

SEARCHED

INDEXED

00-1132-CD In Re: Condemnation
of Clfd County Municipal Auth.

00

CO-1132-CD
IN RE: CONDEMNATION BY CLEARFIELD COUNTY MUNICIPAL AUTHORITY
OF THE PROPERTY OF WOODLAND EQUIPMENT & SUPPLY COMPANY

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

IN RE: CONDEMNATION BY
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF
WOODLAND EQUIPMENT & SUPPLY
COMPANY, a Pennsylvania Corporation,
LOCATED IN THE BOROUGH OF
CLEARFIELD, CLEARFIELD COUNTY,
PENNSYLVANIA

DECLARATION OF TAKING

FILED

SEP 13 2000
10/11/04 /atty Koerber
William A. Shaw
Prothonotary

See atty Koerber

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
WOODLAND EQUIPMENT & SUPPLY
COMPANY, a Pennsylvania
Business Corporation,
LOCATED IN THE BOROUGH OF
CLEARFIELD, CLEARFIELD COUNTY,
PENNSYLVANIA

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Docket No. 00-1132 -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

SEP 13 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. 00-132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
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 Woodland Equipment & Supply Company, a Pennsylvania Business Corporation, with an address of P. O. Box 241, Woodland, PA 16881.
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 September 11, 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 properties that are the subject of the present Declaration of Taking.

6. The properties condemned by this taking are titled in the name of Woodland Equipment & Supply Company, with the properties more fully described as follows:

Assessment No.: 4.4-K08-261-25.
Deed Book Reference: Volume 1689, page 143.
Acreage: 0.13 acre.

Assessment No.: 4.4-K08-262-11.
Deed Book Reference: Volume 1600, page 493.
Acreage: 1.1 acres.

Assessment No.: 4.4-K08-261-28.
Deed Book Reference: Volume 1744, page 295.
Acreage: 1.538 acres.

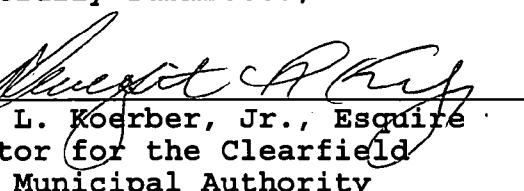
Assessment No.: 4.4-K08-262-03.
Deed Book Reference: Volume 1085, page 349.
Acreage: Bldgs. & 12.35 acres.

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

VERIFICATION

I verify that the statements made in the foregoing Declaration of Taking 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: 9/11/60

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 **WOODLAND EQUIPMENT AND SUPPLY COMPANY**, as set forth in Deed dated April 19, 1994, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1600, page 493, Parcel No. 4.4-K08-262-11; by Deed dated June 28, 1995, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 1689, page 143, Parcel No. 4.4-K08-261-25; by Deed dated May 29, 1986, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 1085, page 349, Parcel No. 4.4-K08-262-03; and by Deed dated December 19, 1995, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1744, page 295, Parcel No. 4.4-K08-261-28, 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 WOODLAND EQUIPMENT AND SUPPLY COMPANY property as set forth in Deed Book 1600, page 493; Deed Book 1689, page 143; Deed Book 1085, page 349; and Deed Book 1744, page 295, 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: Timothy B. Fannin
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.

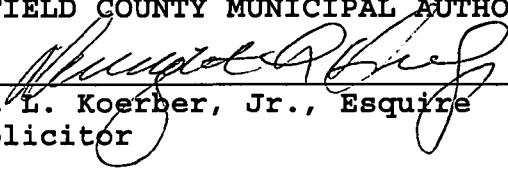
BOND

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

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

IN RE: CONDEMNATION BY
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF
WOODLAND EQUIPMENT & SUPPLY
COMPANY, a Pennsylvania Corporation,
LOCATED IN THE BOROUGH OF
CLEARFIELD, CLEARFIELD COUNTY,
PENNSYLVANIA

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

FILED

SEP 13 2000
11685cc atty
William A. Shaw
Prothonotary

Koerber

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 *
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *

Docket No. 00-1132 -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

SEP 13 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
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
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 13th day of September, 2000, to the above court term and number by the Clearfield County Municipal Authority.

The properties condemned are set forth below:

Assessment No.: 4.4-K08-261-25.
Deed Book Reference: Volume 1689, page 143.
Acreage: 0.13 acre.

Assessment No.: 4.4-K08-262-11.
Deed Book Reference: Volume 1600, page 493.
Acreage: 1.1 acres.

