

06-1011-CD
IN RE: CONDEMNATION OF THE PROPERTY OF B AND L CO., INC. a/k/a

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF *
B AND L CO., INC., a/k/a *
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD, *
CLEARFIELD COUNTY, PENNSYLVANIA *

Docket No. 00-1011 -CD

Type of pleading:
DECLARATION OF TAKING

Filed on behalf of:
CONDEMNOR, Clearfield
County Municipal
Authority

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
Its Solicitor
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

AUG 17 2000

William A. Shaw
Prothonotary

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF * Docket No. 00- -CD
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

DECLARATION OF TAKING

COMES NOW, Clearfield County Municipal Authority, by and through its Solicitor, Dwight L. Koerber, Jr., Esquire, and files the following Declaration of Taking:

1. Condemnor is Clearfield County Municipal Authority, a Pennsylvania municipal authority, with its offices at 650 Leonard Street, P. O. Box 868, Clearfield, PA 16830.

2. Condemnee is B & L Co., Inc., a/k/a B & L Company. While the property of condemnee is located in Clearfield County, Pennsylvania, the principal place of business of condemnee is P. O. Box 5171, Pittsburgh, Pennsylvania, 15206.

3. This condemnation is authorized by the Municipal Authorities Act of 1945, Act of May 2, 1945, P.L. 382, Section 11, as amended, Act of June 12, 1947, P.L. 571, Section 1, 53 P.S. Section 314.

4. This action is taken pursuant to Resolution approved by the Clearfield County Municipal Authority at its regular meeting held on August 14, 2000. Attached hereto as Appendix A is a true

and correct copy of that Resolution. The said minutes and other documents pertaining to the authorization may be examined at the offices of the Clearfield County Municipal Authority located at 650 Leonard Street, Clearfield, PA 16830.

5. The purpose of the condemnation action taken is to enable the Clearfield County Municipal Authority to move forward in conjunction with a redevelopment project initiated under the auspices of the Clearfield County Industrial Development Authority covering the Harbison-Walker site in Clearfield Borough/Lawrence Township, Clearfield County, Pennsylvania, now known as the Clearfield County Technology Park. The site, recognized as a "brownfield", encompasses 55 acres and is zoned industrial. The project is moving forward in different segments, the present project being identified as Phase II, which embraces the property that is the subject of the present Declaration of Taking.

6. The property condemned by this taking is titled in the name of B & L Company, which is believed to be an assumed name of a Pennsylvania corporation registered as B and L Co., Inc., and which is located in the Borough of Clearfield, Clearfield County, Pennsylvania, with the property more fully described as follows:

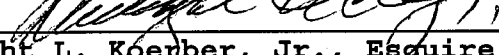
Assessment No.: 4.4-K08-261-06.
Deed Book Reference: Volume 1293, page 152.
Acreage: Bldgs. & 1.5638 acres.

7. The nature of the title acquired in the property condemned is fee simple.

8. A detailed map showing the brownfield redevelopment project undertaken at the former Harbison-Walker site can be obtained at the headquarters of the Clearfield County Municipal Authority and the Clearfield County Industrial Development Authority at 650 Leonard Street, Clearfield, PA 16830.

9. Just compensation will be paid through funds covered by a line of credit covering real estate acquisition with the Clearfield Bank & Trust Company, of Clearfield, Pennsylvania. Attached hereto as Appendix B is a bond specifying how the payment obligation will be secured.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Solicitor for the Clearfield
County Municipal Authority
DATE: 8/17/00

APPENDIX A

Attached hereto is a copy of the Resolution of the
Clearfield County Municipal Authority.

**RESOLUTION OF
CLEARFIELD COUNTY MUNICIPAL AUTHORITY
Clearfield County, Pennsylvania**

August 14, 2000

A RESOLUTION AUTHORIZING THE FILING OF A DECLARATION OF TAKING FOR CERTAIN PROPERTY LOCATED AT THE FORMER HARBISON-WALKER SITE, IN CLEARFIELD BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA, NOW KNOWN AS THE CLEARFIELD COUNTY TECHNOLOGY PARK.

