

00-968-CD
COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- ELIZABETH CLAUSEN et al

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

(14) COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

(3) ELIZABETH CLAUSEEN and (10) MYRA MACHMER,

Condemnees

No. 00-968-C2

FILED
AUG 11 2000
William A. Shaw
Prothonotary
ICC Atty
Atty. Gen.
80.00

DECLARATION OF TAKING

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

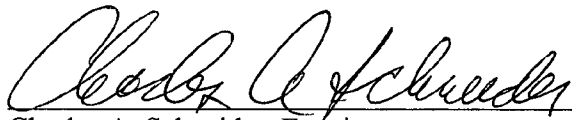
1. The Condemnor is the Cooper Township Municipal Authority, whose address is P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved June 15, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are Elizabeth Clauseen and Myra Machmer.
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.
5. The property condemned is a portion of that tract of land situate in Cooper Township, Clearfield County, Pennsylvania, described in Clearfield County

Record Book No. 1783, Page No. 244, 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.

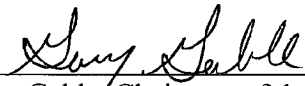
Date: 7/31/00



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 a condemnation proceeding against John Moskol for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 362, page 198 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 John Moskol, conditioned for the payment to the said John Moskol, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Betty Merritt for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument Number 20003984, 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 Merritt, conditioned for the payment to the said Betty Merritt, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Edward Bell for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument Number 199902003, pages 1-4 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 Edward Bell, conditioned for the payment to the said Edward Bell, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Frank Samansky, Jr. and Veronica Miller, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book Instrument No. 199914557, pages 1-5 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 Frank Samansky, Jr. and Veronica Miller, conditioned for the payment to the said Frank Samansky, Jr. and Veronica Miller, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against the First Evangelical Lutheran Cemetery for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 466, page 164, 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 the First Evangelical Lutheran Cemetery conditioned for the payment to the said the First Evangelical Lutheran Cemetery of damages for taking when damages have been ascertained.

EXHIBIT

A

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Larry Cantara and Debra Cantara, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1266, page 584 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 Cantara and Debra Cantara, his wife, conditioned for the payment to the said Larry Cantara and Debra Cantara, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Don Johnson and Joan Koestner, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1338, page 504, 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 Don Johnson and Joan Koestner conditioned for the payment to the said Don Johnson and Joan Koestner, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Harry Shive and Dorothy Shive, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 584, page 374 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 Shive and Dorothy Shive, his wife, conditioned for the payment to the said Harry Shive and Dorothy Shive, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Robert Stiner and Tina Stiner, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1427, page 424 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 Robert Stiner and Tina Stiner, his wife, conditioned for the payment to the said Robert Stiner and Tina Stiner, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Mildred Johnson for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 886, page 240 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 Mildred Johnson conditioned for the payment to the said Mildred Johnson, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Elizabeth Clauseen and Myra Machmer for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1783, page 244 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 Elizabeth Clauseen and Myra Machmer conditioned for the payment to the said Elizabeth Clauseen and Myra Machmer, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Kenneth Bosak and Karen Bosak, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 804, page 251 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 Kenneth Bosak and Karen Bosak, his wife, conditioned for the payment to the said Kenneth Bosak and Karen Bosak, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Dennis Dixon and Ruth Dixon, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1309, page 3 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 Dixon and Ruth Dixon, his wife, conditioned for the payment to the said Dennis Dixon and Ruth Dixon, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Lee Netterblade, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Book 1511, page 293 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 Lee Netterblade conditioned for the payment to the said Lee Netterblade, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Mildred Netterblade for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 441, page 472 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 Mildred Netterblade conditioned for the payment to the said Mildred Netterblade, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Clinton Hubler and Joann Hubler, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1809, page 200 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 Clinton Hubler and Joann Hubler, his wife, conditioned for the payment to the said Clinton Hubler and Joann Hubler, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Kenneth McDowell and Brenda McDowell, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Books 964, page 81 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 Kenneth McDowell and Brenda McDowell, his wife, conditioned for the payment to the said Kenneth McDowell and Brenda McDowell, his wife, of damages for taking when damages have been ascertained.

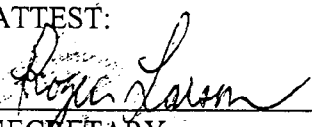
BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against James Hanslovan and Velma Hanslovan, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 485, page 395 for purposes 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 Hanslovan and Velma Hanslovan, his wife, conditioned for the payment to the said James Hanslovan and Velma Hanslovan, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Donald Beveridge and Sharon Beveridge, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1845, page 526 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 Donald Beveridge and Sharon Beveridge, his wife, conditioned for the payment to the said Donald Beveridge and Sharon Beveridge, his wife, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Beth Shimel, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1108, page 22 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 Beth Shimel, conditioned for the payment to the said Beth Shimel.

