

00-171-CD  
COOPER TOWNSHIP MUNICIPAL AUTHORITY - vs - PATRICIA J. HURD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: :  
Condemnor :  
: :  
vs. : No. 00-171-CD  
: :  
PATRICIA J. HURD, :  
: :  
Condemnee :  
: :

**DECLARATION OF TAKING**

The Cooper Township Municipal Authority, pursuant to the Eminent Domain Code 26  
P.S. 1-101 et seq. ("Code"), hereby declares:

1. The Condemnor is the Cooper Township Municipal Authority, whose address is  
P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved January 20, 2000, the Cooper Township  
Municipal Authority hereby appropriates and condemns real estate designated in  
the Resolution, a copy of which is attached as Exhibit "A". The Condemnee is  
Patricia J. Hurd.
4. The purpose of the condemnation is to secure land for a waste water treatment  
system as described more fully in the Act 537 Plan approved March 31, 1997,  
prepared by Hess and Fisher and intended to be recorded.

The property condemned is a portion of that tract of land situate in Cooper  
Township, Clearfield County, Pennsylvania, described in Clearfield County

FILED 5  
FEB 10 2000

William A. Shaw  
Prothonotary

Record Book No. 1423, Page No. 443, more particularly shown in the description attached as Exhibit "B".

6. The nature of title acquired is a permanent easement.
7. The plan showing the condemned property may be inspected at the Office of the Condemnor.
8. Pursuant to 26 P.S. 1-403, the Condemnor files its bond herewith, conditioned for the payment to the Condemnees of damages for taking when the same shall have been ascertained.
9. A conformed copy of this declaration of taking, together with the information and notice will be served upon the condemnees in this proceeding. Proof of such service will be filed.

**WHEREFORE**, the Cooper Township Municipal Authority declares the within premises condemned and appropriated for the public purpose mentioned.

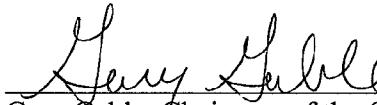
Date: 2/2/00



\_\_\_\_\_  
Charles A. Schneider, Esquire  
Attorney for Cooper Township Municipal Authority  
Mazza, Schneider, Arbuckle & Bascom  
1315 South Allen Street, Suite 302  
State College, PA 16801  
(814) 237-6255

**VERIFICATION**

I hereby verify that the facts set forth in this pleading are true and correct to the best of my knowledge, information and belief. I understand that any false statements herein are made subject to the penalties of 18 P.S. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Gary Gable, Chairman of the Cooper  
Township Municipal Authority

**RESOLUTION**

**A RESOLUTION OF THE COOPER TOWNSHIP MUNICIPAL AUTHORITY FOR THE CONDEMNATION OF THE FOLLOWING PROPERTIES IN COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA FOR THE WASTEWATER TREATMENT SYSTEM.**

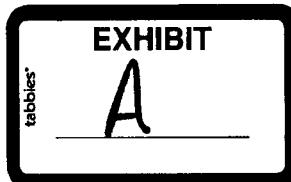
**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Dennis J. Modzel and Donna E. Modzel*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1592, page 336 for purposes of constructing a wastewater treatment system.

**BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Dennis J. Modzel and Donna E. Modzel*, his wife, conditioned for the payment to the said *Dennis J. Modzel and Donna E. Modzel*, his wife, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Fred W. Rasdorf and Irene E. Rasdorf*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 572, page 590 and in Clearfield County Record Book 1230, page 453 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Fred W. Rasdorf and Irene E. Rasdorf*, his wife, conditioned for the payment to the said *Fred W. Rasdorf and Irene E. Rasdorf*, his wife, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Kathleen A. Pollock* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1029, page 247 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Kathleen A. Pollock*, conditioned for the payment to the said *Kathleen A. Pollock* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *William C. Teats and Linda L. Teats*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 735, page 204 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *William C. Teats and Linda L. Teats*, his wife, conditioned for the payment to the said *William C. Teats and Linda L. Teats*, his wife, of damages for taking when damages have been ascertained.



