

02-1922-CD
IN RE: IRVONA MUNICIPAL AUTHORITY

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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands :
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- :
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband :

No. 02-1922 -CD
IN REM

FILED

DEC 10 2002

William A. Shaw

Prothonotary/Clerk of Courts

DECLARATION OF TAKING

The Irvona Municipal Authority hereby declares:

1. The Condemnor is the Irvona Municipal Authority whose primary office and place of business is situate in the Borough of Irvona, Clearfield County, Pennsylvania, with a mailing address of Berwind Street, P. O. Box 247, Irvona, Pennsylvania 16656.
2. The parcel of real estate hereinafter described is hereby condemned in fee simple or absolute title by the Condemnor for the purpose of constructing a filtration plant to filter water coming from the Condemnor's existing surface water reservoir so the same may be utilized as the primary and/or as an auxiliary water source by the Condemnor in order to supply public drinking water to the customers of the Condemnor.
3. The Condemnor is hereby exercising its right to condemn the parcel in question pursuant to the authority vested in it by the Municipality Authorities Act, as amended, (Act No. 22 of 2001, approved June 19, 2001, as amended) particularly 53

P.S. §5607(d)(15) and 53 P.S. §5615, and as otherwise authorized by Resolution Number 0204 adopted December 9, 2002, by Condemnor. A certified copy of the Resolution is attached as Exhibit "A". The original Resolution may be examined at the Offices of the Condemnor at the above address.

4. The purpose of the condemnation is to construct a water filtration plant to filter water coming from the Condemnor's existing surface water reservoir so the same may be utilized as either the primary and/or an auxiliary source by the Condemnor in order to supply public drinking water to the customers of the Condemnor.

5. A description of the parcel of real estate being condemned sufficient for its identification is set forth in the attached Exhibit "B" which is made a part hereof. On the same day as this Declaration of Taking is being filed with the Prothonotary of Clearfield County, Pennsylvania, plans showing the property condemned are being lodged for record in the Office of the Recorder of Deeds of Clearfield County in accordance with Section Number 404 of the Eminent Domain Code, 26 P.S. §1-404.

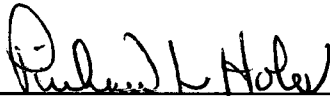
6. The nature of the title acquired in and to the property above described is a fee simple or absolute title.

7. The plans showing the condemned property may be inspected at the offices of the Condemnor, situate at Berwind Street, Irvona (Clearfield County) Pennsylvania 16656.

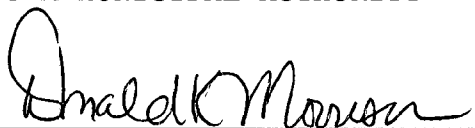
8. The Condemnor files with this Declaration of Taking an open end bond, without security, pursuant to §403(a) of the Eminent Domain Code, 26 P.S. §1-403(a). Just compensation is made or secured by the filing of the bond. A copy of the bond is attached as Exhibit "C".

IRVONA MUNICIPAL AUTHORITY

ATTEST:



Secretary
(SEAL)

By 

Chairman

IRVONA MUNICIPAL AUTHORITY

RESOLUTION AUTHORIZING FILING OF A DECLARATION OF TAKING

RESOLUTION NO. 02 - 04

A RESOLUTION AUTHORIZING THE SELECTION AND APPROPRIATION OF A PARCEL OF REAL ESTATE SITUATE IN IRVONA BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA, CONTAINING 2.47 ACRES, FOR THE PURPOSE OF CONSTRUCTING A WATER FILTRATION PLANT IN ORDER TO IMPROVE THE WATER QUALITY AND TO INSURE VIABILITY OF A FUTURE WATER SUPPLY FOR THE CUSTOMERS OF THE IRVONA MUNICIPAL AUTHORITY. SAID RESOLUTION IS TO OTHERWISE PROVIDE AUTHORIZATION FOR THE FILING OR A DECLARATION OF TAKING AND PROCEEDING WITH SUCH OTHER NECESSARY ACTION IN THE ACQUISITION OF SAID REAL ESTATE.

WHEREAS, the Irvona Municipal Authority (hereafter called "Authority"), a body corporate and politic, created and existing under the Municipality Authorities Act, as amended, (53 P.S. § 5601 et seq.), in recent years has provided public water to its customers from wells which have high concentrations of iron, manganese and sulphur which require frequent treatment to make said water usable, safe and free of potential health hazards; and

WHEREAS, due to frequent complaints about the quality of the water from its customers and to eliminate the possibility of any future health hazards that could potentially be caused by the increase and improper treatment of contaminated well water, the Authority has decided to construct a membrane filtration system which will allow the Authority to use its surface reservoir as a primary water source; and

WHEREAS, the construction of the aforementioned filtration plant should dramatically improve the safety of the water provided to the Authority's customers since said filtration plant will purify the water supply and otherwise eliminate health risks associated with crypto sporidium and giardia. Furthermore, by virtue of the construction of said filtration plant, this will then provide to the Authority another useable water source which would then be available should the other water source become contaminated or depleted due to drought conditions; and

WHEREAS, the Authority has been unable to agree with the owners of the property to be acquired as to a price or amount of damages to be paid; and

WHEREAS, in accordance with the Municipality Authorities Act, as amended, particularly 53 P.S. § 5607(d)(15) and 53 P. S. § 5615, the Irvona Municipal Authority is authorized to acquire title to the real estate in question through Eminent Domain proceedings.

NOW, THEREFORE, BE IT RESOLVED, that the Irvona Municipal Authority, in accordance with the authority conferred by law and in order to construct a filtration plant to utilize its surface water reservoir to supply water to customers of the Authority, hereby selects and appropriates for said purpose, a parcel of real estate assessed to and owned by Donna G. Covert and Harold E. Covert, her husband, consisting of 2.47 acres situate in Irvona Borough, Clearfield County, Pennsylvania, and further identified as being a portion of those lands identified by Clearfield County

Assessment Map Number 11.0-H16-50. Attached hereto and made a part hereof are a survey and a metes and bounds description of the premises to be acquired.

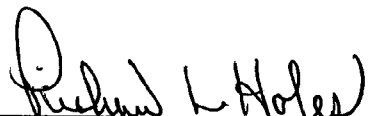
RESOLVED, the fee simple title to the aforementioned parcel, is hereby selected and appropriated for purposes of constructing a filtration plant upon the same for purposes of filtering water available to the Irvona Municipal Authority through its existing surface water reservoir.

RESOLVED, that title to be acquired shall be absolute or fee simple title, including all easements, rights of way and real property interest of whatever nature.