WHEREAS, the Clearfield County Municipal Authority is a Pennsylvania municipal authority with its offices at 650 Leonard Street, Clearfield, PA 16830; and

WHEREAS, the Clearfield County Municipal Authority is currently involved in a redevelopment project, in conjunction with the Clearfield County Industrial Development Authority and the Clearfield County Economic Development Corporation, pertaining to an industrial site (referred to herein as "site"), formerly known as the Harbison-Walker Complex, now generally known as the Clearfield County Technology Park; and

WHEREAS, in order to provide for the extension and completion of redevelopment of the site, including demolition of existing structures, it is necessary for the Clearfield County Municipal Authority to acquire ownership and possession of certain real estate owned by B & L COMPANY, as set forth in Deed dated July 21, 1989, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1293, page 152, Parcel No. 4.4-K08-261-06, such property being located in and part of the complex heretofore known as the Harbison-Walker site, now the Clearfield County Technology Park; and

WHEREAS, time and operation considerations require that the Clearfield County Municipal Authority move forward promptly and expeditiously in the acquisition of real estate necessary for the said project;

NOW THEREFORE, be it resolved by the Board of Directors of the Clearfield County Municipal Authority, Clearfield County, Pennsylvania, as follows:

1. That the officers, executive director, solicitor, and agents of the Authority are hereby authorized to proceed to the full extent authorized by law, including actions under the Eminent Domain Code, to acquire the B & L COMPANY property as set forth in Deed Book 1293, page 152, at the Recorder of Deeds of Clearfield County, Pennsylvania.

2. That the power and authority covered by this Resolution shall continue through the completion of all necessary and proper procedures related to or arising out of the Eminent Domain Code.

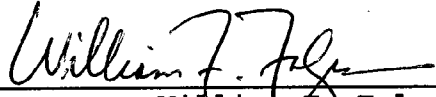
3. That a quorum of the Board of Directors of the Clearfield County Municipal Authority was present and a majority voted in favor of this Resolution.

IN WITNESS WHEREOF, the foregoing Resolution has been adopted on the 14th day of August, 2000.

CLEARFIELD COUNTY MUNICIPAL AUTHORITY

By: 
Chairman: Timothy B. Fannin

ATTEST:


Secretary: William F. Falger

APPENDIX B

Attached hereto is a copy of the bond to be filed in this matter.

BOND

Condemnor hereby pledges as security for the payment of just compensation the funds issued by the Commonwealth of Pennsylvania, through the Department of Community and Economic Development, covering the brownfield redevelopment project identified as the Harbison-Walker site.

Condemnor also has available a line of credit with the Clearfield Bank & Trust Company, which corresponds to the redevelopment assistance fund that has been approved by the Office of Budget of the Commonwealth of Pennsylvania.

Condemnor warrants that it shall pay damages as shall be determined by law.

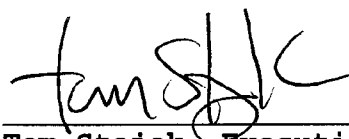
CLEARFIELD COUNTY MUNICIPAL AUTHORITY

By: 

Dwight L. Koerber, Jr., Esquire
Its Solicitor

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Tom Stojek, Executive Director
Clearfield County
Municipal Authority

DATE: 8/17/60

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

IN RE: CONDEMNATION BY
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF
B & L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE
BOROUGH OF CLEARFIELD, CLEARFIELD
COUNTY, PENNSYLVANIA

DECLARATION OF TAKING
Docket No.

399
Att'y Koerber
01/23/81
DW
William A. Koerber
Att'y for
18000

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF *
B AND L CO., INC. a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

Docket No. 00-1011-CD

Type of pleading:
NOTICE OF CONDEMNATION
IN ACCORDANCE WITH
SECTION 404 OF THE
EMINENT DOMAIN CODE

Filed on behalf of:
CONDEMNOR, Clearfield
County Municipal
Authority

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

AUG 21 2000

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF * Docket No. 00-1011-CD
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

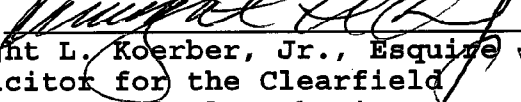
NOTICE OF CONDEMNATION IN ACCORDANCE WITH
SECTION 404 OF THE EMINENT DOMAIN CODE

NOTICE IS HEREBY GIVEN in accordance with Section 404 of the
Eminent Domain Code, 26 P.S. §10404, that a DECLARATION OF TAKING
was filed on the 17th day of August, 2000, to the above court
term and number by the Clearfield County Municipal Authority.

