

DOCKET NO. 174

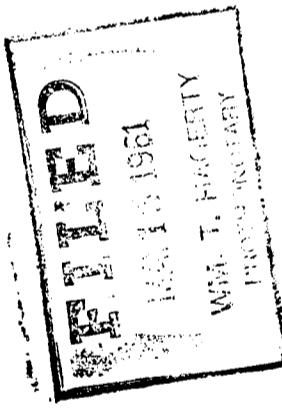
NUMBER	TERM	YEAR
<u>89</u>	<u>May</u>	<u>1961</u>

In the Matter of Condemnation by
The Houtzdale Municipal Authority
of Certain Premises Of:
Frank Srock and Edith Srock

VERSUS

HOUTZDALE MUNICIPAL AUTHORITY
AND
THE AETNA CASUALTY AND SURETY
COMPANY

BOND



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

—Lap-over Margin—

B O N D

KNOW ALL MEN BY THESE PRESENTS, that the HOUTZDALE MUNICIPAL AUTHORITY, a corporation organized and existing under the Laws of the Commonwealth of Pennsylvania, having its principal office in the Borough of Houtzdale, Clearfield County, Pennsylvania, as Principal, and THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, as Surety, are held and firmly bound unto FRANK SROCK and EDITH SROCK, his wife, 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 certain right of ways and 1.04 acres in fee of Obligee, which payment well and truly to be made the said Houtzdale Municipal Authority, as Principal, and the said 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 the 15th day of May, 1961.

WHEREAS, the Houtzdale 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 constructing, operating and maintaining a reservoir and/or pipe lines in or near the Borough of Ramey, and pursuant thereto by Resolutions dated May 11, 1961, has appropriated the hereindescribed right of ways and 1.04 acres in fee of Obligee, and is about to enter upon the same for the purpose of constructing, operating and maintaining a reservoir and pipe lines of Obligee described on Exhibit A attached hereto.

AND WHEREAS, the said Obligee is, or claims to be, the owner of said land and the Houtzdale Municipal Authority has en-

devored to, but cannot agree with the Obligee as to the compensation proper for the damage to be sustained by the Obligee by 1.04 acres in fee and reason of the aforesaid taking of/right-of-ways of the Obligee.

NOW, THEREFORE, the condition of this obligation is such that is the Houtzdale Municipal Authority shall pay or cause to be paid to the said Frank Srock and Edith Srock, his wife, or whomsoever may be a party with a compensable interest in the aforesaid, Obligee and his certain attorneys, executors, administrators, or assigns, such amounts of damages as he shall be entitled to receive for the taking and appropriation by the Houtzdale Municipal Authority of the said/right-of-ways 1.04 acres in fee and after such damages have been agreed upon by the parties, or assessed in the manner provided by law, then this obligation to be void; otherwise, to remain in full force and virtue.

ATTEST:

Robert Ohs
Secretary

HOUTZDALE MUNICIPAL AUTHORITY

BY R. O. Lee Jr.
Chairman

ATTEST:

Shirley A. Snell
Secretary

THE AETNA CASUALTY AND SURETY COMPANY

BY William A. Eichler
Surety (attorney-in-fact)

AND NOW, the 15th day of May, 1961, the foregoing bond approved and ordered filed.

BY THE COURT:

John P. Dwyer
P. J.

"EXHIBIT A"

All that certain piece or parcel of ground situate in the Borough of Ramey, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Beulah Street, said point being in line with the southerly line of the Ramey Borough Cemetery; thence by the said Cemetery line north fifty-nine degrees thirty minutes east a distance of four hundred sixty and fifty-nine hundredths feet to a line fence; thence by the said line fence south thirty-two degrees thirty minutes east a distance of two hundred (200) feet to a point marked by a nail in an 18 inch oak tree; thence along land of Frank and Edith Srock, of which this tract was formerly a part, south fifty-nine degrees thirty minutes west a distance of two hundred (200) feet to a stake corner; thence by same north thirty two degrees thirty minutes west a distance of one hundred eighty (180) feet to a stake corner; thence by same south fifty-nine degrees thirty minutes west a distance of two hundred sixty-six (266) feet to the centerline of Beulah Street; thence by the centerline of Beulah Street north seventeen degrees fifteen minutes west a distance of twenty and fifty-four hundredths (20.54) feet to the point or place of beginning. Containing one and four hundredths (1.04) of an acre.

