

00-1139-CD
Cooper Twp. Vs Russell Witherite

00

00-1139-CD

COOPER TOWNSHIP MUNICIPAL AUTHORITY -vs- RUSSELL WITHERITE etux

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

(114) COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

(85) RUSSELL WITHERITE and (85) SHARON WITHERITE,

Condemnees

No. 00-1139-C

FILED

SEP 13 2000

William A. Shaw
Prothonotary

DECLARATION OF TAKING

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

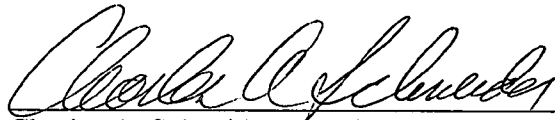
1. The Condemnor is the Cooper Township Municipal Authority, whose address is P.O. Box 446, Winburne, Clearfield County, Pennsylvania.
2. The condemnation is authorized by 26 P.S. 1-101 et seq.
3. Pursuant to Resolution approved August 8, 2000, the Cooper Township Municipal Authority hereby appropriates and condemns real estate designated in the Resolution, a copy of which is attached as Exhibit "A". The Condemnees are Russell Witherite and Sharon Witherite, husband and wife.
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. 1623, Page No. 284, 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.

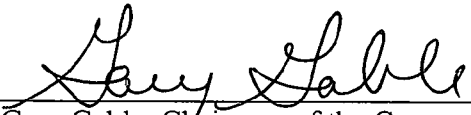
Date: 8/31/00



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 James Michaels and Shelva Michaels, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1887, page 177 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 Michaels and Shelva Michaels, his wife, conditioned for the payment to the said James Michaels and Shelva Michaels, 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 Henry Force and Alma Force, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 618, page 067 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 Henry Force and Alma Force, his wife, conditioned for the payment to the said Henry Force and Alma Force, 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 Leroy Weitosh for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1070, page 015, for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of Leroy Weitosh, conditioned for the payment to the said Leroy Weitosh, of damages for taking when damages have been ascertained.

BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Paul Bunyak for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1504, page 115, 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 Paul Bunyak conditioned for the payment to the said Paul Bunyak of damages for taking when damages have been ascertained.



BE IT RESOLVED, that the solicitor be authorized to bring a condemnation proceeding against Robert Pearce and Beth Pearce, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1858, page 324, 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 Pearce and Beth Pearce, his wife, conditioned for the payment to the said Robert Pearce and Beth Pearce, 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 William Jones and Shelly Jones, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1563, page 431 for purposes of constructing a wastewater treatment system. **BE IT FURTHER RESOLVED**, that the Chairman be authorized to make, execute and deliver Bond to the Commonwealth of Pennsylvania for the use and benefit of William Jones and Shelly Jones, his wife, conditioned for the payment to the said William Jones and Shelly Jones, 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 David Ferguson and Emma Ferguson, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1414, page 431 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 David Ferguson and Emma Ferguson, his wife, conditioned for the payment to the said David Ferguson and Emma Ferguson, 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 Russell Witherite and Sharon Witherite, his wife, for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1623, page 284 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 Russell Witherite and Sharon Witherite, his wife, conditioned for the payment to the said Russell Witherite and Sharon Witherite, 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 Arthur Franek, Jr. and Crystal Hubler for certain property located in Cooper Township, Clearfield County, Pennsylvania more particularly described in Clearfield County Record Book 1756, page 055 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 Arthur Franek, Jr. and Crystal Hubler, conditioned for the payment to the said Arthur Franek, Jr. and Crystal Hubler, of damages for taking when damages have been ascertained.

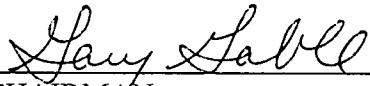
RESOLVED this 8th day of August, 2000, by the board of the Cooper Township Municipal Authority in lawful session assembled.