**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Gregory and Kathleen Holt*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1403, page 073 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Gregory and Kathleen Holt*, his wife, conditioned for the payment to the said *Gregory and Kathleen Holt*, his wife, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Patricia J. Hurd* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1423, page 443 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Patricia J. Hurd* conditioned for the payment to the said *Patricia J. Hurd* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Mae A. Josephson* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 687, page 337 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Mae A. Josephson*, conditioned for the payment to the said *Mae A. Josephson* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Larry E. Kephart* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1962, page 031 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Larry E. Kephart*, conditioned for the payment to the said *Larry E. Kephart* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *James Netterblade and Sandra Netterblade*, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 717, page 442 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *James Netterblade and Sandra Netterblade*, conditioned for the payment to the said *James Netterblade and Sandra Netterblade*, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Florence Stickel* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1710, page 071 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Florence Stickel*, conditioned for the payment to the said *Florence Stickel* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Charles E. Stiner* for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1441, page 331 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Charles E. Stiner* conditioned for the payment to the said *Charles E. Stiner* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Randall G. Watson and Linda C. Watson*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 719, page 128 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Randall G. Watson and Linda C. Watson*, his wife, conditioned for the payment to the said *Randall G. Watson and Linda C. Watson*, his wife, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Randall G. Watson and Linda C. Watson*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1388, page 467 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Randall G. Watson and Linda C. Watson*, his wife, conditioned for the payment to the said *Randall G. Watson and Linda C. Watson*, his wife, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Betty L. Hahn*, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 556, page 048 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Betty L. Hahn*, conditioned for the payment to the said *Betty L. Hahn* of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *James W. Hanslovan and Velma V. Hanslovan*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 446, page 343 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *James W. Hanslovan and Velma V. Hanslovan*, his wife, conditioned for the payment to the said *James W. Hanslovan and Velma V. Hanslovan*, his wife, of damages for taking when damages have been ascertained.

**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Harry Napoli*, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1763, page 102 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Harry Napoli*, conditioned for the payment to the said *Harry Napoli* of damages for taking when damages have been ascertained.

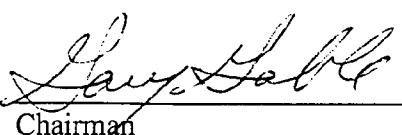
**BE IT RESOLVED**, that the solicitor be authorized to bring condemnation proceedings against *Leroy A. Nearhood and Janet P. Nearhood*, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania, more particularly described in Clearfield County Record Book 1614, page 474 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of *Leroy A. Nearhood and Janet P. Nearhood*, his wife, conditioned for the payment to the said *Leroy A. Nearhood and Janet P. Nearhood*, his wife, of damages for taking when damages have been ascertained.

RESOLVED this 11th day of January, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

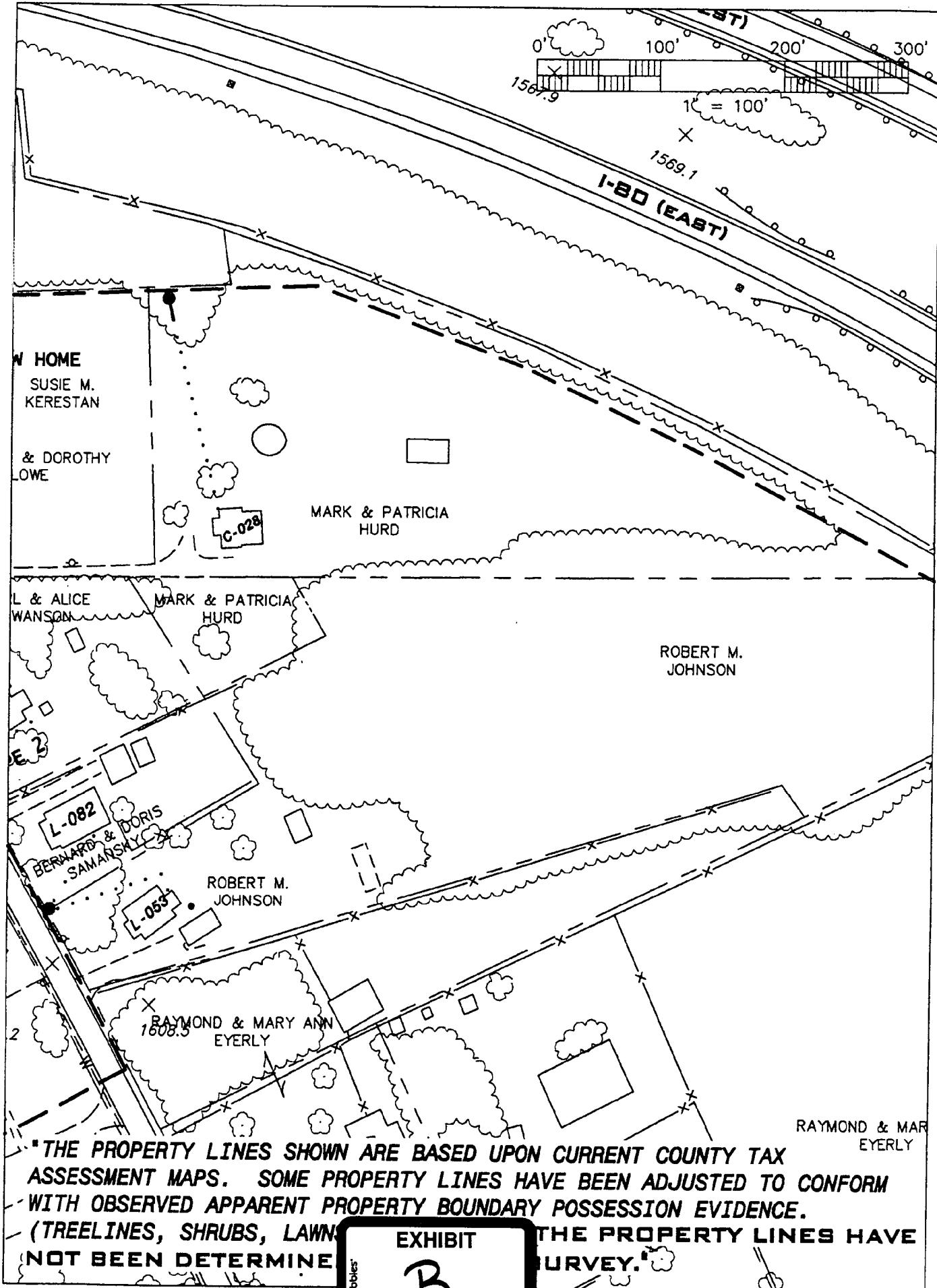
ATTEST:

  
\_\_\_\_\_  
Secretary

Cooper Township Municipal Authority

  
\_\_\_\_\_  
Chairman

SEAL



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
: :  
Condemnor :  
: :  
vs. : No.  
: :  
PATRICIA J. HURD, :  
: :  
Condemnee :  
: :

ORDER

AND NOW this 10 day of February, 2000, upon review of the  
Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:

  
J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY,	:	
	:	
Condemnor	:	
	:	
vs.	:	No.
	:	
PATRICIA J. HURD,	:	
	:	
Condemnee	:	
	:	

**BOND**

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having been filed the 10TH day of FEBRUARY, 2000, by the Cooper Township Municipal Authority, ("obligor") a body politic and corporate organized and existing under the laws of the Commonwealth of Pennsylvania ("obligee") for the use and benefit of the owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by obligor of certain land located in Cooper Township, Clearfield County, Pennsylvania, and described as follows: [PROPERTY SHOWN IN THE ATTACHED PLAN,] to which payment well and truly to be made, the obligor does bind itself and its successors, and assigns, firmly by these presents.

WHEREAS, the obligor has condemned the said property and cannot agree with the owner of said land upon the just compensation to be paid for the damages sustained by said owner as a result of the condemnation:

**NOW THE CONDITION** of this bond is such that if the obligor shall pay or cause to be paid such amount of damages as the said owner of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

**SEALED** with the corporate seal and duly executed this 31 day of Jan, 2000.

Attest:

Cooper Township Municipal Authority

Roger Larson  
Secretary

By: Wayne Heble  
Chairman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY, :  
Condemnor :  
vs. : No. 00-171-C0  
PATRICIA J. HURD, :  
Condemnee :  
:

**NOTICE OF FILING OF DECLARATION OF TAKING**

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 10th day of FEBRUARY, 2000, at the above Court term and number, by which the following property was condemned in whole or in part for a waste water treatment system on the land of Patricia J. Hurd, described in Record Book No. 1423, Page No. 443.

Date: 2/10/00

  
\_\_\_\_\_  
Charles A. Schneider, Esquire  
Attorney for Cooper Township Municipal Authority  
Mazza, Schneider, Arbuckle & Bascom  
1315 South Allen Street, Suite 302  
State College, PA 16801  
(814) 237-6255

FILED

2000 FEB 10 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

COOPER TOWNSHIP MUNICIPAL AUTHORITY,	:	
	:	
Condemnor	:	
	:	
vs.	:	No. 00-171-CD
	:	
PATRICIA J. HURD,	:	
	:	
Condemnee	:	
	:	

## **MEMORANDUM OF FILING OF NOTICE**

## To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of Clearfield County at Instrument Number 200001800.

Date: 2/17/00

Charles A. Schneider, Esquire  
Attorney for Cooper Township Municipal Authority  
Mazza, Schneider, Arbuckle & Bascom  
1315 South Allen Street, Suite 302  
State College, PA 16801  
(814) 237-6255

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William A. Shaw  
Prothero