

01-188-CD
IN RE: CONDEMNATION BY THE GIRARD TOWNSHIP MUNICIPAL AUTHORITY

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

IN RE:

CONDEMNATION BY THE GIRARD
TOWNSHIP MUNICIPAL AUTHORITY
OF EASEMENTS FOR SANITARY SEWER
LINES OVER, ACROSS AND THROUGH
TRACTS OF LAND SITUATE IN GIRARD
TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA

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* No. 01-188 -CD
* ACTION IN REM
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FILED

FEB 07 2001

William A. Shaw
Prothonotary

DECLARATION OF TAKING

The GIRARD TOWNSHIP MUNICIPAL AUTHORITY does respectfully declare that:

1. The Condemnor is the Girard Township Municipal Authority (hereafter known as the "AUTHORITY"), and is located at P.O. Box 36, LeContes Mills, Pennsylvania 16850.
2. The within condemnation is authorized by the Municipality Authorities Act of 1945, enacted May 2, 1945, P.L. 382, Section 4 as amended, subparagraph A(a)(5) and subparagraph B(d) (53 P.S. 306) and Section 11 (53 P.S. 314).
3. This Declaration of Taking is authorized by resolution of the Condemnor at a regular meeting on January 30, 2001, the record thereof may be examined at the office of the Girard Township Municipal Authority, LeContes Mills, Pennsylvania.
4. The purpose of the condemnation is to obtain lands and necessary easements for the construction and installation of a sewage treatment plant, main service lines, including manholes and pumping stations where required, to certain private property and along the rights-of-way of state and legislative routes in the Villages of Bald Hill and LeContes Mills and environs in Girard Township, Clearfield County, Pennsylvania and to provide sanitary sewer service to properties abutting said lines or within 150 feet thereof as required by ordinance enacted by Girard Township.
5. The description of the property condemned, sufficient for identification, is as follows: Sewer easements ten (10) feet in width (5 feet on each side of the sewer line) and an additional ten (10) feet in width of temporary construction easement over those lots or parcels of land within plan view labeled Exhibit "A" attached hereto, encompassing the Villages of Bald Hill and LeContes Mills and environs in Girard Township, Clearfield County, Pennsylvania and as shown on the general plan of the sewer project, which general plan, together with the maps for each property subject to the within condemnation, are on the same day of the filing of the within condemnation, being lodged for record in the Offices of the Recorder of Deeds of Clearfield County, Pennsylvania, in accordance with

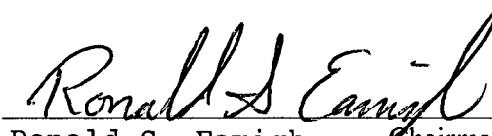
Section 404 of the Eminent Domain Code of the Commonwealth of Pennsylvania, Act of 1964, Sp. Sess., June 22, P.L. 84, Art. 1, Section 404.

6. The nature of the title acquired is for sanitary sewer easements.

7. Said plans as attached hereto showing the condemned property to be recorded in the Office of the Recorder of Deeds under caption NOTICE OF CONDEMNATION concurrently with the filing of the within Declaration of Taking. Further detailed construction plans are available for inspection at the office of the Authority during regular business hours or of the office of Hess & Fisher Engineers, 36 North 2nd Street, Clearfield, Pennsylvania ((814) 765-7541) by appointment.

8. The condemnor files with this Declaration of Taking, its open-end bond, without surety, pursuant to Section 403(a) of the Eminent Domain Code of 1964 as amended. Just compensation is made or secured by the filing of said bond, being attached hereto and made a part hereof.

GIRARD TOWNSHIP MUNICIPAL AUTHORITY
By:


Ronald S. Eamigh, Chairman
1-30-01

COMMONWEALTH OF PENNSYLVANIA

:SS

COUNTY OF CLEARFIELD

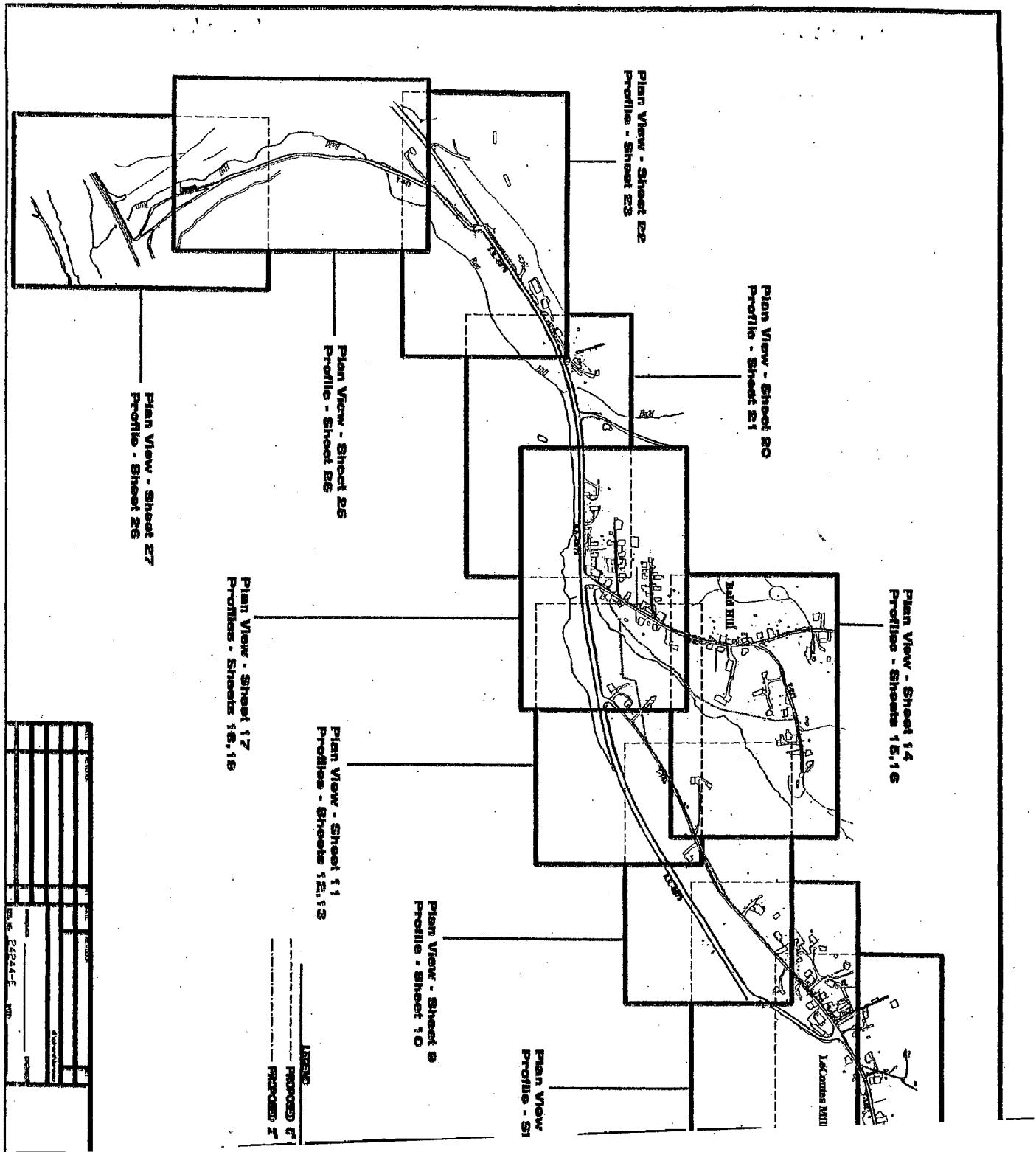
Ronald S. Eamigh, being duly sworn according to law, deposes and says that he is Chairman of the Girard Township Municipal Authority, and makes this Affidavit on its behalf, being familiar with the facts and having authority so to do, and that all of the statements in the foregoing Declaration of Taking are true and correct to the best of his information, knowledge and belief.



SWORN to and SUBSCRIBED before me
this _____ day of _____,
2001.

NOTARIAL SEAL
David S. Ammerman, Notary Public
Clearfield Borough, County of Clearfield
My Commission Expires Nov. 20, 2004

Notary Public



BOND

KNOW ALL MEN BY THESE PRESENTS, THAT THE GIRARD TOWNSHIP MUNICIPAL AUTHORITY, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, hereinafter called "OBLIGOR" is held and firmly bound unto the Commonwealth of Pennsylvania, hereinafter called "OBLIGEE" for the use and benefit of the owner or owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damages as the said owner or owners of the said property and other parties in interest shall be entitled to receive as just compensation after the same shall have been agreed upon or assessed in the manner prescribed by law, by reason of the condemnation by the Girard Township Municipal Authority of the certain sewer easement over and upon those parcels of land as described in the Declaration of Taking filed, said lands being located in Girard Township, Clearfield County, Pennsylvania.

WHEREAS, the Girard Township Municipal Authority has condemned the said property and cannot agree with the owner or owners of said land upon the just compensation to be paid for the damages sustained by said owner or owners as a result of the condemnation.

NOW THE CONDITION of this Bond is such that if the Girard Township Municipal Authority, the OBLIGOR, herein, shall pay or cause to be paid such amount of damages as the said owner or owners of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to be and remain in full force and effect.

Sealed with the corporate seal and duly executed this 30th day of
January, 2001.

ATTEST:

Lysa A. Kovalick
Secretary

GIRARD TOWNSHIP MUNICPAL AUTHORITY
By

Ronald S. Empl 1-30-01
Chairman

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA

GIRARD TOWNSHIP MUNICIPAL
AUTHORITY

DECLARATION OF TAKING
Date: January 30, 2001

REC'D [initials]

RECEIVED
FEB 07 2001
1/30/01 6th Ammerman
William A. Shar
Prothonotary
Pd \$80.00
Rec atty.

AMMERMAN & MARSHALL
Attorneys at Law
310 EAST CHERRY STREET
CLEARFIELD, PA 16830