The property condemned is set forth below:

Assessment No.: 4.4-K08-261-06.
Deed Book Reference: Volume 1293, page 152.
Acreage: Bldgs. & 1.5638 acres.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire,
Solicitor for the Clearfield
County Municipal Authority

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 00-1011-CD

IN RE: CONDEMNATION BY CLEARFIELD
COUNTY MUNICIPAL AUTHORITY OF THE
PROPERTY OF B AND L CO., INC.,
a/k/a B & L COMPANY, LOCATED IN
THE BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF CONDEMNATION IN
ACCORDANCE WITH SECTION 404 OF
THE EMINENT DOMAIN CODE

FILED 4cc
Q13:35 4cc
AUG 21 2000
William A. Shaw
Prothonotary

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF *
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

Docket No. 00-1011-CD

Type of pleading:
MEMORANDUM OF RECORDING
NOTICE OF CONDEMNATION

Filed on behalf of:
CONDEMNOR, Clearfield
County Municipal
Authority

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

AUG 29 2000

William A. Shaw
Prothonotary

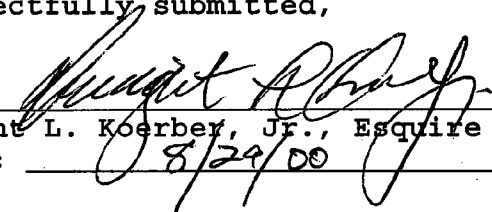
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF * Docket No. 00-1011-CD
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

MEMORANDUM OF RECORDING NOTICE OF CONDEMNATION

NOW COMES, the Clearfield County Municipal Authority, by and
through its Solicitor, Dwight L. Koerber, Jr., Esquire, in
accordance with Section 404 of the Eminent Domain Code, 26 P.S.
Section 1-404, and files this Memorandum that on the 21st day
of August, 2000, a Notice of this condemnation was recorded
with the Recorder of Deeds and Records at Instrument No.
200012219.

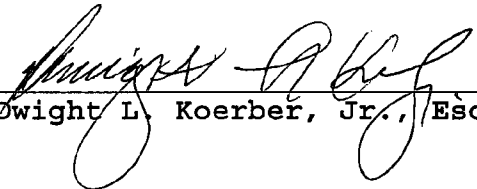
Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
DATE: 8/29/00

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August,
2000, a copy of the foregoing pleading was served by United
States First Class Mail upon the following:

David M. Rost, Esquire
P. O. Box 5171
Pittsburgh, PA 15206


Dwight L. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 00-1011-CD

IN RE: CONDEMNATION BY CLEARFIELD
COUNTY MUNICIPAL AUTHORITY OF THE
PROPERTY OF B AND L CO., INC.,
a/k/a B & L COMPANY, LOCATED IN
THE BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA

MEMORANDUM OF RECORDING
NOTICE OF CONDEMNATION

012:45:201

30 City Koerber

9286

William A Shaw
Prothonotary

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF *
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

Docket No. 00-1011-CD

Type of pleading:
AFFIDAVIT OF SERVICE

Filed on behalf of:
CONDEMNOR, Clearfield
County Municipal
Authority

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

AUG 29 2000

William A. Shaw
Prothonotary

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF * Docket No. 00-1011-CD
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

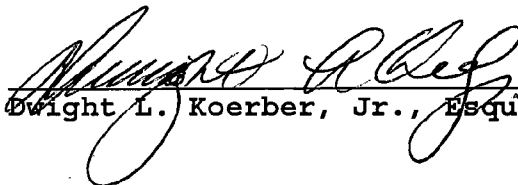
:SS:

COUNTY OF CLEARFIELD :

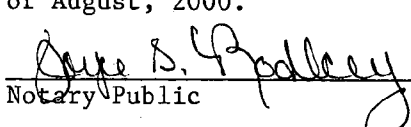
DWIGHT L. KOERBER, JR., ESQUIRE, being sworn according to
law, deposes and states that the Notice of Condemnation, a copy
of which is attached hereto as Exhibit 1, was served on August
22, 2000, as shown by the attached mailing receipt, upon the
following by United States Certified Mail:

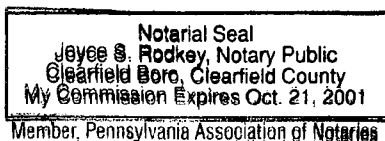
David M. Rost, Esquire
P. O. Box 5171
Pittsburgh, PA 15206

Certified Mail No.: 7000-0600-0023-
6401-1480


Dwight L. Koerber, Jr., Esquire

Sworn to and subscribed
before me this 29th day
of August, 2000.