RESOLVED, that legal counsel for the Irvona Municipal Authority and its proper officers are hereby authorized to file a Declaration of Taking and such other proceedings, including the entry of such bond as may be necessary or desirable, to carry out the purpose of this resolution.

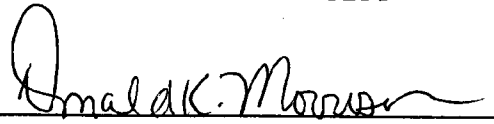
RESOLVED, that at the institution of such proceedings, any damages which may be agreed upon or awarded to any party in interest, including the owners of said property to be acquired, shall be paid out of the funds of the Irvona Municipal Authority.

ATTEST:



Secretary

IRVONA MUNICIPAL AUTHORITY

By: 

Chairman

(SEAL)

ALL that certain tract or parcel of land situate in Irvona Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on a line of other lands of Donna G. Covert and Harold E. Covert (hereafter called "Grantors"), said point being at the division line of lands the Grantors and lands of Alex Yaworski, thence from the point of beginning along the line of lands of Alex Yaworski, S78°50'44" W a distance of 195.41 feet to a point on the line of lands of Walter Lucas; thence along the line of lands of Walter Lucas, N25°28'13"W a distance of 143.15 feet to a point; thence by the same, S84°13'13"W a distance of 69.97 feet to a point on the line of lands of Elwood Burgess; thence along the line of lands of Elwood Burgess, N07°19'13"W a distance of 230.10 feet to a point; thence by the same, N04°34'29"W a distance of 100.00 feet to a point; thence through the lands of the Grantors, N85°25'31"E a distance of 181.40 feet to a point; thence by the same, S26°35'05"E a distance of 432.51 feet to a point on the line of other lands of the Grantors; thence along the line of other lands of the Grantors, S64°31'47"W a distance of 30.00 feet to a point; thence by the same, S25°28'13"E a distance of 30.00 feet to the point and place of beginning. CONTAINING 2.47 Acres, as is shown on Plan No. 3359 as prepared by Gwin, Dobson & Foreman, Inc. and dated October 9, 2002.

$$\begin{array}{r} \text{N } 85^{\circ} 25' 31'' \text{ E} \\ \hline 181.40' \end{array}$$

N04°34'29"W
100.00'

ELWOOD BURGESS

N07°19'13"W
230.10'

W TRANSITE W
3" DIA.

PP #MB-818

DONNA G. &
HAROLD E. COVERT

EXISTING ELEVATED
ANIMAL CAGES

(2.47 ACRES)

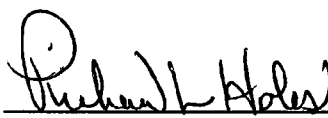
CERTIFICATE

I, the undersigned, Secretary of the Irvona Municipal Authority (hereafter "Authority"), certify that: the foregoing is a true and correct copy of the Resolution which duly was enacted by affirmative vote of a majority of all members of the Board of the Authority's, in accordance with law, at a meeting duly held on December 9, 2002, at which meeting a quorum was present; said Resolution has been certified and recorded by me, as Secretary of the Authority, in the book provided for the purpose of such recording; said Resolution, upon enactment, as aforesaid, was assigned Resolution No. 02- 04 ; the total number of members of the Board of the Authority is five (5); the vote of the members of the Board of the Authority, upon enactment of said Resolution, the yeas and nays having been called, duly was recorded by me, as Secretary, as follows:

Donald Morrison, Chairman	- Yea
William McCusker, Vice Chairman	- Yea
William J. McCusker	- Yea
George Dick	- Yea
Richard Holes, Secretary-Treasurer	- Yea

I further certify that the Authority met the advance notice and public comment requirements of the Sunshine Act, Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Authority or at the public building in which said meeting was held and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Authority, this 9th day of December, 2002.



Richard Holes, Secretary

(SEAL)

ALL that certain tract or parcel of land situate in Irvona Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on a line of other lands of Donna G. Covert and Harold E. Covert (hereafter called "Grantors"), said point being at the division line of lands the Grantors and lands of Alex Yaworski, thence from the point of beginning along the line of lands of Alex Yaworski, S78°50'44" W a distance of 195.41 feet to a point on the line of lands of Walter Lucas; thence along the line of lands of Walter Lucas, N25°28'13"W a distance of 143.15 feet to a point; thence by the same, S84°13'13"W a distance of 69.97 feet to a point on the line of lands of Elwood Burgess; thence along the line of lands of Elwood Burgess, N07°19'13"W a distance of 230.10 feet to a point; thence by the same, N04°34'29"W a distance of 100.00 feet to a point; thence through the lands of the Grantors, N85°25'31"E a distance of 181.40 feet to a point; thence by the same, S26°35'05"E a distance of 432.51 feet to a point on the line of other lands of the Grantors; thence along the line of other lands of the Grantors, S64°31'47"W a distance of 30.00 feet to a point; thence by the same, S25°28'13"E a distance of 30.00 feet to the point and place of beginning. CONTAINING 2.47 Acres, as is shown on Plan No. 3359 as prepared by Gwin, Dobson & Foreman, Inc. and dated October 9, 2002.

EXHIBIT "B"

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands : No. 02- -CD
 situate in Irvona Borough, :
 Clearfield County, Pennsylv- :
 vania belonging to Donna G. : IN REM
 Covert and Harold E. Covert, :
 her husband :
 :

BEGINNING at a point on a line of other lands of Donna G. Covert and Harold E. Covert (hereafter called "Grantors"), said point being at the division line of lands the Grantors and lands of Alex Yaworski, thence from the point of beginning along the line of lands of Alex Yaworski, S78°50'44" W a distance of 195.41 feet to a point on the line of lands of Walter Lucas; thence along the line of lands of Walter Lucas, N25°28'13"W a distance of 143.15

EXHIBIT "C"

feet to a point; thence by the same, S84°13'13"W a distance of 69.97 feet to a point on the line of lands of Elwood Burgess; thence along the line of lands of Elwood Burgess, N07°19'13"W a distance of 230.10 feet to a point; thence by the same, N04°34'29"W a distance of 100.00 feet to a point; thence through the lands of the Grantors, N85°25'31"E a distance of 181.40 feet to a point; thence by the same, S26°35'05"E a distance of 432.51 feet to a point on the line of other lands of the Grantors; thence along the line of other lands of the Grantors S64°31'47"W a distance of 30.00 feet to a point; thence by the same, S25°28'13"E a distance of 30.00 feet to the point and place of beginning. CONTAINING 2.47 Acres, as is shown on Plan No. 3359 as prepared by Gwin, Dobson & Foreman, Inc. and dated October 9, 2002.

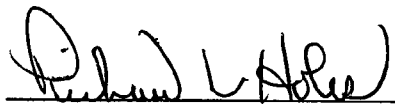
to which payment well and truly to be made, the Obligor does bind itself and its successors, and assigns firmly by these presents.

