

DOCKET NO. 173

NUMBER	TERM	YEAR
2	May	1961

In Re: Condemnation by the Sandy
Township Munc. Auth. of a Certain
Right of Way on Land of:
Sylvester Kroft

VERSUS

2 May 76	SANDY TOWNSHIP MUNICIPAL AUTHORITY AND THE AETNA CASUALTY AND SURETY COMPANY	BOND	<div>FILED MAY - 1 1961 WM. T. HAGERTY PROTHONOTARY</div> SMITH, SMITH & WORK ATTORNEYS-AT-LAW CLEARFIELD, PA.
----------	--	------	---

Lap-over Margin

B O N D

KNOWN ALL MEN BY THESE PRESENTS, that the SANDY TOWNSHIP MUNICIPAL AUTHORITY, a corporation, organized and existing under the Laws of the Commonwealth of Pennsylvania, having its principal office in Sandy Township, Clearfield County, Pennsylvania, as Principal, and THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, as Surety, are held and firmly bound unto SYLVESTER KROFT, or whomsoever may be a party with a compensable interest in the hereafter described property as their interests may appear, hereinafter collectively called Obligee, for such amount of damages as the said Obligee shall be entitled to receive by reason of the appropriation of a certain right of way of the Obligee, not to exceed the sum of Thirty-five Hundred (\$3500.00) Dollars, which payment well and truly to be made, the said Sandy Township Municipal Authority, as Principal, and The Aetna Casualty and Surety Company of Hartford, Connecticut, as Surety, and each of them, do bind themselves, their respective successors and assigns, jointly and severally, firmly by these presents.

IN WITNESS WHEREOF, Principal and Surety have caused this instrument to be duly executed this 1st day of May, 1961.

WHEREAS, the Sandy Township Municipal Authority, under the provisions of the Municipality Authorities Act of May 2, 1945, P.L. 382, and its amendments, has the power of eminent domain for the public purpose of laying out, constructing, operating and maintaining a system of sanitary sewers in the Township of Sandy, and pursuant thereto by Resolution dated October 13, 1960 has appropriated the hereinafter right of way of Obligee and is about to enter upon the same for the purpose of constructing, laying and maintaining sanitary services over the property of the Obligee situate at the corner of Maple Avenue and Shaffer Road,

known on the Assessment Maps of Clearfield County as Parcel No.

and bearing Map No. The right of way required is twenty (20) feet in width to construct a twelve (12") inch sewer.

AND WHEREAS the said Obligee is, or claims to be, the owner of said land and the Sandy Township Municipal Authority has endeavored to, but cannot agree with the Obligee as to the compensation proper for the damage to be sustained by the Obligee by reason of the aforesaid taking of said right of way for the purpose aforesaid.

NOW, THEREFORE, the condition of this obligation is such that if the Sandy Township Municipal Authority shall pay or cause to pay to the said Sylvester Kroft, or whomsoever may be a party with a compensable interest in the aforesaid, Obligee, and his certain attorneys, executors, administrators, or assigns, such amount of damages as he shall be entitled to receive for the taking and appropriation by the Sandy Township Municipal Authority of the right of way, after such damages have been agreed upon by the parties, or assessed in the manner provided by law, then this obligations to be void; otherwise to remain in full force and virtue.

ATTEST:

M. Clyde Munson
Secretary

SANDY TOWNSHIP MUNICIPAL AUTHORITY

BY William H. Dutton
Chairman

ATTEST:

James Marie Maine

THE AETNA CASUALTY AND SURETY COMPANY

BY William A. Exelun
(attorney-in-fact)

AND NOW, the day of May, 1961, the foregoing Bond approved and ordered filed.

BY THE COURT

John H. Hunt
P. J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE MATTER OF CONDEMNATION BY THE :
SANDY TOWNSHIP MUNICIPAL AUTHORITY : No. *3* *May* February Term,
OF A CERTAIN RIGHT OF WAY ON LAND OF: :
SYLVESTER KROFT : 1961

PETITION FOR APPROVAL OF BOND TO SECURE
PAYMENT OF CONDEMNATION AWARDS AND FOR
FILING THEREOF.

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The petition of the SANDY TOWNSHIP MUNICIPAL AUTHORITY
respectfully represents:

1. Petitioner is a body politic and corporate, organized
as a general authority by the Supervisors of Sandy Township,
Clearfield County, Pennsylvania, on January 29, 1960, pursuant to
the Laws of the Commonwealth of Pennsylvania, particularly under
the Municipality Authorities Act of May 2, 1945, P.L. 382, and its
amendments.

2. Petitioner is authorized by the Municipality Authori-
ties Act of May 2, 1945, P.L. 382, and its amendments, to exercise
the right of eminent domain, and has heretofore on October 13
1960, by Resolution duly passed and adopted at a meeting of said
body, at which a quorum was present, condemned and appropriated
certain right of ways in Sandy Township, Clearfield County, Pennsylv-
ania, as more fully appear in the records of said Authority.

3. Petitioner has negotiated with the Owner of said
land, but he has refused and does refuse to negotiate a right of
way agreement with the Petitioner, and has refused to allow the
Petitioner to begin operations upon his premises, even though the
Petitioner has tendered an open penalty bond for the payment of
any damages which may be payable to him.