Notary Public

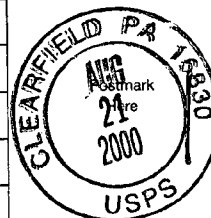


U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

David M. Rost, Esquire

Postage	\$.99
Certified Fee	1.20
Return Receipt Fee (Endorsement Required)	1.40
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.59



Name (Please Print Clearly) (to be completed by mailer)

Dwight L. Koerber, Jr., Esquire

Street, Apt. No., or PO Box No.

P. O. Box 1320

City, State, ZIP+4[®]
 Clearfield, PA 16830

PS Form 3800, July 1999

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David M. Rost, Esquire
 P. O. Box 5171
 Pittsburgh, PA 15206

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

8-22-00

C. Signature
 X [Signature]

- ☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label) 7000-0600-0023-6401-1480

EXHIBIT 1

Attached hereto is a copy of the Notice to Condemnee, which includes a copy of the Declaration of Taking, served upon condemnee.

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF * Docket No. 00-1011-CD
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

NOTICE

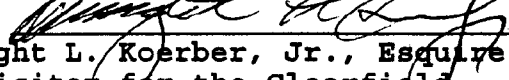
TO: DAVID M. ROST, ESQUIRE
P. O. Box 5171
Pittsburgh, PA 15206

YOU ARE HEREBY NOTIFIED in accordance with Section 405 of the Pennsylvania Eminent Domain Code, 26 P.S. §1-405, that a DECLARATION OF TAKING was filed in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, on August 17, 2000, in Docket No. 00-1011-CD, by the Clearfield County Municipal Authority, 850 Leonard Street, Clearfield, PA 16830, to which property you are the owner as known by the Authority, has been condemned.

A true and correct copy of the Declaration of Taking as filed is attached hereto as Appendix B.

The property condemned is identified in the Declaration of Taking under paragraph 6.

YOU ARE FURTHER NOTIFIED that if you wish to challenge the power or the right of the Clearfield County Municipal Authority to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Clearfield County Municipal Authority, or the Declaration of Taking, you are required to file preliminary objections within thirty (30) days after service of this notice.

By: 
Dwight L. Koerber, Jr., Esquire
Solicitor for the Clearfield
County Municipal Authority

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF * Docket No. 00-1011-CD
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

NOTICE TO CONDEMNEE
(Pursuant to 26 P.S. §1-405)

TO: DAVID M. ROST, ESQUIRE
P. O. Box 5171
Pittsburgh, PA 15206

1. A Declaration of Taking was filed on August 17, 2000.
2. The Condemnee of the Declaration of Taking is B and L Co., Inc., a/k/a B & L Company, with a mailing address of P. O. Box 5171, Pittsburgh, PA 15206.
3. The property which is the subject of the Declaration of Taking is located in the Borough of Clearfield, Clearfield County, Pennsylvania, in an area generally known as the former Harbison Walker site.
4. The Condemnor is the Clearfield County Municipal Authority, with its offices at 650 Leonard Street, Clearfield, Clearfield County, Pennsylvania 16830.
5. This condemnation is authorized by the Municipal Authorities Act of 1945, Act of May 2, 1945, P.L. 382, Section 11, as amended, Act of June 12, 1947, P.L. 571, Section 1, 53 P.S. Section 314.
6. This action is taken pursuant to Resolution approved by the Clearfield County Municipal Authority at its regular meeting held on August 14, 2000. Attached hereto as Appendix A is a true and correct copy of the Resolution.

7. The purpose of the condemnation action taken is to enable the Clearfield County Municipal Authority to move forward in conjunction with a redevelopment project initiated under the auspices of the Clearfield County Industrial Development Authority covering the Harbison Walker site in Clearfield Borough/Lawrence Township, Clearfield County, Pennsylvania. The site, recognized as a "brownfield", encompasses 55 acres and is zoned industrial, with the project moving forward in different segments, the present project being identified as Phase II, which embraces the property that is the subject of the present Declaration of Taking.

8. Condemnee's property that has been condemned through the subject Declaration of Taking is titled in the name of B and L Co., Inc., a/k/a B & L Company, and is located in the Borough of Clearfield, Clearfield County, Pennsylvania, with the property more fully described as follows:

Assessment No.: 4.4-K08-261-06.

