

03-1821-CD

IN RE: MUDDY RUN REGIONAL AUTHORITY, etal.

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

FILED

IN RE: CONDEMNATION BY MUDDY
RUN REGIONAL AUTHORITY
OF PROPERTIES LOCATED IN GLEN HOPE
BOROUGH, CLEARFIELD COUNTY,
PENNSYLVANIA

*
*
* No. 03- 1821CD
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*

DEC 10 2003

William A. Shaw
Prothonotary/Clerk of Courts

DECLARATION OF TAKING

NOW COMES the Muddy Run Regional Authority and files the following Declaration of Taking:

1. The Condemnor is the Muddy Run Regional Authority a Pennsylvania municipal authority with its office at P.O. Box 474, Madera, PA 16661-0474.
2. This condemnation is authorized by the Municipal Authorities Act of 1945, Act of May 2, 1945, P.L. 382, Section 11, as amended, Act of June 12, 1947, P.L. 571, Section 1, 53 P.S. Section 314.
3. This Declaration of Taking was authorized by resolution duly passed by the Muddy Run Regional Authority at a special meeting held on December 10, 2003. The record thereof, including a copy of the Resolution may be examined at the office of the Authority at P.O. Box 474, Madera, PA 16661-0474.
4. The purpose of this condemnation is to acquire property interests for the construction, operation and maintenance of a sewer system and related facilities to be constructed, operated and maintained by the Authority in Glen Hope Borough.

5. The properties condemned are as shown on plats thereof annexed to this Declaration of Taking as a part hereof, which properties are identified by the following plat numbers and owners as known to the Authority:

<u>Plat #</u>	<u>Owner(s)</u>
8-I15-359-26	Juanita D. Holencik
8-I15-360-33	Wayne Pusey
8-I15-34	Charles Kitko, John K. Kitko, David L. Kitko, Kenneth E. & Clementine Kitko, Robert F. & Carol Kitko

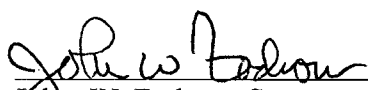
A copy of the Plats are also being lodged for record concurrent with the filing herewith in the Office of the Recorder of Deeds of Clearfield County in accordance with Section 404 of the Eminent Domain Code, Act of June 22, 1964, Sp. Sess., P.L. 84, Art. I Section 404, as amended, Act of December 5, 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 the property described in paragraph 5 hereof is a permanent and sufficient easement, right-of-way, rights, and privileges for the purpose of placing, constructing and/or continuing and maintaining facilities hereafter placed and constructed, operating, repairing, maintaining, rebuilding, replacing, relocating, and removing sewage facilities over, across, upon, and through the easement area as shown on the Plat, with the right to use so much of the surface of the property as may be reasonably necessary to construct and install within the easement and right-of-way the facilities to be constructed as well as the right to ingress and egress over the property for maintenance of the facilities within the easement and right-of-way condemned.

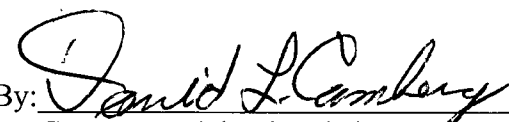
7. The construction plans of the Authority showing the facilities to be constructed and installed and/or heretofore constructed and installed, as well as the condemned properties may be inspected at the office of the Authority at P.O. Box 474, Madera, PA 16661-0474, during regular business hours.