Assessment No.: 4.4-K08-261-28.
Deed Book Reference: Volume 1744, page 295.
Acreage: 1.538 acres.

Assessment No.: 4.4-K08-262-03.
Deed Book Reference: Volume 1085, page 349.
Acreage: Bldgs. & 12.35 acres.

Respectfully submitted,

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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 00-1132-CD

IN RE: CONDEMNATION BY
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF
WOODLAND EQUIPMENT & SUPPLY
COMPANY, a Pennsylvania Business
Corporation, LOCATED IN THE
BOROUGH OF CLEARFIELD, CLEARFIELD
COUNTY, PENNSYLVANIA

MEMORANDUM OF RECORDING
NOTICE OF CONDEMNATION

FILED

10 SEP 13 2009
10/235/4
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 *
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *
* Docket No. 00-1132-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

SEP 13 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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
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 13th day of September, 2000, a Notice of this condemnation was recorded with the Recorder of Deeds and Records at Instrument No. 200013527.

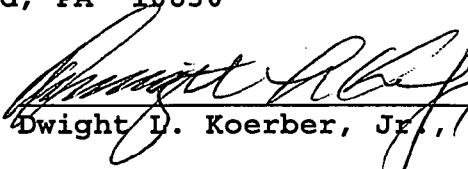
Respectfully submitted,

By: Dwight L. Koerber
Dwight L. Koerber, Jr., Esquire
DATE: 9/17/00

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September,
2000, a copy of the foregoing pleading was served by Hand
Delivery upon the following:

Peter F. Smith, Esquire
30 South Second Street
P. O. Box 130
Clearfield, PA 16830


Dwight L. Koerber, Jr., Esquire

PETER F. SMITH
ATTORNEY
CLEARFIELD, PA. 16830
814 - 765-5595

CERTIFIED TRUE AND CORRECT COPY

ATTORNEY FOR

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

IN RE: CONDEMNATION BY :
CLEARFIELD COUNTY MUNICIPAL :
AUTHORITY OF THE PROPERTY OF : No. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY :
COMPANY, a Pennsylvania :
Business Corporation, LOCATED :
IN THE BOROUGH OF CLEARFIELD, :
CLEARFIELD COUNTY, :
PENNSYLVANIA :
:

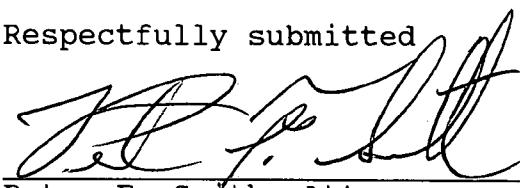
P R A E C I P E

To: William A. Shaw, Prothonotary

Dear Sir :

Please enter my appearance as attorney for Woodland Equipment & Supply Company in the above-captioned matter.

Respectfully submitted



Peter F. Smith, Attorney

Dated: September 14, 2000

FILED

SEP 14 2000

William A. Shaw
Prothonotary

FILED
OCT 13 2000
SEP 14 2000

William A. Stow
Prothonotary
DOCCS
KOB

12/27/00

William A. Shaw
Prothonotary
6/30/00
SEP 18 2000

FILED

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 00-1132-CD

IN RE: CONDEMNATION BY
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY OF THE PROPERTY OF
WOODLAND EQUIPMENT & SUPPLY
COMPANY, a Pennsylvania Business
Corporation, LOCATED IN THE
BOROUGH OF CLEARFIELD, CLEARFIELD
COUNTY, PENNSYLVANIA

AFFIDAVIT OF SERVICE

LAW OFFICE
DWIGHT KOERBER, JR.
ATTORNEY-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830
(57)

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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *

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

SEP 18 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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

•SS•

COUNTY OF CLEARFIELD

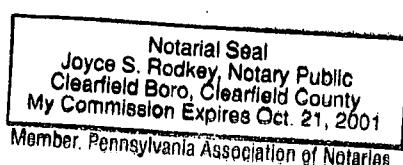
1

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 September 13, 2000, as shown by the attached Acceptance of Service signed by counsel for Condemnee.

Dwight L. Koerber, Jr., Esquire
Solicitor for Condemnor,
CLEARFIELD COUNTY MUNICIPAL
AUTHORITY

Sworn to and subscribed
before me this 18th
day of September, 2000.