Deed Book Reference: Volume 1293, page 152.

Acreage: Bldgs. & 1.5638 acres.

9. The nature of the title acquired in the property is fee simple.

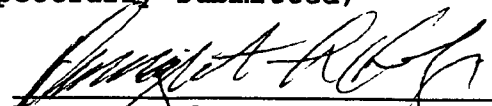
10. A detailed map showing the subject property and the brownfield redevelopment project undertaken at the former Harbison Walker site can be obtained at the headquarters of the Clearfield County Municipal Authority and the Clearfield County Industrial Development Authority at 650 Leonard Street, Clearfield, PA 16830.

11. Just compensation will be paid through funds covered by a line of credit covering real estate acquisition with the Clearfield Bank & Trust Company, of Clearfield, Pennsylvania.

12. Condemnee is hereby informed that if it wishes to challenge the power or the right of the Condemnor to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Condemnor or the Declaration of Taking, it shall file preliminary objections within thirty (30) days after being served with this notice of condemnation.

13. A certified copy of the Declaration of Taking in this matter is attached hereto as Appendix B.

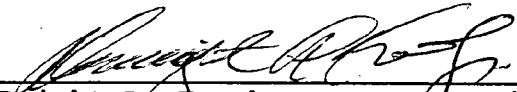
Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Solicitor for the Clearfield
County Municipal Authority

DATE: 8/26/80

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Dwight L. Roerber, Jr., Esquire
DATE: 8/2/00

APPENDIX A

Attached hereto is a copy of the Resolution of the
Clearfield County Municipal Authority.

**RESOLUTION OF
CLEARFIELD COUNTY MUNICIPAL AUTHORITY
Clearfield County, Pennsylvania**

August 14, 2000

A RESOLUTION AUTHORIZING THE FILING OF A DECLARATION OF TAKING FOR CERTAIN PROPERTY LOCATED AT THE FORMER HARBISON-WALKER SITE, IN CLEARFIELD BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA, NOW KNOWN AS THE CLEARFIELD COUNTY TECHNOLOGY PARK.

WHEREAS, the Clearfield County Municipal Authority is a Pennsylvania municipal authority with its offices at 650 Leonard Street, Clearfield, PA 16830; and

WHEREAS, the Clearfield County Municipal Authority is currently involved in a redevelopment project, in conjunction with the Clearfield County Industrial Development Authority and the Clearfield County Economic Development Corporation, pertaining to an industrial site (referred to herein as "site"), formerly known as the Harbison-Walker Complex, now generally known as the Clearfield County Technology Park; and

WHEREAS, in order to provide for the extension and completion of redevelopment of the site, including demolition of existing structures, it is necessary for the Clearfield County Municipal Authority to acquire ownership and possession of certain real estate owned by B & L COMPANY, as set forth in Deed dated July 21, 1989, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1293, page 152, Parcel No. 4.4-K08-261-06, such property being located in and part of the complex heretofore known as the Harbison-Walker site, now the Clearfield County Technology Park; and

WHEREAS, time and operation considerations require that the Clearfield County Municipal Authority move forward promptly and expeditiously in the acquisition of real estate necessary for the said project;

NOW THEREFORE, be it resolved by the Board of Directors of the Clearfield County Municipal Authority, Clearfield County, Pennsylvania, as follows:

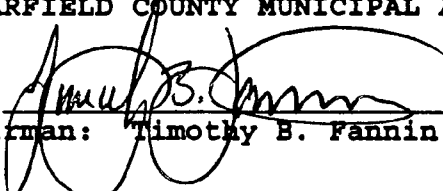
1. That the officers, executive director, solicitor, and agents of the Authority are hereby authorized to proceed to the full extent authorized by law, including actions under the Eminent Domain Code, to acquire the B & L COMPANY property as set forth in Deed Book 1293, page 152, at the Recorder of Deeds of Clearfield County, Pennsylvania.

2. That the power and authority covered by this Resolution shall continue through the completion of all necessary and proper procedures related to or arising out of the Eminent Domain Code.

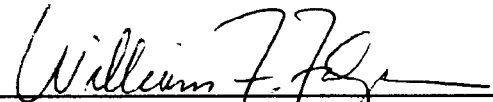
3. That a quorum of the Board of Directors of the Clearfield County Municipal Authority was present and a majority voted in favor of this Resolution.