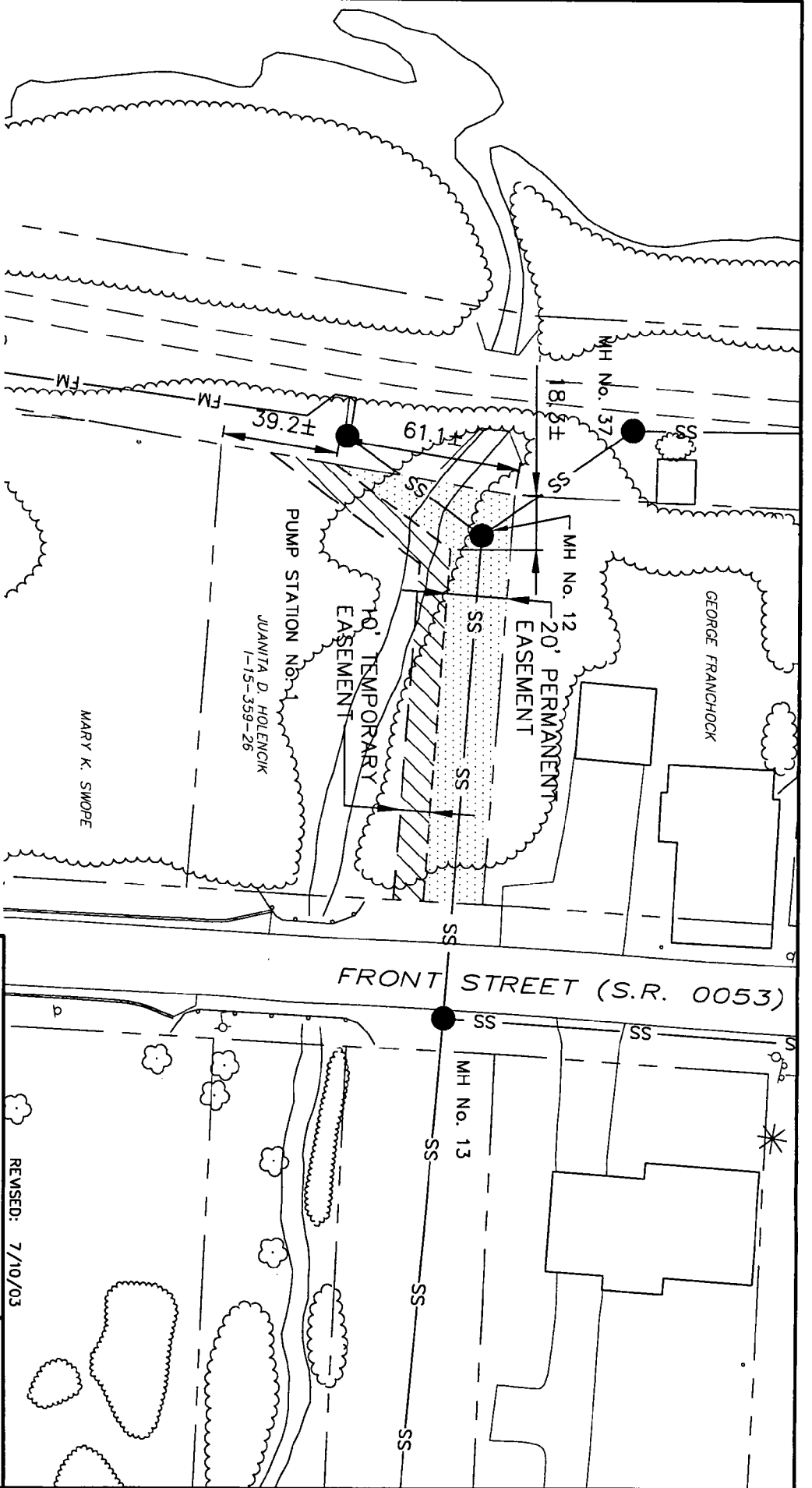
8. Just compensation for this condemnation is secured by the bond of the Authority, without surety, in accordance with Section 403 of the Eminent Domain Code, 26 P.S. Section 1-403(a) which is being filed contemporaneously herewith.

ATTEST:


John. W. Fudrow, Secretary
(SEAL)

MUDDY RUN REGIONAL
AUTHORITY

By: 
~~George R. Richards, Chairman~~
David L. Lumberg, Vice Chairman



LEGEND

PERMANENT EASEMENT

TEMPORARY EASEMENT

LEGAL RIGHT OF WAY

PROPERTY LINE

PERMANENT EASEMENT AREA: 3228.64 SQ. FT.
 TEMPORARY EASEMENT AREA: 1713.21 SQ. FT.

NOTE:

1. Property line information taken from deeds and tax maps on file at Clearfield County Court House and does not represent an actual field survey.

MUDDY RUN

REGIONAL AUTHORITY
 Glen Hope Borough,
 Clearfield County, Pa.

**SANITARY SEWER
 EASEMENT**

PROPERTY OWNER: JUANITA D. HOLENCIK
 ADDRESS: 957 BRISBIN ST.
 HOUTZDALE, PA 16651

TAX PARCEL No.: 1-15-359-26

DEED BOOK No.: 1187

DATE: 1/21/03

REFERENCE FROM P&P SHEET NO. 5

FILE: RW05-02

REVISION: 7/10/03

SCALE: 1"=50'

CHECK BY: MVG

CD&F

GWIN DOBSON & FOREMAN INC.
 Consulting Engineers

3222 Pulaski Drive
 Suite 2
 Altoona, PA 16602
 (814) 943-2244

SHEET NO:
5-2

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IN RE: CONDEMNATION BY MUDDY
RUN REGIONAL AUTHORITY
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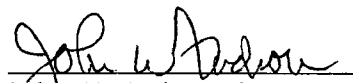
BOND

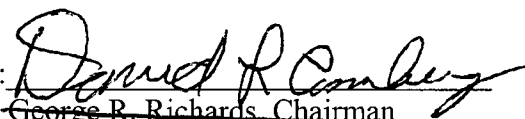
KNOW ALL MEN BY THESE PRESENTS, THAT THE MUDDY RUN REGIONAL AUTHORITY, a Pennsylvania Municipal Authority with its office at P.O. Box 474, Madera, PA, 16661-0474, hereinafter called "OBLIGOR" is held and firmly bound unto the Commonwealth of Pennsylvania hereinafter called "OBLIGEE" for the use and benefit of the owner or owners of the property interests condemned, the condition of which shall be that the OBLIGOR shall pay such damages as shall be determined by law.