WHEREAS, the Obligor has condemned the said property and cannot agree with the owners of said unimproved land upon the just compensation to be paid for damages sustained by said owners as the result of the condemnation.

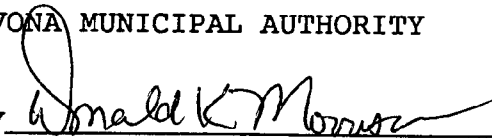
NOW, THE CONDITION of this Bond is such that if the Obligor shall pay or cause to be paid such amount of damages as the said owners of the property and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the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

SEAL with the corporate seal and duly executed the 10th day of December, 2002.

ATTEST:


Secretary

IRVONA MUNICIPAL AUTHORITY

By 
Chairman

VERIFICATION

I verify that the statements made in this 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.

IRVONA MUNICIPAL AUTHORITY

By Donald K. Monson
Chairman

DATED: 12/9/02

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL DIVISION
NO. 02-
IN REM

-CD

IN RE: Condemnation
proceedings of Irvona
Municipal Authority
relative to certain lands
situate in Irvona Borough
Clearfield County, Pennsyl-
vania belonging to Donna
G. Covert and Harold E.
Covert, her husband

DECLARATION OF TAKING

LAW OFFICES
GATES & SEAMAN
2 NORTH FRONT STREET
P.O. BOX 846
CLEARFIELD, PA. 16830

THE PLANENHORN CO., WILLIAMSPORT, PA.

William A. Shaw
Prothonotary/Clerk of Courts

FILED
DEC 10 2002

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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands : No. 02- 1922 -CD
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- :
 vania belonging to Donna G. : IN REM
 Covert and Harold E. Covert, :
 her husband :

BOND

KNOW ALL MEN BY THESE PRESENTS, that a Declaration of Taking having been filed the 10th day of December, 2002, by the Irvona Municipal Authority ("Obligor"), a body corporate and politic organized and existing under the Municipality Authorities Act, as amended, being held and firmly bound unto the Commonwealth of Pennsylvania ("Obligee") for the use and benefit of the owners of the property condemned as hereinafter noted, and all other proper parties in interest, for such amount of damages as the owners 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 unimproved lands located in Irvona Borough, Clearfield County, Pennsylvania and described as follows:

BEGINNING at a point on a line of other lands of Donna G. Covert and Harold E. Covert (hereafter called "Grantors"), said point being at the division line of lands the Grantors and lands of Alex Yaworski, thence from the point of beginning along the line of lands of Alex Yaworski, S78°50'44" W a distance of 195.41 feet to a point on the line of lands of Walter Lucas; thence along the line of lands of Walter Lucas, N25°28'13"W a distance of 143.15

feet to a point; thence by the same, S84°13'13"W a distance of 69.97 feet to a point on the line of lands of Elwood Burgess; thence along the line of lands of Elwood Burgess, N07°19'13"W a distance of 230.10 feet to a point; thence by the same, N04°34'29"W a distance of 100.00 feet to a point; thence through the lands of the Grantors, N85°25'31"E a distance of 181.40 feet to a point; thence by the same, S26°35'05"E a distance of 432.51 feet to a point on the line of other lands of the Grantors; thence along the line of other lands of the Grantors S64°31'47"W a distance of 30.00 feet to a point; thence by the same, S25°28'13"E a distance of 30.00 feet to the point and place of beginning. CONTAINING 2.47 Acres, as is shown on Plan No. 3359 as prepared by Gwin, Dobson & Foreman, Inc. and dated October 9, 2002.

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 owners of said unimproved land upon the just compensation to be paid for damages sustained by said owners as the result of the condemnation.

NOW, THE CONDITION of this Bond is such that if the Obligor shall pay or cause to be paid such amount of damages as the said 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.

SEAL with the corporate seal and duly executed the 10th day of December, 2002.

ATTEST:

Richard L. Holes
Secretary

IRVONA MUNICIPAL AUTHORITY

By Donald K. Morrow
Chairman

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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority : No. 02- 1922 -CD
 relative to certain lands :
 situate in Irvona Borough, : IN REM
 Clearfield County, Pennsyl- :
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband

MEMORANDUM OF FILING OF NOTICE

TO: WILLIAM A. SHAW, PROTHONOTARY:

Notice of the above captioned condemnation proceedings
have been recorded in the Office of the Recorder of Deeds of
Clearfield County, Pennsylvania as Instrument No. 200219804.

GATES & SEAMAN

By:



Andrew P. Gates, Esquire
Attorney for Irvona Municipal
Authority, (Condemnor)

DATE:

12/10/02

FILED

DEC 10 2002

13:051ms
William A. Shaw

Prothonotary/Clerk of Courts

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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands :
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- :
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband :

No. 02- 1922 -CD

IN REM

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
 :SS.
COUNTY OF CLEARFIELD :

ANDREW P. GATES, ESQUIRE, of Gates & Seaman, being duly sworn according to law, states that he mailed a true and correct copy of the Notice to Condemnee, in the above-captioned matter on December 12, 2002 to Donna G. Covert, by certified mail no. 7000 0520 0021 4258 2640, restricted delivery, return receipt requested, and to Harold E. Covert, by certified mail no. 7000 0520 0021 4258 2633, restricted delivery, return receipt requested. A copy of Notice to Condemnee is attached hereto as Exhibit "A". The green certified mail, return receipt cards evidencing receipt of said Notice by both, Donna G. Covert and Harold E. Covert are attached hereto collectively, as Exhibit "B".

FILED

JAN 06 2003

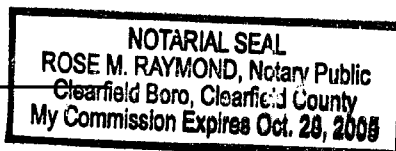
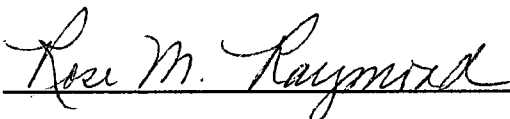
William A. Shaw
Prothonotary

GATES & SEAMAN
By:



Andrew P. Gates, Esquire

Sworn to and subscribed before
me this 31st day of December, 2002.



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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority : No. 02- -CD
 relative to certain lands :
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- : IN REM
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband :

NOTICE OF CONDEMNATION

TO: DONNA G. COVERT and HAROLD E. COVERT (CONDEMNEDS)

In accordance with Section 405 of the Eminent Domain Code of 1964, 26 P.S. §1-405, the Irvona Municipal Authority notifies you that:

(1) A Declaration of Taking, a copy of which is attached hereto and made a part hereof as Exhibit "A", was filed on December 10, 2002 in the Court of Common Pleas of Clearfield County, Pennsylvania to the above term and number.