IN WITNESS WHEREOF, the foregoing Resolution has been adopted on the 14th day of August, 2000.

CLEARFIELD COUNTY MUNICIPAL AUTHORITY

By: 
Chairman: Timothy B. Fannin

ATTEST:


Secretary: William F. Falger

APPENDIX B

Attached hereto is a certified copy of the Declaration of Taking.

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF *
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

Docket No. 00-1011 -CD

Type of pleading:
DECLARATION OF TAKING

Filed on behalf of:
CONDEMNOR, Clearfield
County Municipal
Authority

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
Its Solicitor
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

AUG 17 2000

Attest:

William L. Shaw
Prothonotary

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF * Docket No. 00- -CD
B AND L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA *

DECLARATION OF TAKING

COMES NOW, Clearfield County Municipal Authority, by and
through its Solicitor, Dwight L. Koerber, Jr., Esquire, and files
the following Declaration of Taking:

1. Condemnor is Clearfield County Municipal Authority, a
Pennsylvania municipal authority, with its offices at 650 Leonard
Street, P. O. Box 868, Clearfield, PA 16830.

2. Condemnee is B & L Co., Inc., a/k/a B & L Company.
While the property of condemnee is located in Clearfield County,
Pennsylvania, the principal place of business of condemnee is
P. O. Box 5171, Pittsburgh, Pennsylvania, 15206.

3. This condemnation is authorized by the Municipal
Authorities Act of 1945, Act of May 2, 1945, P.L. 382, Section
11, as amended, Act of June 12, 1947, P.L. 571, Section 1, 53
P.S. Section 314.

4. This action is taken pursuant to Resolution approved by
the Clearfield County Municipal Authority at its regular meeting
held on August 14, 2000. Attached hereto as Appendix A is a true

and correct copy of that Resolution. The said minutes and other documents pertaining to the authorization may be examined at the offices of the Clearfield County Municipal Authority located at 650 Leonard Street, Clearfield, PA 16830.

5. The purpose of the condemnation action taken is to enable the Clearfield County Municipal Authority to move forward in conjunction with a redevelopment project initiated under the auspices of the Clearfield County Industrial Development Authority covering the Harbison-Walker site in Clearfield Borough/Lawrence Township, Clearfield County, Pennsylvania, now known as the Clearfield County Technology Park. The site, recognized as a "brownfield", encompasses 55 acres and is zoned industrial. The project is moving forward in different segments, the present project being identified as Phase II, which embraces the property that is the subject of the present Declaration of Taking.

6. The property condemned by this taking is titled in the name of B & L Company, which is believed to be an assumed name of a Pennsylvania corporation registered as B and L Co., Inc., and which is located in the Borough of Clearfield, Clearfield County, Pennsylvania, with the property more fully described as follows:

Assessment No.: 4.4-K08-261-06.
Deed Book Reference: Volume 1293, page 152.
Acreage: Bldgs. & 1.5638 acres.

7. The nature of the title acquired in the property condemned is fee simple.

8. A detailed map showing the brownfield redevelopment project undertaken at the former Harbison-Walker site can be obtained at the headquarters of the Clearfield County Municipal Authority and the Clearfield County Industrial Development Authority at 650 Leonard Street, Clearfield, PA 16830.

9. Just compensation will be paid through funds covered by a line of credit covering real estate acquisition with the Clearfield Bank & Trust Company, of Clearfield, Pennsylvania. Attached hereto as Appendix B is a bond specifying how the payment obligation will be secured.

Respectfully submitted,

By: 

Dwight L. Koenber, Jr., Esquire
Solicitor for the Clearfield
County Municipal Authority

DATE: 8/17/00

APPENDIX A

Attached hereto is a copy of the Resolution of the
Clearfield County Municipal Authority.

**RESOLUTION OF
CLEARFIELD COUNTY MUNICIPAL AUTHORITY
Clearfield County, Pennsylvania**

August 14, 2000

A RESOLUTION AUTHORIZING THE FILING OF A DECLARATION OF TAKING FOR CERTAIN PROPERTY LOCATED AT THE FORMER HARBISON-WALKER SITE, IN CLEARFIELD BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA, NOW KNOWN AS THE CLEARFIELD COUNTY TECHNOLOGY PARK.

