEPH OGERSHOK and ANASTASIA OGERSHOK, his wife

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

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

The petition of the Sandy Township Municipal Authority
represents:

1. Petitioner is a body politic and corporate, organized
as a general authority by the Supervisors of Sandy Township,
Clearfield County, Pennsylvania, on January 29, 1960, pursuant to
the Laws of the Commonwealth of Pennsylvania, particularly under
the Municipality Authorities Act of May 2, 1945, P.L. 382, and its
amendments.

2. Petitioner 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 has heretofore on October 13,
1960, by Resolution duly passed and adopted at a regular meeting
of said body, at which a quorum was present, condemned and appro-
priated certain rights of way in Sandy Township, Clearfield County,
Pennsylvania, as more fully and at large appears in a copy of said
Resolution attached hereto and made a part hereof, and marked
"Exhibit A".

3. Petition has negotiated with the owners of said land,
but they have refused to negotiate a right of way agreement with
the Petitioner and have refused to allow the Petitioner to begin
operations upon their premises, even though the Petitioner has
tendered an open penalty bond for the payment of any damage which

may be payable to them. A description of the premises owned by the Owners situate in Sandy Township, Clearfield County, Pennsylvania, is as follows:

BEGINNING at a point in the Township Road leading from DuBois to Falls Creek, said point being the southwest corner of a piece of land conveyed by A. Bell to Hugh McCullough and running thence by land conveyed by A. Bell to J.E. Long, north 34 degrees 45 minutes west 370 feet to a point; thence along said land north 44 degrees 30 minutes east 300 feet to a post; thence along said land north 45 degrees 30 minutes west 90 feet to a post; thence north 42 degrees east 1135 feet to a post; thence south 41 degrees east 310 feet to a post; thence south 20 degrees west 215 feet to post corner of the old Rochester Mine Coke Ovens; thence south 45 degrees 45 minutes west 407 feet to a post under the old bridge leading from coke ovens to coal washer building; thence south 37 degrees 15 minutes west 888 feet to the place of beginning. Being the premises within the combines of West Long Avenue, Quarry Avenue, Spackman Avenue and Fourth Street.

Being the same premises conveyed to Joseph and Anastasia Ogershok by deed of Agnes Lewis, dated May 1, 1958, and recorded in Clearfield County Deed Book 466, Page 435.

The right of way over said land shall be substantially as staked.

4. Petitioner has already filed and 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 has the Aetna Casualty and Surety Company as surety thereon. Said bond is sufficient security for the payment of any damages which might be suffered by the Owners.

5. Petitioner gave the Owners notice on December 7, 1960, that this Petition would be presented to your Honorable Court December 12, 1960, at 10 A.M., or as soon thereafter as practical.

6. Owners have been advised and given notice of Petitioner's intention to present this Petition to said Court.

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

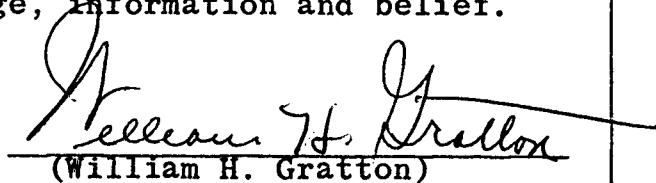
WHEREFORE, your Petitioner respectfully prays your Honorable Court to grant to it the right to go upon said land and lay said sewer.

SANDY TOWNSHIP MUNICIPAL AUTHORITY
BY William T. Grable
Chairman

STATE OF PENNSYLVANIA:
SS

COUNTY OF CLEARFIELD :

WILLIAM H. GRATTON, being duly sworn according to law, deposes and says he is the Chairman of the SANDY 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 Petition are true and correct to the best of his knowledge, information and belief.


William H. Gratton
(William H. Gratton)

Sworn and subscribed to
before me this 13th day
of December, 1960.

Mildred L. Lengher

NOTARY PUBLIC
My Commission No. 88
JANUARY 7, 1963

O R D E R

AND NOW, the ~~13rd~~ day of December, 1960, on motion of Smith, Smith & Work, Attorneys for Petitioner, it is ordered and decreed that the Sandy Township Municipal Authority is permitted to enter upon the land of Joseph and Anastasia Ogershok, upon the within described premises, and the bond as previously filed by said Petitioner to secure the payment of any condemnation award is approved.

BY THE COURT

John Hunt
P.J.