Dye S. Rodkey
Notary Public



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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *
*
*

ACCEPTANCE OF SERVICE

On behalf of Woodland Equipment & Supply Company, I hereby accept service of the Notice to Condemnee, which contains a copy of the Declaration of Taking filed in the above-referenced proceeding.

Respectfully submitted,

By:

Peter F. Smith, Esquire
Attorney for Woodland Equipment &
Supply Company
DATE: 9-13-00

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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *
*
*

NOTICE

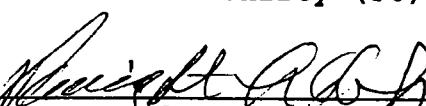
TO: WOODLAND EQUIPMENT & SUPPLY COMPANY
c/o Peter F. Smith, Esquire
30 South Second Street, P. O. Box 130
Clearfield, PA 16830

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 September 13, 2000, in Docket No. 00-1132-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 A.

The properties 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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *

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

TO: WOODLAND EQUIPMENT & SUPPLY COMPANY
c/o Peter F. Smith, Esquire
30 South Second Street, P. O. Box 130
Clearfield, PA 16830

1. A Declaration of Taking was filed on September 13, 2000.
2. The Condemnee of the Declaration of Taking is Woodland Equipment & Supply Company, with a mailing address of P. O. Box 241, Woodland, PA 16881.
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 September 11, 2000. A copy of the said Resolution is attached as Appendix A to the Declaration of Taking.

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 properties that have been condemned through the subject Declaration of Taking are titled in the name of Woodland Equipment & Supply Company, and are located in the Borough of Clearfield, Clearfield County, Pennsylvania, with the properties more fully described as follows:

Assessment No.: 4.4-K08-261-25.
Deed Book Reference: Volume 1689, page 143.
Acreage: 0.13 acre.

Assessment No.: 4.4-K08-262-11.
Deed Book Reference: Volume 1600, page 493.
Acreage: 1.1 acres.

Assessment No.: 4.4-K08-261-28.
Deed Book Reference: Volume 1744, page 295.
Acreage: 1.538 acres.

Assessment No.: 4.4-K08-262-03.
Deed Book Reference: Volume 1085, page 349.
Acreage: Bldgs. & 12.35 acres.

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

10. A detailed map showing the subject properties 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 A.

Respectfully submitted,

By: Dwight L. Koerber
Dwight L. Koerber, Jr., Esquire
Solicitor for the Clearfield
County Municipal Authority
DATE: 9/13/00

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. Koerber, Jr., Esquire
DATE: 9/13/00

APPENDIX A

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 *
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
LOCATED IN THE BOROUGH OF *
CLEARFIELD, CLEARFIELD COUNTY, *
PENNSYLVANIA *

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 of the case.

SEP 13 2000

Altest:

William L. Smith
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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Business Corporation, *
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 Woodland Equipment & Supply Company, a Pennsylvania Business Corporation, with an address of P. O. Box 241, Woodland, PA 16881.
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 September 11, 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 properties that are the subject of the present Declaration of Taking.

6. The properties condemned by this taking are titled in the name of Woodland Equipment & Supply Company, with the properties more fully described as follows:

Assessment No.: 4.4-K08-261-25.
Deed Book Reference: Volume 1689, page 143.
Acreage: 0.13 acre.

Assessment No.: 4.4-K08-262-11.
Deed Book Reference: Volume 1600, page 493.
Acreage: 1.1 acres.

Assessment No.: 4.4-K08-261-28.
Deed Book Reference: Volume 1744, page 295.
Acreage: 1.538 acres.

Assessment No.: 4.4-K08-262-03.
Deed Book Reference: Volume 1085, page 349.
Acreage: Bldgs. & 12.35 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.

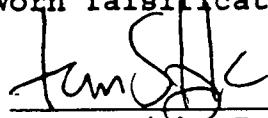
9. Just compensation will be paid through funds covered by a line of credit covering real estate acquisition with the Clearfield Bank & Trust Company, of Clearfield, Pennsylvania. Attached hereto as Appendix B is a bond specifying how the payment obligation will be secured.