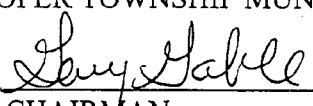
RESOLVED this 15th day of June, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

ATTEST:



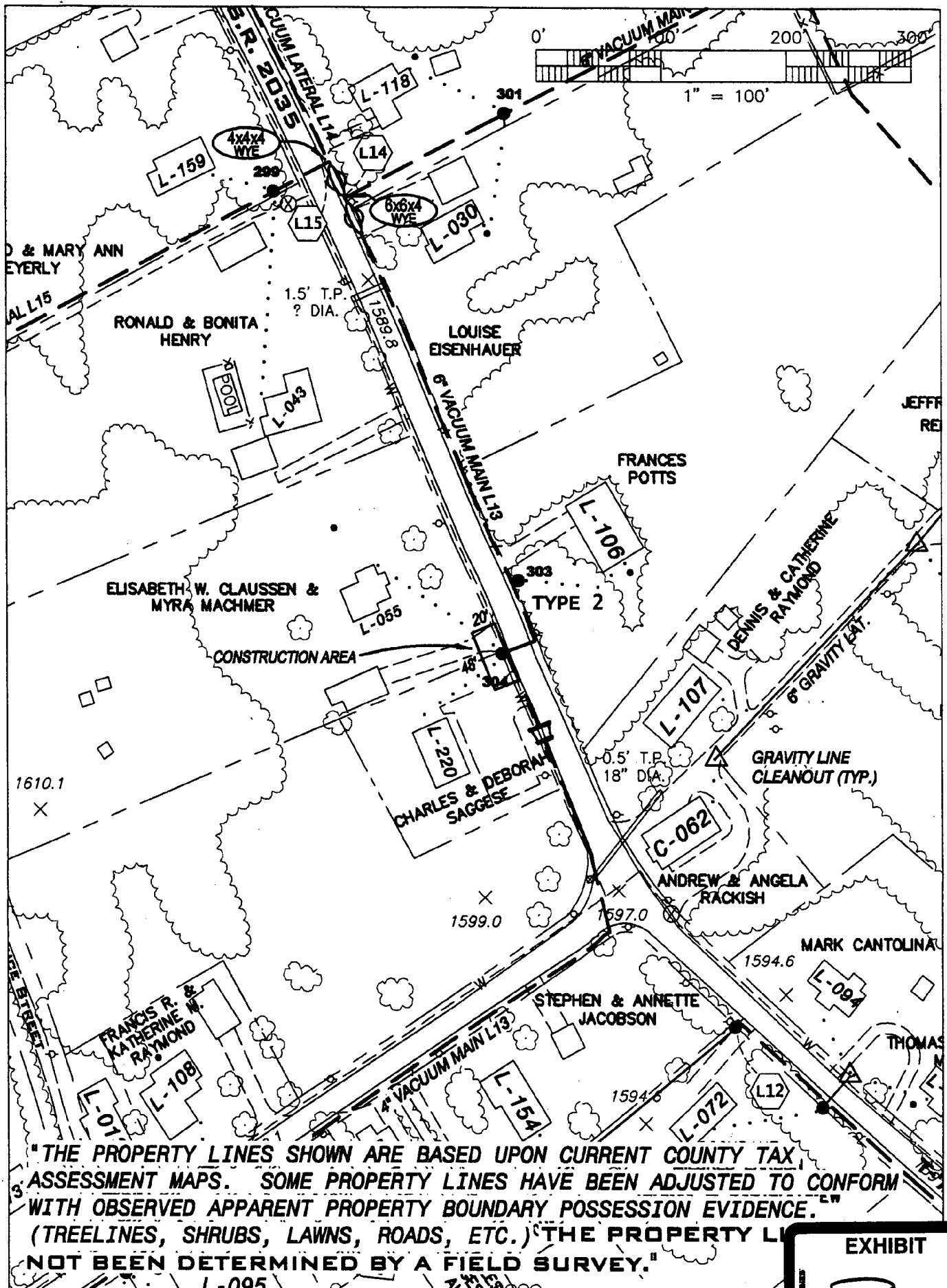
SECRETARY

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: 

CHAIRMAN

SEAL



EXHIBIT

B

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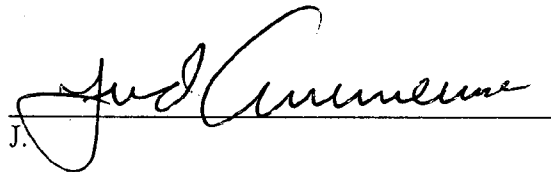
Condemnees

No. 00-968-CD

ORDER

AND NOW this 11 day of AUGUST, 2000, upon review of the
Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:


J. J. Cunningham

FILED ^{icc}
01/11/2000
AUG 11 2000
William A. Shaw
Prothonotary

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 20th day of July, 2000.

Attest:

Cooper Township Municipal Authority

Roger Lohm
Secretary

By: Gary Gable
Chairman

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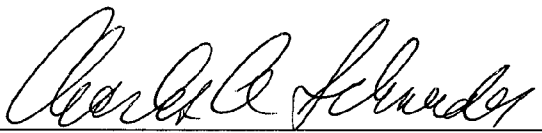
No. 00-968-CD

NOTICE OF FILING OF DECLARATION OF TAKING

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 17th day of AUGUST, 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 Elizabeth Clauseen and Myra Machmer,
described in Record Book No. 1783, Page No. 244.

Date: 8/11/00
7/31/00


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 ^{icc}
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AUG 11 2000
William A. Shaw
Prothonotary

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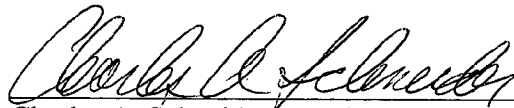
MEMORANDUM OF FILING OF NOTICE

To the Prothonotary:

Notice of the above-captioned condemnation is recorded in the Department of Records of
Clearfield County at Instrument Number 200011647.

Date:

9/12/00



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

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William A. Shaw
Prothonotary