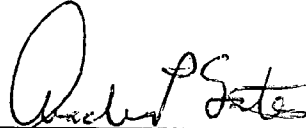
(2) Your property has been condemned for purposes of the Condemnor constructing a filtration plant to filter water from its existing surface water reservoir, so the same may be utilized as the primary and/or as an auxiliary source of public drinking water to be distributed to the Condemnor's customers.

(3) Identification of your property appears on Exhibit "B" to the Declaration of Taking and on Plat attached hereto and made a part hereof as Exhibit "B".

(4) If you wish to challenge the power or right of the Irvona Municipal Authority to appropriate the condemned property,

EXHIBIT "A"

the sufficiency of the security, the procedure followed by the
Condemnor, or the Declaration of Taking, you are required to file
Preliminary Objections within thirty (30) days after being served
with this Notice.

A handwritten signature in cursive script, appearing to read "Andrew P. Gates", written over a horizontal line.

Andrew P. Gates, Esquire
Attorney for Irvona Municipal Authority

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 10 2002

Attest.

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

William A. Brown
Prothonotary
Clerk of Courts

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands : No. 02-1922 -CD
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- : IN REM
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband :

DECLARATION OF TAKING

The Irvona Municipal Authority hereby declares:

1. The Condemnor is the Irvona Municipal Authority whose primary office and place of business is situate in the Borough of Irvona, Clearfield County, Pennsylvania, with a mailing address of Berwind Street, P. O. Box 247, Irvona, Pennsylvania 16656.
2. The parcel of real estate hereinafter described is hereby condemned in fee simple or absolute title by the Condemnor for the purpose of constructing a filtration plant to filter water coming from the Condemnor's existing surface water reservoir so the same may be utilized as the primary and/or as an auxiliary water source by the Condemnor in order to supply public drinking water to the customers of the Condemnor.

3. The Condemnor is hereby exercising its right to condemn the parcel in question pursuant to the authority vested in it by the Municipality Authorities Act, as amended, (Act No. 22 of 2001, approved June 19, 2001, as amended) particularly 53

EXHIBIT "A"

P.S. §5607(d)(15) and 53 P.S. §5615, and as otherwise authorized by Resolution Number 02-04 adopted December 9, 2002, by Condemnor. A certified copy of the Resolution is attached as Exhibit "A". The original Resolution may be examined at the Offices of the Condemnor at the above address.

4. The purpose of the condemnation is to construct a water filtration plant to filter water coming from the Condemnor's existing surface water reservoir so the same may be utilized as either the primary and/or an auxiliary source by the Condemnor in order to supply public drinking water to the customers of the Condemnor.

5. A description of the parcel of real estate being condemned sufficient for its identification is set forth in the attached Exhibit "B" which is made a part hereof. On the same day as this Declaration of Taking is being filed with the Prothonotary of Clearfield County, Pennsylvania, plans showing the property condemned are being lodged for record in the Office of the Recorder of Deeds of Clearfield County in accordance with Section Number 404 of the Eminent Domain Code, 26 P.S. §1-404.

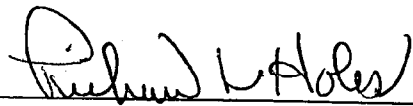
6. The nature of the title acquired in and to the property above described is a fee simple or absolute title.

7. The plans showing the condemned property may be inspected at the offices of the Condemnor, situate at Berwind Street, Irvona (Clearfield County) Pennsylvania 16656.

8. The Condemnor files with this Declaration of Taking an open end bond, without security, pursuant to §403(a) of the Eminent Domain Code, 26 P.S. §1-403(a). Just compensation is made or secured by the filing of the bond. A copy of the bond is attached as Exhibit "C".

IRVONA MUNICIPAL AUTHORITY

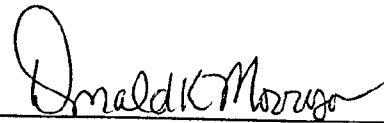
ATTEST:



Secretary

(SEAL)

By



Chairman

IRVONA MUNICIPAL AUTHORITY

RESOLUTION AUTHORIZING FILING OF A DECLARATION OF TAKING

RESOLUTION NO. 02 - 04

A RESOLUTION AUTHORIZING THE SELECTION AND APPROPRIATION OF A PARCEL OF REAL ESTATE SITUATE IN IRVONA BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA, CONTAINING 2.47 ACRES, FOR THE PURPOSE OF CONSTRUCTING A WATER FILTRATION PLANT IN ORDER TO IMPROVE THE WATER QUALITY AND TO INSURE VIABILITY OF A FUTURE WATER SUPPLY FOR THE CUSTOMERS OF THE IRVONA MUNICIPAL AUTHORITY. SAID RESOLUTION IS TO OTHERWISE PROVIDE AUTHORIZATION FOR THE FILING OR A DECLARATION OF TAKING AND PROCEEDING WITH SUCH OTHER NECESSARY ACTION IN THE ACQUISITION OF SAID REAL ESTATE.

WHEREAS, the Irvona Municipal Authority (hereafter called "Authority"), a body corporate and politic, created and existing under the Municipality Authorities Act, as amended, (53 P.S. § 5601 et seq.), in recent years has provided public water to its customers from wells which have high concentrations of iron, manganese and sulphur which require frequent treatment to make said water usable, safe and free of potential health hazards; and

WHEREAS, due to frequent complaints about the quality of the water from its customers and to eliminate the possibility of any future health hazards that could potentially be caused by the increase and improper treatment of contaminated well water, the Authority has decided to construct a membrane filtration system which will allow the Authority to use its surface reservoir as a primary water source; and

EXHIBIT "A"

WHEREAS, the construction of the aforementioned filtration plant should dramatically improve the safety of the water provided to the Authority's customers since said filtration plant will purify the water supply and otherwise eliminate health risks associated with crypto sporidium and giardia. Furthermore, by virtue of the construction of said filtration plant, this will then provide to the Authority another useable water source which would then be available should the other water source become contaminated or depleted due to drought conditions; and

WHEREAS, the Authority has been unable to agree with the owners of the property to be acquired as to a price or amount of damages to be paid; and

WHEREAS, in accordance with the Municipality Authorities Act, as amended, particularly 53 P.S. § 5607(d)(15) and 53 P. S. § 5615, the Irvona Municipal Authority is authorized to acquire title to the real estate in question through Eminent Domain proceedings.