ATTEST:



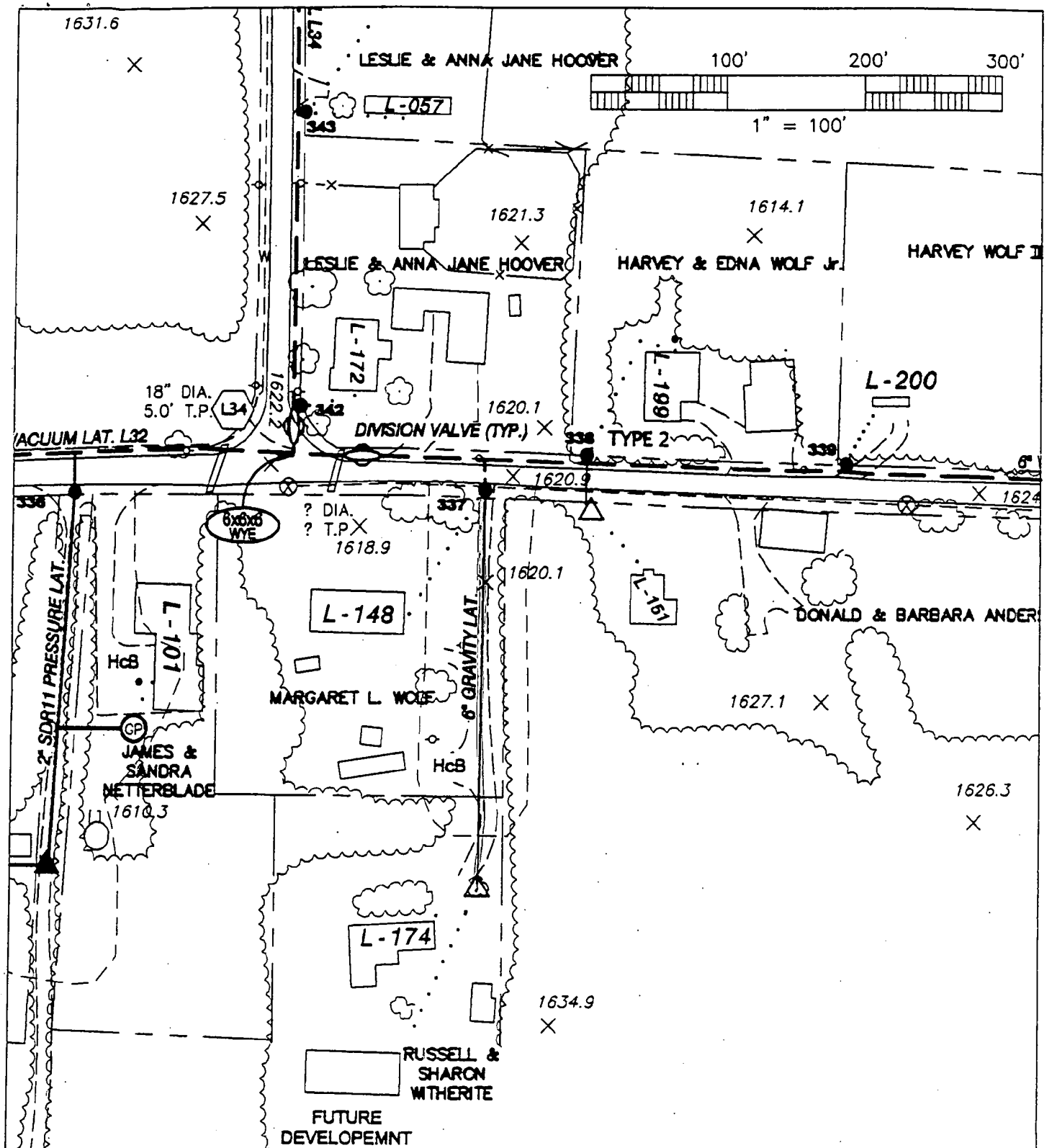
SECRETARY

COOPER TOWNSHIP MUNICIPAL AUTHORITY

By: 

CHAIRMAN





THE PROPERTY LINES SHOWN ARE BASED UPON CURRENT COUNTY TAX ASSESSMENT MAPS. SOME PROPERTY LINES HAVE BEEN ADJUSTED TO CONFORM WITH OBSERVED APPARENT PROPERTY BOUNDARY POSSESSIONS (TREELINES, SHRUBS, LAWNS, ROADS, ETC.) THE PROPERTY LINES HAVE NOT BEEN DETERMINED BY A FIELD SURVEY.