4. Petitioner is willing to file a bond in the amount
of \$3500.00, which said amount was agreed to between counsel for
the Petition and counsel for Owner, for such amount of damages

as may be found to be due by reason of the taking and appropriation of the right of way, and such bond having The Aetna Casualty and Surety Company, a corporation, as Surety thereon; said bond is sufficient surety for the payment of any damages which might be suffered by the Owner.

5. Petitioner has given Owner of said right of way notice that the bond hereto attached would on May 1st, 1961, at 10 o'clock A.M., be presented to your Honorable Court for approval, or as soon thereafter as it is convenient.

6. Owner, by his attorney, has been given notice of the time and place of presentation, and has waived the right to attend the hearing in regard to the same.

7. Petition avers and believes that the said bond is sufficient to secure payment of any and all damages that may be sustained by any person having an interest therein.

WHEREFORE, your Petitioner respectfully presents the said bond to your Honorable Court and prays that it may be approved and filed for the benefit of said Obligee, his heirs, executors, administrators and assigns, as provided by law.

SANDY TOWNSHIP MUNICIPAL AUTHORITY
BY William H. Graton
Chairman

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

WILLIAM H. GRATTON, being duly sworn according to law, deposes and says he is the Chairman of the SANDY TOWNSHIP MUNICIPAL AUTHORITY, Petitioner named in the foregoing Petition; that being thereunto duly authorized, he makes the foregoing Petition and this Affidavit for and on behalf of said Petitioner; and that the averments contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

William H. Gratton
(William H. Gratton)

Sworn and subscribed to

before me this 1st day

of May, 1961.

Mr. Mulder B. King

NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

B O N D

KNOWN ALL MEN BY THESE PRESENTS, that the SANDY TOWNSHIP MUNICIPAL AUTHORITY, a corporation, organized and existing under the Laws of the Commonwealth of Pennsylvania, having its principal office in Sandy Township, Clearfield County, Pennsylvania, as Principal, and THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, as Surety, are held and firmly bound unto SYLVESTER KROFT, or whomsoever may be a party with a compensable interest in the hereafter described property as their interests may appear, hereinafter collectively called Obligee, for such amount of damages as the said Obligee shall be entitled to receive by reason of the appropriation of a certain right of way of the Obligee, not to exceed the sum of Thirty-five Hundred (\$3500.00) Dollars, which payment well and truly to be made, the said Sandy Township Municipal Authority, as Principal, and The Aetna Casualty and Surety Company of Hartford, Connecticut, as Surety, and each of them, do bind themselves, their respective successors and assigns, jointly and severally, firmly by these presents.

IN WITNESS WHEREOF, Principal and Surety have caused this instrument to be duly executed this 1st day of May, 1961.

WHEREAS, the Sandy Township Municipal Authority, under the provisions of the Municipality Authorities Act of May 2, 1945, P.L. 382, and its amendments, has the power of eminent domain for the public purpose of laying out, constructing, operating and maintaining a system of sanitary sewers in the Township of Sandy, and pursuant thereto by Resolution dated October 13, 1960 has appropriated the hereinafter right of way of Obligee and is about to enter upon the same for the purpose of constructing, laying and maintaining sanitary services over the property of the Obligee situate at the corner of Maple Avenue and Shaffer Road,

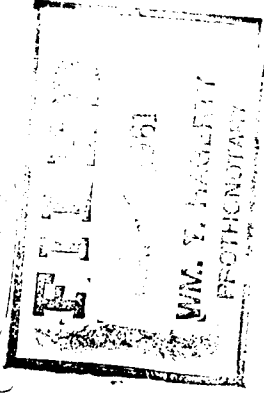
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

No. *114* Feb. Term, 1961

IN THE MATTER OF CONDEMNATION BY THE SANDY TOWNSHIP MUNICIPAL AUTHORITY OF A CERTAIN RIGHT OF WAY ON LAND OF:

SYLVESTER KROFT

PETITION and BOND



SMITH, SMITH & WORK
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

known on the Assessment Maps of Clearfield County as Parcel No. and bearing Map No. The right of way required is twenty (20) feet in width to construct a twelve (12") inch sewer.

AND WHEREAS the said Obligee is, or claims to be, the owner of said land and the Sandy Township Municipal Authority has endeavored to, but cannot agree with the Obligee as to the compensation proper for the damage to be sustained by the Obligee by reason of the aforesaid taking of said right of way for the purpose aforesaid.

NOW, THEREFORE, the condition of this obligation is such that if the Sandy Township Municipal Authority shall pay or cause to pay to the said Sylvester Kroft, or whomsoever may be a party with a compensable interest in the aforesaid, Obligee, and his certain attorneys, executors, administrators, or assigns, such amount of damages as he shall be entitled to receive for the taking and appropriation by the Sandy Township Municipal Authority of the right of way, after such damages have been agreed upon by the parties, or assessed in the manner provided by law, then this obligations to be void; otherwise to remain in full force and virtue.

ATTEST:

M. Claude Munger
Secretary

SANDY TOWNSHIP MUNICIPAL AUTHORITY

BY William H. Patton
Chairman

ATTEST:

ANNA MARIE MARINO

THE AETNA CASUALTY AND SURETY COMPANY

BY William A. Eschelman (SEAL)
Attorney in fact

AND NOW, the 12th day of May, 1961, the foregoing Bond approved and ordered filed.

BY THE COURT

John J. Penz