NOW, THEREFORE, BE IT RESOLVED, that the Irvona Municipal Authority, in accordance with the authority conferred by law and in order to construct a filtration plant to utilize its surface water reservoir to supply water to customers of the Authority, hereby selects and appropriates for said purpose, a parcel of real estate assessed to and owned by Donna G. Covert and Harold E. Covert, her husband, consisting of 2.47 acres situate in Irvona Borough, Clearfield County, Pennsylvania, and further identified as being a portion of those lands identified by Clearfield County

Assessment Map Number 11.0-H16-50. Attached hereto and made a part hereof are a survey and a metes and bounds description of the premises to be acquired.

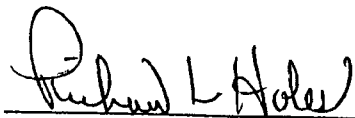
RESOLVED, the fee simple title to the aforementioned parcel, is hereby selected and appropriated for purposes of constructing a filtration plant upon the same for purposes of filtering water available to the Irvona Municipal Authority through its existing surface water reservoir.

RESOLVED, that title to be acquired shall be absolute or fee simple title, including all easements, rights of way and real property interest of whatever nature.

RESOLVED, that legal counsel for the Irvona Municipal Authority and its proper officers are hereby authorized to file a Declaration of Taking and such other proceedings, including the entry of such bond as may be necessary or desirable, to carry out the purpose of this resolution.

RESOLVED, that at the institution of such proceedings, any damages which may be agreed upon or awarded to any party in interest, including the owners of said property to be acquired, shall be paid out of the funds of the Irvona Municipal Authority.

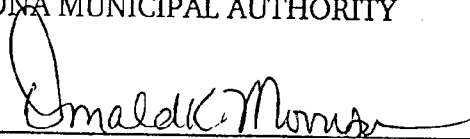
ATTEST:



Secretary

IRVONA MUNICIPAL AUTHORITY

By:



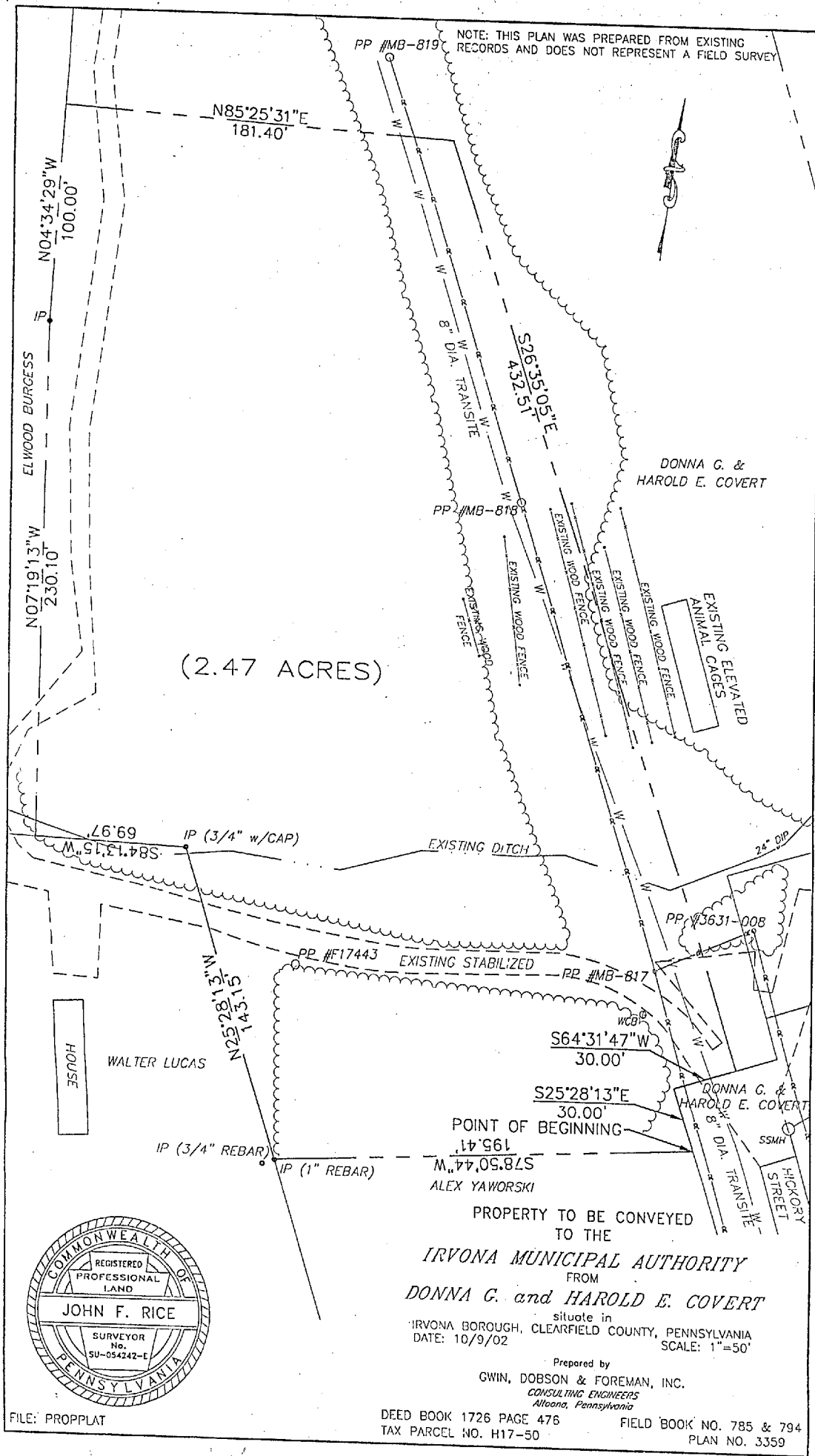
Chairman

(SEAL)

ALL that certain tract or parcel of land situate in Irvona Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on a line of other lands of Donna G. Covert and Harold E. Covert (hereafter called "Grantors"), said point being at the division line of lands the Grantors and lands of Alex Yaworski, thence from the point of beginning along the line of lands of Alex Yaworski, S78°50'44" W a distance of 195.41 feet to a point on the line of lands of Walter Lucas; thence along the line of lands of Walter Lucas, N25°28'13"W a distance of 143.15 feet to a point; thence by the same, S84°13'13"W a distance of 69.97 feet to a point on the line of lands of Elwood Burgess; thence along the line of lands of Elwood Burgess, N07°19'13"W a distance of 230.10 feet to a point; thence by the same, N04°34'29"W a distance of 100.00 feet to a point; thence through the lands of the Grantors, N85°25'31"E a distance of 181.40 feet to a point; thence by the same, S26°35'05"E a distance of 432.51 feet to a point on the line of other lands of the Grantors; thence along the line of other lands of the Grantors, S64°31'47"W a distance of 30.00 feet to a point; thence by the same, S25°28'13"E a distance of 30.00 feet to the point and place of beginning. CONTAINING 2.47 Acres, as is shown on Plan No. 3359 as prepared by Gwin, Dobson & Foreman, Inc. and dated October 9, 2002.