"EXHIBIT A"

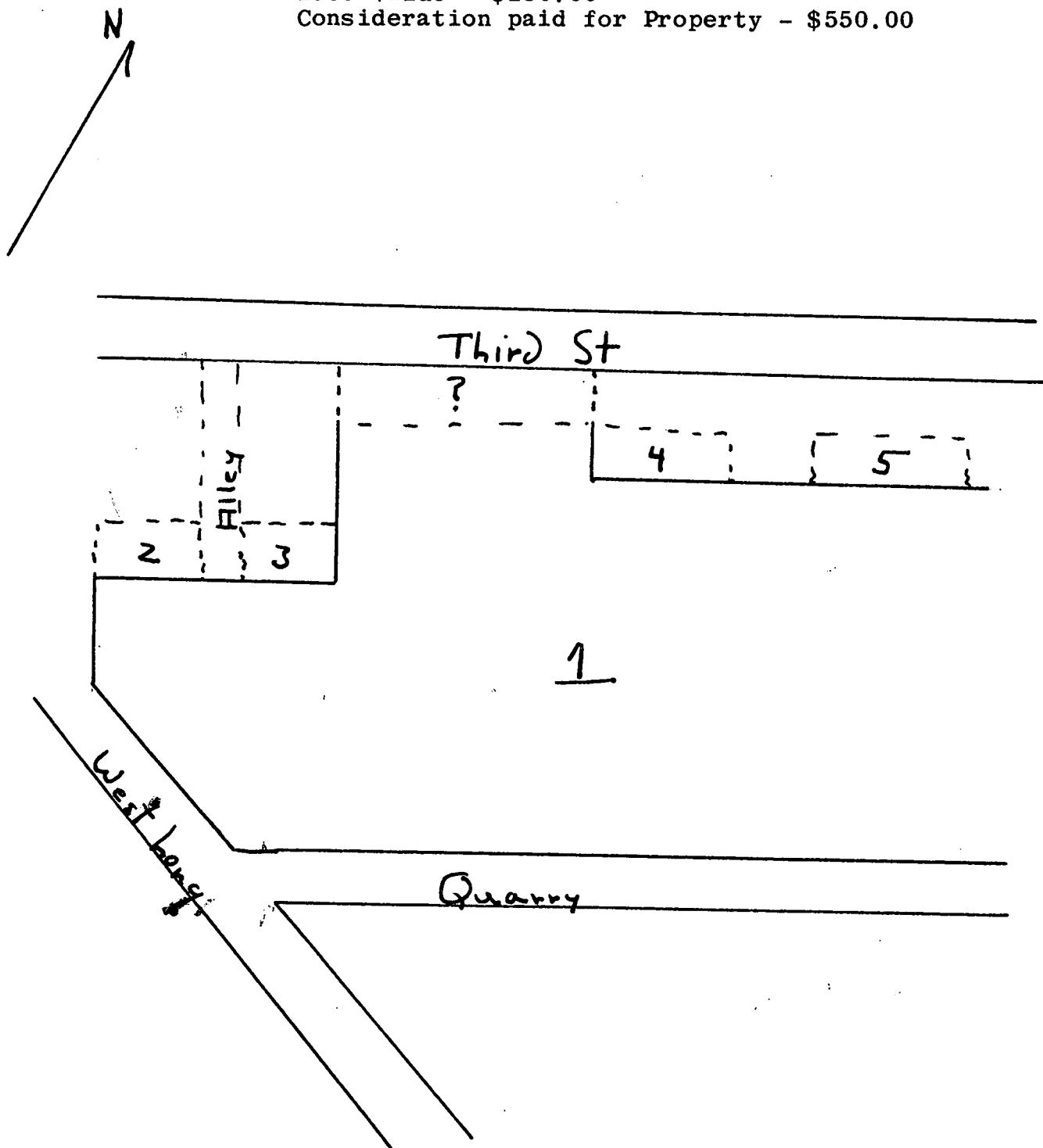
RESOLVED, all private property subject to condemnation to be affected by the construction of a sanitary sewer system as detailed in the Specifications and Report of Warren H. Ohl, which cannot be acquired by voluntary agreement between the property owners and the Authority, be and hereby is condemned for the purpose of constructing or acquiring thereon easements or other necessary property rights for the construction of a sanitary sewer system.

ASSESSMENT MAP OF JOSEPH OGERSHOK PROPERTY

Map. No. B362

1959 Value - \$180.00

Consideration paid for Property - \$550.00



I N D E X

- 1 - Joseph Ogershok
- 2 - Joseph Dobinski
- 3 - Anastasia Ogershok
- 4 - Joseph Bolonik
- 5 - Joseph Kopick

Not to Scale
nor Accurate as to Courses