Respectfully submitted,

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

VERIFICATION

I verify that the statements made in the foregoing Declaration of Taking 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: 9/11/60

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 WOODLAND EQUIPMENT AND SUPPLY COMPANY, as set forth in Deed dated April 19, 1994, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1600, page 493, Parcel No. 4.4-K08-262-11; by Deed dated June 28, 1995, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 1689, page 143, Parcel No. 4.4-K08-261-25; by Deed dated May 29, 1986, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania in Deed Book Volume 1085, page 349, Parcel No. 4.4-K08-262-03; and by Deed dated December 19, 1995, and recorded at the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1744, page 295, Parcel No. 4.4-K08-261-28, 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 WOODLAND EQUIPMENT AND SUPPLY COMPANY property as set forth in Deed Book 1600, page 493; Deed Book 1689, page 143; Deed Book 1085, page 349; and Deed Book 1744, page 295, 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: Timothy B. Fannin
Chairman: Timothy B. Fannin

ATTEST:

William F. Falger
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
Dwight L. Koerber, Jr., Esquire
Its Solicitor

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

IN RE: CONDEMNATION BY CLEARFIELD
COUNTY MUNICIPAL AUTHORITY OF
THE PROPERTY OF WOODLAND
EQUIPMENT & SUPPLY COMPANY, a
Pennsylvania Corporation, LOCATED
IN THE BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY, PENNSYLVANIA

Docket No. 00-1132-CD

PRAECIPE TO DISCONTINUE

FILED

MAY 16 2001
J. D. Shaw
William A. Shaw
Prothonotary

Koenken

Law Office

DWIGHT L. KOERBER, JR.
ATTORNEY-AT-LAW
110 NORTH SECOND STREET
P. O. Box 1320
CLEARFIELD, PENNSYLVANIA 16830

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Copy
Copy CA
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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
111 WOODLAND EQUIPMENT & SUPPLY
COMPANY, a Pennsylvania
Corporation, LOCATED IN
THE BOROUGH OF CLEARFIELD,
CLEARFIELD COUNTY,
PENNSYLVANIA

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Docket No. 00-1132-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

MAY 16 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 OF * Docket No. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Corporation, 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

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. 00-1132-CD
WOODLAND EQUIPMENT & SUPPLY *
COMPANY, a Pennsylvania *
Corporation, LOCATED IN *
THE BOROUGH OF CLEARFIELD, *
CLEARFIELD COUNTY, *
PENNSYLVANIA *
*
*

CERTIFICATE OF SERVICE

This is to certify that on the 16th day of May, 2001, the undersigned served a true and correct copy of the foregoing Praeclipe to Discontinue in the above captioned matter upon counsel for Condemnee. Such document was served via United States First Class Mail upon the following:

Peter F. Smith, Esquire
30 South Second Street
P. O. Box 130
Clearfield, PA 16830


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

APPENDIX A

RELEASE AND AGREEMENT

I, the undersigned individual, on behalf of Woodland Equipment & Supply Co., 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 Woodland Equipment & Supply Co. 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 owned in the Borough of Clearfield, Clearfield County, Pennsylvania, located at the Clearfield County Technology Park (formerly known as the Harbison-Walker Complex). Woodland Equipment & Supply Co. agrees to indemnify and hold the CCMA and the CCIDA harmless from any liens that arise out of Woodland Equipment & Supply Co.'s ownership of the property.

This release is being signed in exchange for the payment of valuable consideration and Woodland Equipment & Supply Co.'s agreement to have the record in Docket No. 00-1132-CD of the Court of Common Pleas of Clearfield County marked as satisfied under the Eminent Domain Code.

WOODLAND EQUIPMENT & SUPPLY CO.

By: Sandra L. Lansberry
Sandra L. Lansberry, President

COMMONWEALTH OF PENNSYLVANIA:

:SS:

COUNTY OF CLEARFIELD

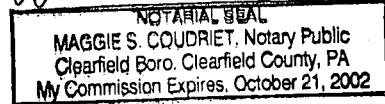
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On this, the 15th day of May, 2001; before me, a notary public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared SANDRA L. LANSBERRY, who acknowledged herself to be the President of Woodland Equipment & Supply, Co., the foregoing corporation, and that as such, she, being authorized by such corporation to do so, executed this Release and Agreement for the purpose contained herein by signing her name thereon as such.

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

My Commission Expires:

Maggie S. Coudriet
NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

IN RE: Condemnation By Clearfield County
Municipal Authority Of The Property Of Woodland
Equipment & Supply Company, a Pennsylvania Corporation,
Located In The Borough Of Clearfield, Clearfield County,
Pennsylvania

No. 00-1132-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 this day, the
16th of May A.D. 2001, marked:

Discontinue

Record costs in the sum of \$80.00 have been paid in full by Dwight L. Koerber.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at
Clearfield, Clearfield County, Pennsylvania this 16th day of May A.D. 2001.



Prothonotary