NOTE: THIS PLAN WAS PREPARED FROM EXISTING RECORDS AND DOES NOT REPRESENT A FIELD SURVEY



FILE: PROPPLAT

PROPERTY TO BE CONVEYED
TO THE
IRVONA MUNICIPAL AUTHORITY
FROM
DONNA G. and HAROLD E. COVERT

situate in
IRVONA BOROUGH, CLEARFIELD COUNTY, PENNSYLVANIA
DATE: 10/9/02
SCALE: 1"=50'

Prepared by
GWIN, DOBSON & FOREMAN, INC.
CONSULTING ENGINEERS
Altoona, Pennsylvania

DEED BOOK 1726 PAGE 475
TAX PARCEL NO. H17-50

FIELD BOOK NO. 785 & 794
PLAN NO. 3359

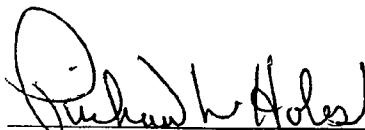
CERTIFICATE

I, the undersigned, Secretary of the Irvona Municipal Authority (hereafter "Authority"), certify that: the foregoing is a true and correct copy of the Resolution which duly was enacted by affirmative vote of a majority of all members of the Board of the Authority's, in accordance with law, at a meeting duly held on December 9, 2002, at which meeting a quorum was present; said Resolution has been certified and recorded by me, as Secretary of the Authority, in the book provided for the purpose of such recording; said Resolution, upon enactment, as aforesaid, was assigned Resolution No. 02- 04 ; the total number of members of the Board of the Authority is five (5); the vote of the members of the Board of the Authority, upon enactment of said Resolution, the yeas and nays having been called, duly was recorded by me, as Secretary, as follows:

Donald Morrison, Chairman	- Yea
William McCusker, Vice Chairman	- Yea
William J. McCusker	- Yea
George Dick	- Yea
Richard Holes, Secretary-Treasurer	- Yea

I further certify that the Authority met the advance notice and public comment requirements of the Sunshine Act, Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Authority or at the public building in which said meeting was held and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Authority, this 9th day of December, 2002.


Richard Holes, Secretary

(SEAL)

ALL that certain tract or parcel of land situate in Irvona Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on a line of other lands of Donna G. Covert and Harold E. Covert (hereafter called "Grantors"), said point being at the division line of lands the Grantors and lands of Alex Yaworski, thence from the point of beginning along the line of lands of Alex Yaworski, S78°50'44" W a distance of 195.41 feet to a point on the line of lands of Walter Lucas; thence along the line of lands of Walter Lucas, N25°28'13"W a distance of 143.15 feet to a point; thence by the same, S84°13'13"W a distance of 69.97 feet to a point on the line of lands of Elwood Burgess; thence along the line of lands of Elwood Burgess, N07°19'13"W a distance of 230.10 feet to a point; thence by the same, N04°34'29"W a distance of 100.00 feet to a point; thence through the lands of the Grantors, N85°25'31"E a distance of 181.40 feet to a point; thence by the same, S26°35'05"E a distance of 432.51 feet to a point on the line of other lands of the Grantors; thence along the line of other lands of the Grantors, S64°31'47"W a distance of 30.00 feet to a point; thence by the same, S25°28'13"E a distance of 30.00 feet to the point and place of beginning. CONTAINING 2.47 Acres, as is shown on Plan No. 3359 as prepared by Gwin, Dobson & Foreman, Inc. and dated October 9, 2002.

EXHIBIT "B"

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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands : No. 02- -CD
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- : IN REM
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband :

BOND

KNOW ALL MEN BY THESE PRESENTS, that a Declaration of Taking having been filed the 10th day of December, 2002, by the Irvona Municipal Authority ("Obligor"), a body corporate and politic organized and existing under the Municipality Authorities Act, as amended, being held and firmly bound unto the Commonwealth of Pennsylvania ("Obligee") for the use and benefit of the owners of the property condemned as hereinafter noted, and all other proper parties in interest, for such amount of damages as the owners 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 unimproved lands located in Irvona Borough, Clearfield County, Pennsylvania and described as follows:

BEGINNING at a point on a line of other lands of Donna G. Covert and Harold E. Covert (hereafter called "Grantors"), said point being at the division line of lands the Grantors and lands of Alex Yaworski, thence from the point of beginning along the line of lands of Alex Yaworski, S78°50'44" W a distance of 195.41 feet to a point on the line of lands of Walter Lucas; thence along the line of lands of Walter Lucas, N25°28'13"W a distance of 143.15

EXHIBIT "C"

feet to a point; thence by the same, S84°13'13"W a distance of 69.97 feet to a point on the line of lands of Elwood Burgess; thence along the line of lands of Elwood Burgess, N07°19'13"W a distance of 230.10 feet to a point; thence by the same, N04°34'29"W a distance of 100.00 feet to a point; thence through the lands of the Grantors, N85°25'31"E a distance of 181.40 feet to a point; thence by the same, S26°35'05"E a distance of 432.51 feet to a point on the line of other lands of the Grantors; thence along the line of other lands of the Grantors S64°31'47"W a distance of 30.00 feet to a point; thence by the same, S25°28'13"E a distance of 30.00 feet to the point and place of beginning. CONTAINING 2.47 Acres, as is shown on Plan No. 3359 as prepared by Gwin, Dobson & Foreman, Inc. and dated October 9, 2002.

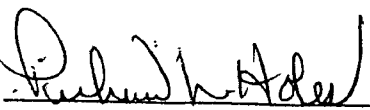
to which payment well and truly to be made, the Obligor does bind itself and its successors, and assigns firmly by these presents.

WHEREAS, the Obligor has condemned the said property and cannot agree with the owners of said unimproved land upon the just compensation to be paid for damages sustained by said owners as the result of the condemnation.

NOW, THE CONDITION of this Bond is such that if the Obligor shall pay or cause to be paid such amount of damages as the said 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.

SEAL with the corporate seal and duly executed the 10th day of December, 2002.

ATTEST:


Secretary

IRVONA MUNICIPAL AUTHORITY

By 
Chairman

VERIFICATION

I verify that the statements made in this 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.