WHEREAS, the Clearfield County Municipal Authority is a Pennsylvania municipal authority with its offices at 650 Leonard Street, Clearfield, PA 16830; and

WHEREAS, the Clearfield County Municipal Authority is currently involved in a redevelopment project, in conjunction with the Clearfield County Industrial Development Authority and the Clearfield County Economic Development Corporation, pertaining to an industrial site (referred to herein as "site"), formerly known as the Harbison-Walker Complex, now generally known as the Clearfield County Technology Park; and

WHEREAS, in order to provide for the extension and completion of redevelopment of the site, including demolition of existing structures, it is necessary for the Clearfield County Municipal Authority to acquire ownership and possession of certain real estate owned by B & L COMPANY, as set forth in Deed dated July 21, 1989, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1293, page 152, Parcel No. 4.4-K08-261-06, such property being located in and part of the complex heretofore known as the Harbison-Walker site, now the Clearfield County Technology Park; and

WHEREAS, time and operation considerations require that the Clearfield County Municipal Authority move forward promptly and expeditiously in the acquisition of real estate necessary for the said project;

NOW THEREFORE, be it resolved by the Board of Directors of the Clearfield County Municipal Authority, Clearfield County, Pennsylvania, as follows:

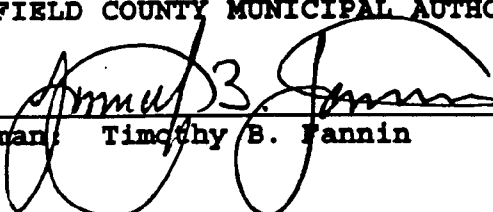
1. That the officers, executive director, solicitor, and agents of the Authority are hereby authorized to proceed to the full extent authorized by law, including actions under the Eminent Domain Code, to acquire the B & L COMPANY property as set forth in Deed Book 1293, page 152, at the Recorder of Deeds of Clearfield County, Pennsylvania.

2. That the power and authority covered by this Resolution shall continue through the completion of all necessary and proper procedures related to or arising out of the Eminent Domain Code.

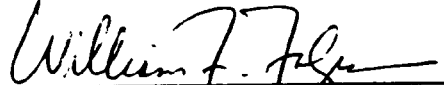
3. That a quorum of the Board of Directors of the Clearfield County Municipal Authority was present and a majority voted in favor of this Resolution.

IN WITNESS WHEREOF, the foregoing Resolution has been adopted on the 14th day of August, 2000.

CLEARFIELD COUNTY MUNICIPAL AUTHORITY

By: 
Chairman: Timothy B. Fannin

ATTEST:


Secretary: William F. Falger

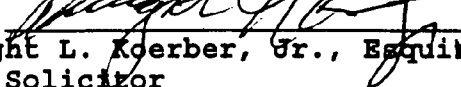
BOND

Condemnor hereby pledges as security for the payment of just compensation the funds issued by the Commonwealth of Pennsylvania, through the Department of Community and Economic Development, covering the brownfield redevelopment project identified as the Harbison-Walker site.

Condemnor also has available a line of credit with the Clearfield Bank & Trust Company, which corresponds to the redevelopment assistance fund that has been approved by the Office of Budget of the Commonwealth of Pennsylvania.

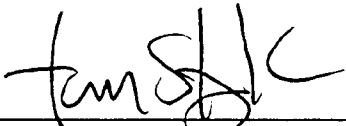
Condemnor warrants that it shall pay damages as shall be determined by law.

CLEARFIELD COUNTY MUNICIPAL AUTHORITY

By: 
Dwight L. Koerber, Jr., Esquire
Its Solicitor

VERIFICATION

I verify that the statements made in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Tom Stojek, Executive Director
Clearfield County
Municipal Authority
DATE: 8/17/60

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 00-1011-CD

IN RE: CONDEMNATION BY CLEARFIELD
COUNTY MUNICIPAL AUTHORITY OF THE
PROPERTY OF B AND L CO., INC.,
a/k/a B & L COMPANY, LOCATED IN
THE BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA

AFFIDAVIT OF SERVICE

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012468d
Villion, St
Profession

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY *
OF B and L CO., INC., a/k/a *
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, *
PENNSYLVANIA

Docket No. 00-1011-CD

Type of Pleading:
PRAECIPE TO DISCONTINUE

Filed on behalf of:
CONDEMNOR:
Clearfield County
Municipal Authority

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

MAR 01 2001

William A. Shaw
Prothonotary

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

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY * Docket No. 00-1011-CD
OF B and L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, *
PENNSYLVANIA

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark the docket in this proceeding to show
"satisfied under the Eminent Domain Code". Attached hereto as
Appendix A is a Release and Agreement signed by Condemnee
concurring that the docket should be marked in this fashion.