EXHIBIT

B

HAVE

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

RUSSELL WITHERITE and SHARON WITHERITE,

Condemnees

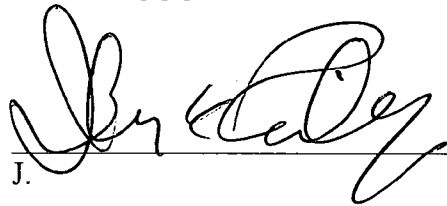
:
:
:
:
:
:
:
:
:
:
:

No.

ORDER

AND NOW this 13 day of Sept, 2000, upon review of the
Plaintiff's Petition and Bond, the said Bond is hereby approved.

BY THE COURT:


J.

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

RUSSELL WITHERITE and SHARON WITHERITE,

Condemnees

:
:
:
:
:
:
:
:
:
:

No.

BOND

KNOW ALL MEN BY THESE PRESENTS, that the Declaration of Taking having been filed the 13th day of September, 2000, by the Cooper Township Municipal Authority, ("obligor") a body politic and corporate organized and existing under the laws of the Commonwealth of Pennsylvania ("obligee") for the use and benefit of the owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner of the property and other parties in interest shall be entitled to receive after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by obligor of certain land located in Cooper Township, Clearfield County, Pennsylvania, and described as follows: [PROPERTY SHOWN IN THE ATTACHED PLAN,] to which payment well and truly to be made, the obligor does bind itself and its successors, and assigns, firmly by these presents.

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

FILED

SEP 13 2000

William A. Shaw
Prothonotary

1 CC

Atty

Atty p.d.

80.00

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

COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

vs.

RUSSELL WITHERITE and SHARON WITHERITE,

Condemnees

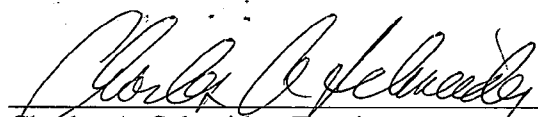
No. 00-1139-CO

NOTICE OF FILING OF DECLARATION OF TAKING

The Cooper Township Municipal Authority states that:

A Declaration of Taking was filed this 31st day of September, 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 Russell Witherite and Sharon Witherite,
husband and wife, described in Record Book No. 1623, Page No. 284.

Date: 9/13/00


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

SEP 13 2000

William A. Shaw
Prothonotary

FILED

SEP 13 2000

William A. Shaw
Prothonotary

15C
Att'y
J

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

114
COOPER TOWNSHIP MUNICIPAL AUTHORITY,

Condemnor

85
vs.

85
RUSSELL WITHERITE and SHARON WITHERITE,

Condemnees

No. 00-1139-CD

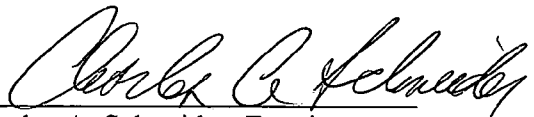
PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.

Date:

10/30/00


Charles A. Schneider, Esquire
Attorney for Plaintiffs
Attorney ID #06780
1315 South Allen Street, Suite 302
State College, PA 16801
(814) 237-6255

FILED

NOV 07 2000

William A. Shaw
Prothonotary

FILED

NOV 07 2000

Recd
07/11/24/1 cent. Dg
William A. Shaw
Prothonotary

to atty Weaver
Copy CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

COOPER TOWNSHIP MUNICIPAL AUTHORITY
Condemnor(s)

COPY

Vs.

No. 00-1139-CD

RUSSELL WITHERITE and SHARON WITHERITE
Condemnee(s)

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
7th of November A.D. 2000, marked:

Settled and Discontinued.

Record costs in the sum of \$80.00 have been paid in full by Charles A. Schneider,
Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at
Clearfield, Clearfield County, Pennsylvania this 7th day of November A.D. 2000.

Prothonotary