ALSO, the following described right of ways in the Borough of Ramey, Clearfield County, Pennsylvania:

(1). A right of way 20 feet in width and approximately 175 feet in length from the southwest corner of property condemned by the Houtzdale Municipal Authority and described above to the intersection with Beulah Street.

(2). A right of way 20 feet in width and approximately 670 feet in length from a point near Spring Street in line with Virginia Street to Beulah Street.

(3). A right of way 20 feet in width and approximately 320 feet in length in line with Christina Street from Union Street to Pine Street.

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

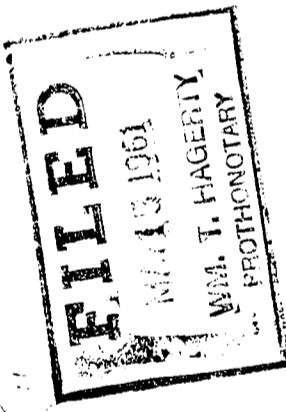
No. 17 Feb. Term, 1961

HOUTZDALE MUNICIPAL
AUTHORITY

VS

FRANK and EDITH SROCK

PETITION FOR APPROVAL
OF BOND



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

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE MATTER OF CONDEMNATION BY :
THE HOUTZDALE MUNICIPAL AUTHORITY : No. 89 May Term, 1961
OF CERTAIN PREMISES OF :
FRANK SROCK and EDITH SROCK :

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

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

The petition of HOUTZDALE MUNICIPAL AUTHORITY respectfully represents:

(1). Petitioner is a body politic and corporate, organized as a general authority by the Houtzdale Borough Council, Clearfield County, Pennsylvania, 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, on August 25, 1960.

(2). Petitioner is authorized by the Municipality Authorities Act of May 2, 1945, P.L. 382, and its amendments, to exercise the right of eminent domain, and has heretofore on May 11, 1961, by Resolutions duly passed and adopted at a regular meeting of said body, at which a quorum was present, condemned and appropriated certain right of ways together with 1.04 acres in fee in or near Ramey Borough, Clearfield County, Pennsylvania, owned by Frank Srock and Edith Srock, his wife. A description of the right of ways and land condemned in fee is attached hereto, incorporated herein, and marked "Exhibit A".

(3). Petitioner had endeavored to negotiate with owners for said right of ways and 1.04 acres, but was unable to arrive at a sale agreement and a guarantee of title, and Respondents have since refused to allow the Petitioner to begin operations upon said right of ways and 1.04 acres.

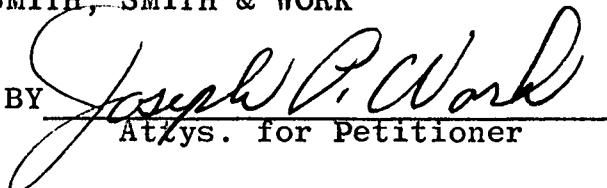
(4). Petitioner is willing to file an open penalty bond for such amount of damage as may be found to be due by reason of taking and appropriating said right of ways and 1.04 acres; said bond to have The Aetna Casualty and Surety Company, a corporation as Surety thereon, and to be sufficient to pay for any damage which may be suffered by the Owners.

(5). Petitioner has given the Owners of said premises notice that the bond hereto attached would on May 15, 1961, at 10 A.M., D.S.T., be presented to your Honorable Court for approval, or as soon thereafter as it is convenient.

(6). Petitioner 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 Obligees, their heirs, executors, administrators and assigns, as provided for by law.

SMITH, SMITH & WORK

BY 
Attns. for Petitioner

STATE OF PENNSYLVANIA : SS
COUNTY OF CLEARFIELD :

L. T. PHILLIPS, being duly sworn according to law, deposes and says he is the Chairman of the HOUTZDALE 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.

R. E. C. Phillips
L. T. Phillips

Sworn to and subscribed
before me this 15th day
of May, 1961.

NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

"EXHIBIT A"

All that certain piece or parcel of ground situate in the Borough of Ramey, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of Beulah Street, said point being in line with the southerly line of the Ramey Borough Cemetery; thence by the said Cemetery line north fifty-nine degrees thirty minutes east a distance of four hundred sixty and fifty-nine hundredths (460.59) feet to a line fence; thence b/ the said line fence south thirty two degrees thirty minutes east a distance of two hundred (200) feet to a point marked by a nail in an 18 inch oak tree; thence along land of Frank and Edith Srock, of which this tract was formerly a part, south fifty-nine degrees thirty minutes west a distance of two hundred (200) feet to a stake corner; thence by same north thirty two degrees thirty minutes west a distance of one hundred eighty (180) feet to a stake corner; thence by same south fifty-nine degrees thirty minutes west a distance of two hundred sixty-six (266) feet to the centerline of Beulah Street; thence by the centerline of Beulah Street north seventeen degrees fifteen minutes west a distance of twenty and fifty four hundredths (20.54) feet to the point or place of beginning. Containing one and four hundredths (1.04) of an acre.