IRVONA MUNICIPAL AUTHORITY

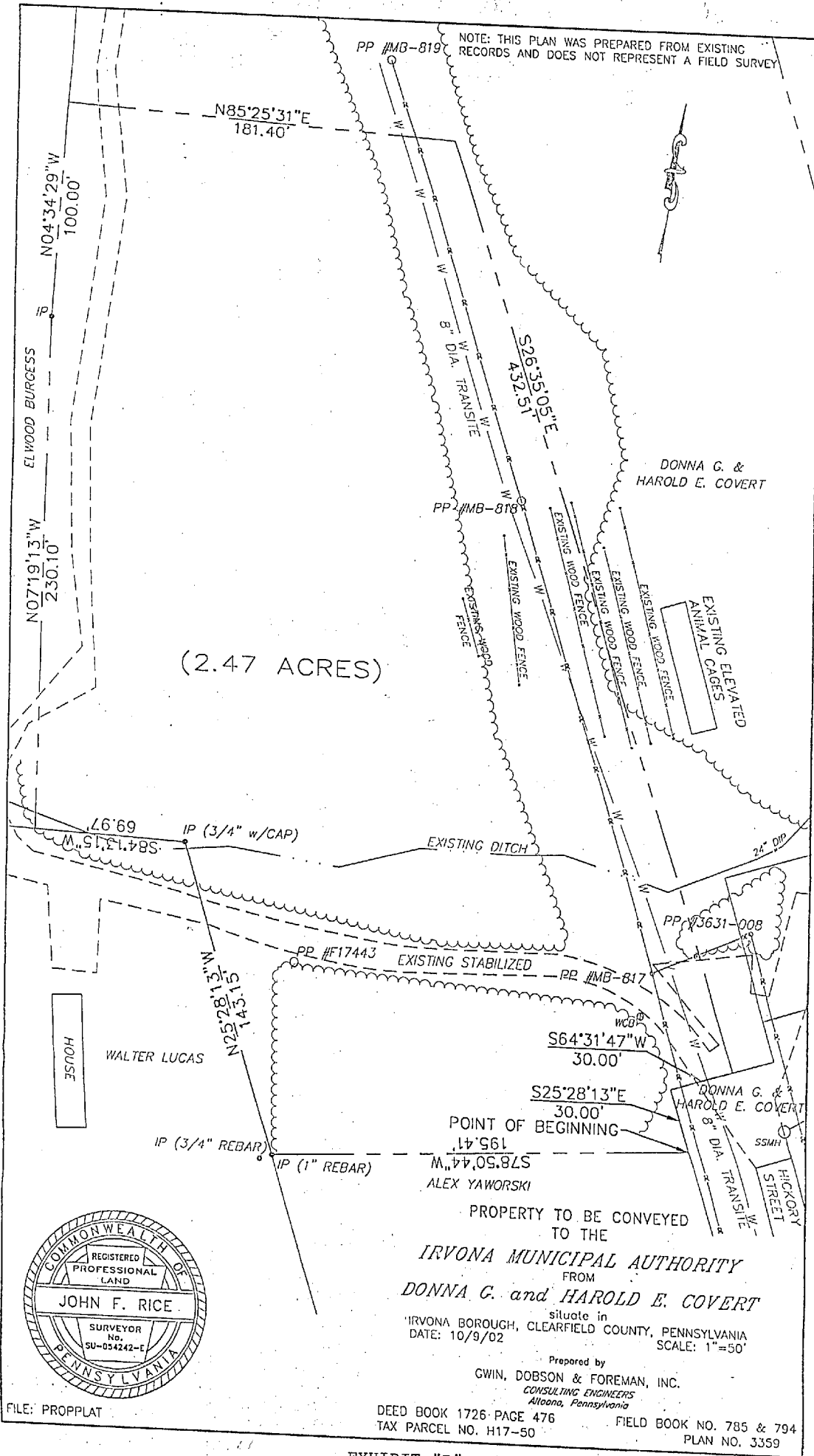
By

Donald K. Morris
Chairman

DATED:

12/9/07

NOTE: THIS PLAN WAS PREPARED FROM EXISTING RECORDS AND DOES NOT REPRESENT A FIELD SURVEY

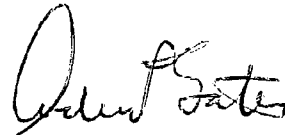


FILE: PROPLAT

EXHIBIT "B"

VERIFICATION

I verify that the statements made in this Notice of
Condemnation 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.



Andrew P. Gates, Esquire
Attorney for Irvona Municipal
Authority

DATED:

12/10/02

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Donna G. Covert
2715 Grand Point Road
Chambersburg, PA 17201

2. Article Number (Copy from service label)
7000 0520 0021 4258 2640

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

12-14-02

C. Signature
X Donna G. Covert ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

Domestic Return Receipt

102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Harold E. Covert
2715 Grand Point Road
Chambersburg, PA 17201

2. Article Number (Copy from service label)
7000 0520 0021 4258 2633

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Harold E. Covert 12/17/02

C. Signature
X Harold E. Covert ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

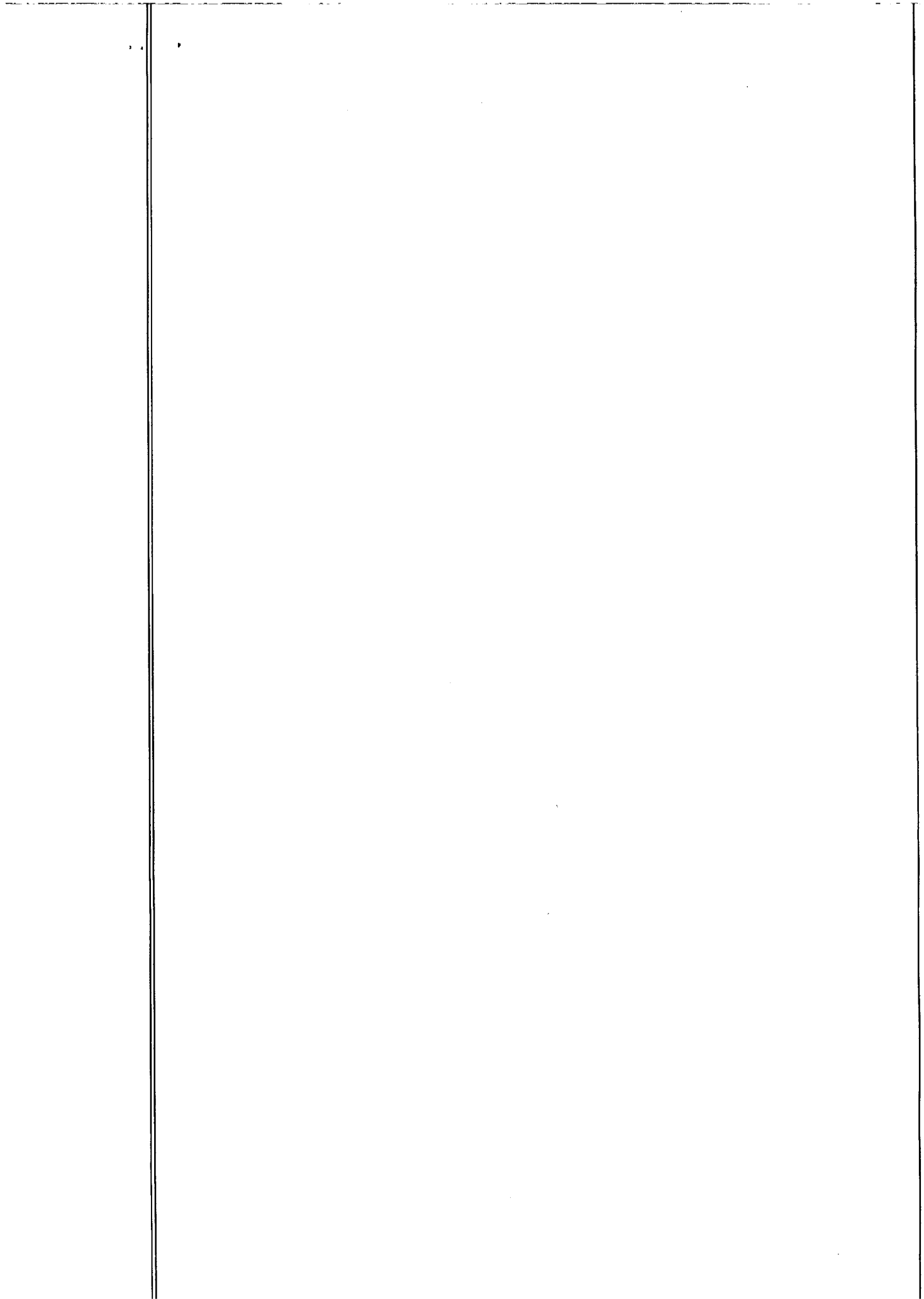
3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

