

02-1468-CD
IN RE: CONDEMNATION BY LAWRENCE TOWNSHIP, HARRY W. AND DOLLY E.
HAND

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

IN RE: CONDEMNATION BY
LAWRENCE TOWNSHIP OF AN
EASEMENT ON PROPERTY OWNED
HARRY W. HAND AND DOLLY E.
HAND, KNOWN AS CLEARFIELD
COUNTY ASSESSMENT MAP NUMBER
123-J09-268-7

: No. 02- 1408 -CD

FILED

SEP 10 2002

Assistants to the
William A. Shaw

140 Prothonotary

80.00
5ccatty

DECLARATION OF TAKING

NOW COMES, Lawrence Township, Clearfield County, Pennsylvania and files the following Declaration of Taking:

1. The Condemnor is Lawrence Township, a second class township with its offices at P.O. Box 508, George Street, Clearfield, Pennsylvania, 16830.
2. This condemnation is authorized by Section 3401-3407 of the Second Class Township Code, 53 P.S. 68401-68407, as amended and supplemented;
3. This Declaration of Taking was authorized by resolution duly passed by Lawrence Township at a regular meeting held on August 20, 2002. The record thereof, including a copy of the Resolution may be examined at the office of the Township at P.O. Box 508, George Street, Clearfield, Pennsylvania, 16830, during regular business hours.
4. The purpose of this condemnation is to acquire an easement for the purposes of the Township's rehabilitation and extension of its sewer system and related facilities.

5. The property condemned are shown on plats thereof annexed to this Declaration of Taking as a part hereof, which property is identified by the following plat number, assessment map number and owner(s) as known to the Township.

<u>Plat Number</u>	<u>Map Number</u>	<u>Owner(s)</u>
16HYDE-7	123-J09-268-7	Harry W. Hand and Dolly E. Hand

Copies of the Plats annexed hereto are also being lodged for record concurrent with the filing herewith in the Office of the Recorder of Deeds of Clearfield County in accordance with Section 404 of the Eminent Domain Code, Act of June 22, 1964, Sp. Sess., P.L. 84, Art. I Section 404, as amended, Act of December 5, 1969, P.L. 316, Section 1 and Act of December 29, 1971, P.L. 636, No. 169 Section 2, 26 P.S. Section 1-404.

6. The nature of the title acquired in and to property described in Paragraph 5 hereof is a permanent, exclusive and sufficient easement, right-of-way, rights, and privileges for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing sewage facilities over, under, across, upon and through the easement area as shown on the Plat, with the temporary right during construction to use an additional area of the surface of the property also shown on the Plat to construct and install within the permanent easement area the facilities to be constructed with rights to do all things necessary, convenient and required to carry out the construction within the permanent easement area.

7. The construction plans of the Township showing the facilities to be constructed and installed as well as the condemned property may be inspected at the office of the Township at P.O. Box 508, George Street, Clearfield, PA, 16830, during regular business hours.

8. Just compensation for this condemnation is secured by the Bond of the Township, without surety, in accordance with Section 403 of the Eminent Domain Code, 26 P.S. Section 1-403(a) which is being filed contemporaneously herewith.

LAWRENCE TOWNSHIP
By:

ATTEST:

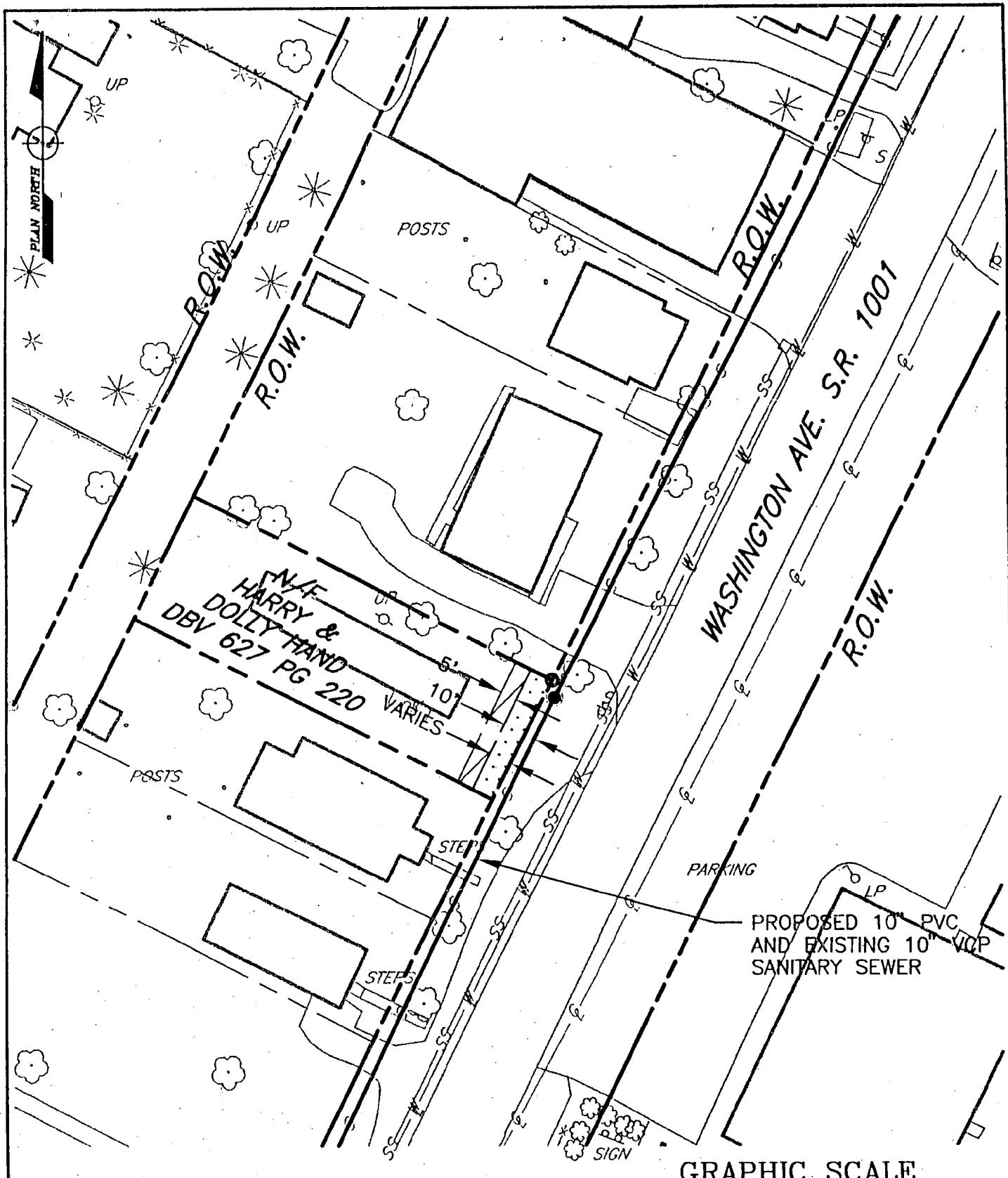
Barbara Shaffner

Barbara Shaffner, Secretary

William D. Lawhead

William D. Lawhead, Chairman

“Seal”



PROPOSED EASEMENT AREA = $276 \pm$ S.F.
 TEMPORARY EASEMENT AREA = $200 \pm$ S.F.
 EASEMENT LENGTH = $40 \pm$ L.F.



LEGEND

- TEMPORARY EASEMENT
- UTILITY EASEMENT
- PROPOSED SANITARY SEWER AND MANHOLE
- PROPERTY LINE
- RIGHT-OF-WAY LINE

NOTES:

1. PROPERTY LINE LOCATIONS WERE COMPILED FROM DEEDS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY.
2. PERMANENT SANITARY SEWER EASEMENT TO BE 20'-0" WIDE UNLESS OTHERWISE NOTED.
3. TEMPORARY CONSTRUCTION EASEMENT TO BE 5'-0" WIDE UNLESS OTHERWISE NOTED.

STIFFLER, McGRAW & ASSOCIATES, INC.