ALSO, the following described right of ways in the Borough of Ramey, Clearfield County, Pennsylvania:

(1). A right of way 20 feet in width and approximately 175 feet in length from the southwest corner of property condemned by the Houtzdale Municipal Authority and described above to the Intersection with Beulah Street.

(2). A right of way 20 feet in width and approximately 670 feet in length from a point near Spring Street in line with Virginia Street to Beulah Street.

(3). A right of way 20 feet in width and approximately 320 feet in length in line with Christina Street from Union Street to Pine Street.

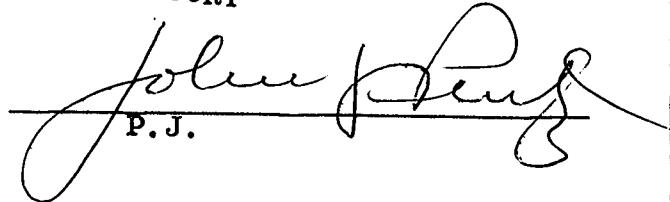
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE MATTER OF CONDEMNATION BY :
THE HOUTZDALE MUNICIPAL AUTHORITY :
OF CERTAIN PREMISES OF: : No. May Term, 1961
FRANK SROCK and EDITH SROCK :
:

O R D E R

AND NOW, the 15th day of May, 1961, on consideration of the attached Petition and on approval of open face penalty bond with sufficient Surety, it is ordered and decreed that the Houtzdale Municipal Authority may enter said land which is the subject of said Petition and use the same consistent with Resolutions of Condemnation as passed by said Authority.

BY THE COURT



P.J.

B O N D

KNOW ALL MEN BY THESE PRESENTS, that the HOUTZDALE MUNICIPAL AUTHORITY, a corporation organized and existing under the Laws of the Commonwealth of Pennsylvania, having its principal office in the Borough of Houtzdale, Clearfield County, Pennsylvania, as Principal, and THE AETNA CASUALTY AND SURETY COMPANY, of Hartford, Connecticut, as Surety, are held and firmly bound unto FRANK SROCK and EDITH SROCK, his wife, 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 certain right of ways and 1.04 acres in fee of Obligee, which payment well and truly to be made the said Houtzdale Municipal Authority, as Principal, and the said 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 the 15th day of May, 1961.

WHEREAS, the Houtzdale 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 constructing, operating and maintaining a reservoir and/or pipe lines in or near the Borough of Ramey, and pursuant thereto by Resolutions dated May 11, 1961, has appropriated the herein-described right of ways and 1.04 acres in fee of Obligee, and is about to enter upon the same for the purpose of constructing, operating and maintaining a reservoir and pipe lines of Obligee described on Exhibit A attached hereto.

AND WHEREAS, the said Obligee is, or claims to be, the owner of said land and the Houtzdale Municipal Authority has en-

devored to, but cannot agree with the Obligee as to the compensation proper for the damage to be sustained by the Obligee by 1.04 acres in fee and reason of the aforesaid taking of/right-of-ways of the Obligee.

NOW, THEREFORE, the condition of this obligation is such that is the Houtzdale Municipal Authority shall pay or cause to be paid to the said Frank Srock and Edith Srock, his wife, or whomsoever may be a party with a compensable interest in the aforesaid, Obligee and his certain attorneys, executors, administrators, or assigns, such amounts of damages as he shall be entitled to receive for the taking and appropriation by the Houtzdale Municipal Authority of the said/right-of-ways after such damages have been agreed upon by the parties, or assessed in the manner provided by law, then this obligation to be void; otherwise, to remain in full force and virtue.

ATTEST:

Robert Ohs
Secretary

HOUTZDALE MUNICIPAL AUTHORITY
BY L. J. C. Luepke
Chairman

ATTEST:

S/ Shirley C. Gnelich

THE AETNA CASUALTY AND SURETY COMPANY
BY S/ William A. Eschelman
Surety

AND NOW, the 15th day of May, 1961, the foregoing bond approved and ordered filed.

BY THE COURT:

S/ John L. Penix
P. J.

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