Domestic Return Receipt

102595-00-M-0952

EXHIBIT "B"



FILED No
cc

012:2461
JAN 03 2003

William A. Shaw
Prothonotary

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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands :
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- :
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband :


No. 02- 1922 -CD

IN REM

PRAECIPE

TO: WILLIAM A. SHAW, PROTHONOTARY:

Attached hereto and made a part hereof, as Exhibit
"A", is an original of the **AGREEMENT AND RELEASE PURSUANT TO 26**
P.S. §1-501, whereby the parties to the within matter have
resolved all outstanding issues regarding monetary damages to be
paid to the Condemnees by the Condemnors and as to any other
remedies available to the Condemnees under the Pennsylvania
Eminent Domain Code.

GATES & SEAMAN
By: 

Andrew P. Gates, Esquire
Attorney for Irvona Municipal
Authority, Condemnor

Date: March 28, 2003

FILED

MAR 28 2003

013:1516
William A. Shaw
Prothonotary

NO COURT COPIES



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

IN RE: Condemnation proceedings of :
 Irvona Municipal Authority :
 relative to certain lands : No. 02- 1922 -CD
 situate in Irvona Borough, :
 Clearfield County, Pennsyl- : IN REM
 vania belonging to Donna G. :
 Covert and Harold E. Covert, :
 her husband :

AGREEMENT AND RELEASE PURSUANT TO 26 P.S. § 1-501

WHEREAS, Irvona Municipal Authority (hereafter referred to as "CONDEMNOR") commenced the above captioned Condemnation Proceedings by filing a Declaration of Taking with the Prothonotary of Clearfield County, Pennsylvania on December 10, 2002;

WHEREAS, CONDEMNOR within thirty (30) days of the filing of the Declaration of Taking, had the required "Notice to Condemnees" served upon Donna G. Covert and Harold E. Covert, her husband (hereafter referred to as "CONDEMNEES") in accordance with 26 P.S. § 1-405(b);

WHEREAS, CONDEMNOR and CONDEMNEES have reached an agreement as to the monetary damages to be paid by CONDEMNOR to the CONDEMNEES in exchange for CONDEMNEES releasing and discharging CONDEMNOR from all suits, damages, claims and demands which against the CONDEMNOR, CONDEMNEES may have, had or will in the future have because of the taking, including the value of the land, the diminution in value of CONDEMNEES remaining property,

any projected business losses as well as attorneys fees, appraisal fees and any other expenses, compensation or damages CONDEMNNEES could claim under the "Eminent Domain Code" (26 P.S. § 1-101 et seq.) or otherwise by virtue of the taking;

WHEREAS, CONDEMNOR and CONDEMNNEES wish to reduce the agreement to writing.

W I T N E S S E T H :

NOW, THEREFORE, in consideration of the covenants, condition and provisions contained herein and intending to be legally bound hereby, the parties hereto agree as follows:

1. Within ten (10) days of receiving an original of this Agreement fully executed by CONDEMNNEES, CONDEMNOR shall pay CONDEMNNEES the sum of EIGHT THOUSAND (\$8,000.00) DOLLARS.

2. In consideration of the amount to be paid to them by CONDEMNOR, the CONDEMNNEES, for themselves, their heirs, personal representatives and assigns do hereby release and discharge CONDEMNOR from all suits, damages, claims and demands which against the CONDEMNOR, CONDEMNNEES may have, had or will in the future have because of the taking, including the value of the land, the diminution in value of CONDEMNNEES remaining property, any projected business losses as well as for attorneys fees, appraisal fees and any other expenses, compensation or damages CONDEMNNEES could claim under the "Eminent Domain Code" (26 P.S. § 1-101 et seq.), or otherwise by virtue of the taking.

3. This Agreement shall be construed under and in accordance with the laws of the Commonwealth of Pennsylvania.

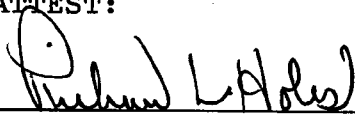
4. This Agreement constitutes the sole and only agreement of the parties hereto affecting the aforesaid subject matter.

CONDEMNOR:

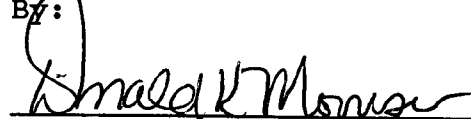
IRYONA MUNICIPAL AUTHORITY

By:

ATTEST:



Secretary



Date of execution: March 17, 2003

CONDEMNNEES:



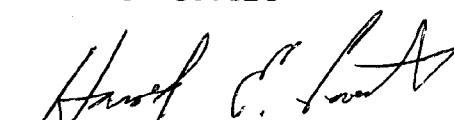
Donna G. Covert

Witness



Witness





Harold E. Covert

Date of execution: Mar 4, 2003