Consulting Engineers & Surveyors

19 North Juniata Street
 P.O. Box 462
 Hollidaysburg, PA 16648
 (814) 696-6280

DRAFT SHOWING
 SANITARY SEWER EASEMENT
 TO BE ACQUIRED BY
LAWRENCE TOWNSHIP SUPERVISORS
 FROM
HARRY & DOLLY HAND
 SITUATE
LAWRENCE TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA

SCALE:
1" = 40'
DATE:
5/8/01
PLAT NO.
16HYDE-7

KIM C. KESNER
ATTORNEY AT LAW
23 North Second Street
CLEARFIELD, PA 16830
(814) 765-1706

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

IN RE: CONDEMNATION BY
LAWRENCE TOWNSHIP OF AN
EASEMENT ON PROPERTY OWNED
HARRY W. HAND AND DOLLY E.
HAND, KNOWN AS CLEARFIELD
COUNTY ASSESSMENT MAP NUMBER
123-J09-268-7

:
: No. 02-1408 -CD
:
:
:
:
:
:
:

BOND

FILED

SEP 10 2002

0135215c City Kenn

William A. Shaw
Prothonotary

KNOW ALL MEN BY THESE PRESENTS, THAT LAWRENCE TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA, a Second Class Township, with its office at P.O.
Box 508, George Street, Clearfield, Pennsylvania, 16830, hereafter 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 interests condemned, the condition of
which shall be that the OBLIGOR shall pay such damages as shall be determined by law.

WHEREAS, Lawrence Township, the OBLIGOR herein, shall pay or cause to be paid
such amount of damages as the said owner(s) of the property interest shall be entitled to 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 remain in full force and
effect.

LAWRENCE TOWNSHIP
By:

ATTEST:

Barbara Shaffner
Barbara Shaffner, Secretary

William D. Lawhead
William D. Lawhead, Chairman

"Seal"

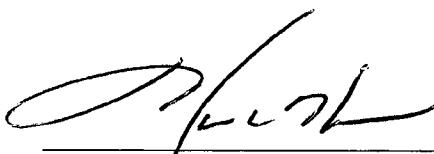
KIM C. KESNER
ATTORNEY AT LAW
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(814) 765-1706

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

IN RE: CONDEMNATION BY :
LAWRENCE TOWNSHIP OF AN : No. 02-1408-CD
EASEMENT ON PROPERTY OWNED :
HARRY W. HAND AND DOLLY E. :
HAND, KNOWN AS CLEARFIELD :
COUNTY ASSESSMENT MAP NUMBER :
123-J09-268-7 :
:

MEMORANDUM OF RECORDING
NOTICE OF CONDEMNATION

In accordance with Section 404 of the Eminent Domain Code, 26 P.S. Section 1-404, now comes Lawrence Township, by its special counsel, Kim C. Kesner, Esquire and files this Memorandum that on the 10th day of September, 2002, a Notice of this condemnation was recorded with the Recorder of Deeds of Clearfield County and is of the record at Instrument Number 200214417.



Kim C. Kesner, Esquire
Special Counsel to Lawrence Township

FILED

SEP 11 2002
010-4511cc atty
William A. Shaw
Prothonotary *Kesner*
E. K. K.

AFFIDAVIT OF PROCESS SERVER

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

Lawrence Township

PLAINTIFF/PETITIONER

vs. Harry W. Hand & Dolly E. Hand

02-1408CD

DEFENDANT/RESPONDENT

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Harry W. Hand and Dolly E. Hand

with the (documents) Notice of Declaration of Taking, Declaration of Taking & Bond
by serving Harry W. Hand

NAME

RELATIONSHIP

at Home 530 Spruce Street Clearfield PA 16830

Business

FILED

10/25/02 AM
OCT 07 2002 Kestner

on _____ at _____
Thereafter copies of the documents were mailed by prepaid, first class mail on _____
from William A. Shaw
CITY STATE
D.A. Prothonotary

Manner of Service: By personally delivering copies to the person/authorized agent of entity being served.

By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.

By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.

By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

Unknown at Address

Evading

Moved, Left no Forwarding

Other

Address Does Not Exist

Service Cancelled by Litigant

Unable to Service in a Timely Fashion

Service Attempts: Service was attempted on ()

DATE

TIME

DATE

TIME

()

DATE

DATE

TIME

DATE

TIME

Description:

Age 60 Sex M Race W Hgt. 5'8" Wgt. 160 Hair balld Glasses Y

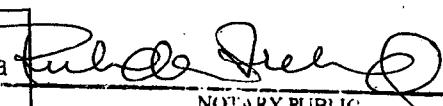
I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 9-12-02
at Clearfield PA 16830 CITY STATE DATE

State of PA
County of CLEARFIELD

Sworn to and subscribed before me this 12 day of September 02

RICHARD A. IRELAND
District Justice, State of Pennsylvania
No. 46-3-02, Clearfield County
Term Expires Jan. 3, 2006


SIGNATURE OF PROCESS SERVER


NOTARY PUBLIC