Respectfully Submitted,

By: 

Dwight L. Koerber, Jr., Esquire
Attorney for CONDEMNOR:
Clearfield County Municipal
Authority

APPENDIX A

RELEASE AND AGREEMENT

I, the undersigned individual, on behalf of B and L Co., Inc., hereby release the Clearfield County Municipal Authority (CCMA), the Clearfield County Industrial Development Authority (CCIDA) and all of its officers, directors and agents, from any and all claims that B and L Co., Inc. presently has, has had in the past or could have in the future under the Eminent Domain Code, relating to the real estate that it holds in the Borough of Clearfield, Clearfield County, Pennsylvania, located at the Clearfield County Technology Park (formerly known as the Harbison-Walker Complex). B and L Co., Inc. agrees to indemnify and hold the CCMA and the CCIDA harmless from any liens that arise out of B and L Co., Inc.'s ownership of the property.

This release is being signed in exchange for the payment of valuable consideration and B and L Co., Inc.'s agreement to have the record in Docket No. 00-1011-CD of the Court of Common Pleas of Clearfield County marked as satisfied under the Eminent Domain Code.

B and L CO., INC.



David M. Rost, President

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA:


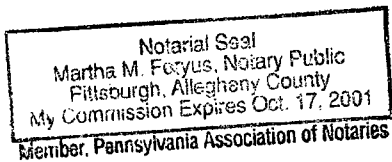
:SS:

COUNTY OF ~~CLEARFIELD~~ Allegheny

On this, the 14th day of December, 2000, before me, a notary public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared DAVID M. ROST, who acknowledged himself to be the President of B and L CO., INC., the foregoing corporation, and that as such, he, being authorized by such corporation to do so, executed the foregoing deed for the purpose contained by signing his name thereon as such.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My Commission Expires:


NOTARY PUBLIC Martha M. Feryus

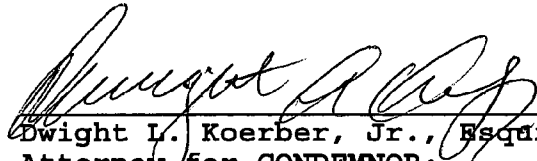
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: CONDEMNATION BY *
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY * Docket No. 00-1011-CD
OF B and L CO., INC., a/k/a
B & L COMPANY, LOCATED IN THE *
BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, *
PENNSYLVANIA

CERTIFICATE OF SERVICE

This is to certify that on the 1st day of March, 2001,
the undersigned served a true and correct copy of the foregoing
Praecipe to Discontinue in the above captioned matter upon
Condemnee. Such document was served via United States First Class
Mail upon the following:

David M. Rost, Esquire
P. O. Box 5171
5741 Center Avenue
Pittsburgh, PA 15206


Dwight L. Koerber, Jr., Esquire
Attorney for CONDEMNOR:
Clearfield County Municipal
Authority

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

IN RE:

CONDEMNATION BY CLEARFIELD COUNTY
MUNICIPAL AUTHORITY OF THE
PROPERTY OF B and L CO., INC.,
a/k/a B & L COMPANY, LOCATED IN
THE BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA

PRAECIPE TO DISCONTINUE
Docket No. 00-1011-CD

FILED
MAY 12 2001
10:56 AM
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144

William A. Shaw
Prothonotary

LAW OFFICE

DWIGHT KOERBER, JR.

ATTORNEY-AT-LAW

110 NORTH SECOND STREET

P. O. BOX 1320

CLEARFIELD, PENNSYLVANIA 16830

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

COPY

CIVIL DIVISION

**In Re: Condemnation by Clearfield County
Municipal Authority of the Property of B and L Co., Inc., a/k/a B & L Company, located in
the Borough of Clearfield, Clearfield County,
Pennsylvania** **No. 2000-01011-CD**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 1, 2001 marked:

Satisfied under the Eminent Domain Code

Record costs in the sum of \$80.00 have been paid in full by the attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of March A.D. 2001.

William A. Shaw, Prothonotary