

DOCKET NO. 173

NUMBER	TERM	YEAR
<u>442</u>	<u>November</u>	<u>1960</u>

In the Matter of Condemnation by the
Sandy Township Muncl. Authority
Land Of: Stanley Doktor

VERSUS

B O N D

KNOW ALL MEN BY THESE PRESENTS, that the SANDY TOWNSHIP MUNICIPAL AUTHORITY, a corporation organized and existing under the Laws of the Commonwealth of Pennsylvania, having its principal office in Sandy Township, Clearfield County, Pennsylvania, as Principal, and THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, as Surety, are held and firmly bound unto STANLEY DOKTOR, 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 Sandy Township Municipal Authority, as Principal, and the said Aetna Casualty and Surety Company of Hartford, Connecticut, 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 19th day of January, 1961.

WHEREAS, the Sandy 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, operating and maintaining a system of sanitary sewers in the Township of Sandy, and pursuant thereto by Resolution dated January 17, 1961, has appropriated the hereinafter right of way of Obligee and is about to enter upon the same for the purpose of constructing, laying and maintaining sanitary services over the property of the Obligee, being more fully described as follows:

All that certain piece or parcel of land located in the Township of Sandy, Clearfield County, Pennsylvania, known on the Assessment Maps of Clearfield County as Parcel No. 16-39, and bearing Map No. 83-443-39, and known as 416 Quarry Avenue, DuBois, Penna.

The right of way required is twenty (20') feet in width to construct a twelve (12") inch sewer.

AND, WHEREAS, the said Obligee is, or claims to be, the owner of said land and the Sandy 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 Sandy Township Municipal Authority shall pay or cause to pay to the said Stanley Doktor, or whomsoever may be a party with a compensable interest in the aforesaid, Obligee, and his certain attorneys, executors, administrators, or assigns, such amounts of damages as he shall be entitled to receive for the taking and appropriation by the Sandy Township Municipal Authority of the said 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:

M. Cyril Munro
Secretary

SANDY TOWNSHIP MUNICIPAL AUTHORITY
BY William J. Grattan
Chairman
Principal

ATTEST:

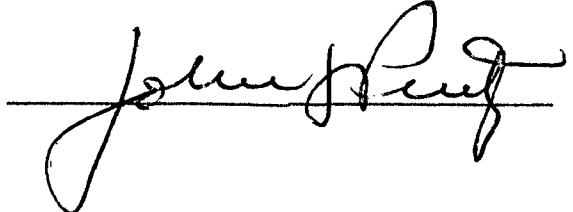
A. L. Phillips
Secretary

THE AETNA CASUALTY AND SURETY COMPANY
BY William A. Eliason
Surety (Attorney-in-fact)

-3-

AND NOW, the 15 day of January, 1961, the foregoing
Bond approved and ordered filed.

BY THE COURT

A handwritten signature in black ink, appearing to read "John P. Reed", is written over a horizontal line. The signature is cursive and fluid, with a prominent 'J' at the beginning.

442 Sand 1960

THE AETNA CASUALTY & SURETY
COMPANY - Surety

and

SANDY TOWNSHIP MUNICIPAL
AUTHORITY - Principal

and
STANLEY DOKTER ~~Obligee~~
OBLIGEE
BOND



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

14P-Over Merger

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE MATTER OF CONDEMNATION BY THE :
SANDY TOWNSHIP MUNICIPAL AUTHORITY OF : No. 442 Nov. Term, 1960
A CERTAIN RIGHT OF WAY ON LAND OF :
STANLEY DOKTOR :
:

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
respectfully 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 January 17,
1961, 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.

3. Petitioner has negotiated with the Owner of said land,
but he has refused and does refuse to negotiate a right of way
agreement with the Petitioner, and has refused to allow the Pe-
titioner to begin operations upon his premises, even though the
Petitioner has tendered an open penalty bond for the payment of
any damages which may be payable to him.

4. 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 The Aetna Casualty and Surety Company, a corporation, as Surety thereon; said bond is sufficient surety for the payment of any damages which might be suffered by the Owner.

5. Petitioner has given the Owner of said right of way notice that the bond hereto attached would on January 19th, 1961, at 10 o'clock A.M., be presented to Your Honorable Court for approval, or as soon thereafter as it is convenient.

6. Owner, by his attorney, has been given notice of the time and place of presentation of the above bond, and has waived the right to attend the hearing in regard to the same.

7. 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 represents 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.

SANDY TOWNSHIP MUNICIPAL AUTHORITY
BY William H. Gratto
Chairman

STATE OF PENNSYLVANIA : SS
COUNTY OF CLEARFIELD :

W.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.

W. H. Gration

W.H. Gratton

Sworn and subscribed to
before me this 19th day
of January, 1961.

Mrs. Mildred B. Ginger

NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

B O N D

KNOW ALL MEN BY THESE PRESENTS, that the SANDY TOWNSHIP MUNICIPAL AUTHORITY, a corporation organized and existing under the Laws of the Commonwealth of Pennsylvania, having its principal office in Sandy Township, Clearfield County, Pennsylvania, as Principal, and THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, as Surety, are held and firmly bound unto STANLEY DOKTOR, 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 Sandy Township Municipal Authority, as Principal, and the said Aetna Casualty and Surety Company of Hartford, Connecticut, 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 17th day of January, 1961.

WHEREAS, the Sandy 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, operating and maintaining a system of sanitary sewers in the Township of Sandy, and pursuant thereto by Resolution dated January 17, 1961, has appropriated the hereinafter right of way of Obligee and is about to enter upon the same for the purpose of constructing, laying and maintaining sanitary services over the property of the Obligee, being more fully described as follows:

All that certain piece or parcel of land located in the Township of Sandy, Clearfield County, Pennsylvania, known on the Assessment Maps of Clearfield County as Parcel No. 16739, and bearing Map No. 22-443-79, and known as 416 Quarry Avenue, DuBois, Penna.

The right of way required is twenty (20') feet in width to construct a twelve (12") inch sewer.

AND, WHEREAS, the said Obligee is, or claims to be, the owner of said land and the Sandy 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 Sandy Township Municipal Authority shall pay or cause to pay to the said Stanley Doktor, or whomsoever may be a party with a compensable interest in the aforesaid, Obligee, and his certain attorneys, executors, administrators, or assigns, such amounts of damages as he shall be entitled to receive for the taking and appropriation by the Sandy Township Municipal Authority of the said 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:

M. Clyde Neun
Secretary

SANDY TOWNSHIP MUNICIPAL AUTHORITY
BY William J. Gratto
Chairman
Principal

ATTEST:

J. S. Phillips
Secretary

THE AETNA CASUALTY AND SURETY COMPANY
BY William A. Estelman
Surety (attn: in fac)

-3-

AND NOW, the 18th day of January, 1961, the foregoing
Bond approved and ordered filed.

BY THE COURT

John J. Cull

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

No. 442 Nov. Term, 1960

IN THE MATTER OF CON-
DEMNATION BY THE SANDY
TOWNSHIP MUNICIPAL AUTHOR-
ITY OF A CERTAIN RIGHT OF
WAY ON LAND OF:

WILLIAM and FLORENCE REED

Stacey Doctor

PETITION and ORDER



Smith, Smith & Work
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

Lap-over Margin