WHEREAS, the Muddy Run Regional Authority, the OBLIGOR herein, shall pay or cause to be paid such amount of the damages as the said owner or owners of the property interests 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 be in remain and full force and effect.

ATTEST:

MUDDY RUN REGIONAL


John W. Fudrow, Secretary
(SEAL)

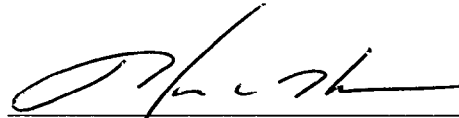
By: 
~~George R. Richards, Chairman~~
David L. Camberg, Vice Chairman

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

IN RE: CONDEMNATION BY MUDDY RUN *
REGIONAL AUTHORITY *
OF PROPERTIES LOCATED IN GLEN HOPE * No. 03- 1821 -CD
BOROUGH, CLEARFIELD COUNTY, *
PENNSYLVANIA *

MEMORANDUM OF RECORDING NOTICE OF CONDEMNATION

In accordance with Section 404 of the Eminent Domain Code, 26 P.S. Section 1-404,
now comes the Muddy Run Regional Authority, by its counsel, Kim C. Kesner, Esquire and
files this Memorandum that on the 10th day of December, 2003, a Notice of this
condemnation was recorded with the Recorder of Deeds of Clearfield County and is of record
at as Instrument Number 200322319.



Kim C. Kesner, Esquire
Solicitor for the Muddy Run Regional Authority

FILED

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William A. Shaw
Prothonotary

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

IN RE: Condemnation by Muddy Run : No. 03-1821-CD
Regional Authority of Properties
located in Glen Hope AFFIDAVIT
Borough, Clearfield County
Pennsylvania

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

Before me, the undersigned notary public, this day, personally, appeared

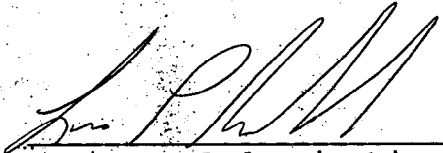
LOUIS P. RADZYMSKI to me known, who being duly sworn according to

law, deposes the following:

Statement

Service of process was performed by hand to hand method
on Juanita D. Holencik, residing at 150 Slab Cabin Rd.
State College PA 16801. Service took place at 2:45 PM,
Thursday, December 11, 2003.

I swear the above to be true and correct.


Louis P. Radzynski

Subscribed and sworn before me this 12 day of DECEMBER, 2003.


Notary

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

FILED

DEC 15 2003

William A. Shaw
Prothonotary, Clerk of Courts

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CIVIL DIVISION

IN RE: CONDEMNATION BY MUDDY *
RUN REGIONAL AUTHORITY *
OF PROPERTIES LOCATED IN GLEN HOPE * No. 03-1821-CD
BOROUGH, CLEARFIELD COUNTY, *
PENNSYLVANIA *

APR 14 2004

V. J. Shaw
County

RECEIPT, AGREEMENT AS TO DAMAGES AND RELEASE

This receipt, agreement and release made this 2nd day of April, 2004 by
and between Juanita D. Holencik of 150 Slab Cabin Road, State College, Pennsylvania, 16801,
hereinafter referred to singularly or in the aggregate as Condemnee;

And

The Muddy Run Regional Authority, P.O. Box 474, Madera, Pennsylvania, 16661-0474, hereinafter
referred to as Condemnor.

Recitals

Condemnor has condemned by its declaration of taking an easement in and to property of
Condemnee. Easement No. 5-2, Map No. 8-I15-359-26.

Condemnor, in accordance with the Pennsylvania Eminent Domain Code, 26 P.S. Section 1-
407, has made an offer to pay to Condemnee the sum of Five Hundred (\$500.00) Dollars as just
compensation for the taking.

Section 1-501 of the Pennsylvania Eminent domain Code, 26 P.S. Section 1-501 provides that
in any stage of the proceedings the Condemnor and the Condemnee may conclude the Condemnation
by an agreement as to damages and that thereupon the Condemnor may make payment of the
damages agreed upon.

Condemnee agrees to accept the Condemnor's offer as its damages in full in final settlement
of its right to compensation for the taking and any claims it may have under the Pennsylvania
Eminent Domain Code for the taking arising from the Condemnation.

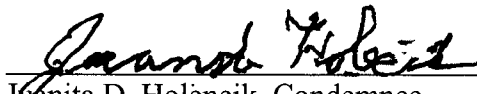
NOW THEREFORE, intending to be legally bound hereby, the Condemnor and the Condemnee agrees as follows:

1. Condemnor agrees to pay and the condemnee agrees to accept the sum of Five Hundred and no/100 (\$500.00) Dollars in full and final payment of Condemnee's damages in accordance with 26 P.S. Section 1-501.

2. Payment shall be made concurrent with the execution of this agreement, receipt of which is hereby acknowledged by Condemnee.

3. In consideration of this payment, Condemnee, on behalf of itself, its heirs, executors, administrators and assigns hereby fully releases Condemnor, its successors and assigns from all rights or claims it has to just compensation and damages including any special damages due it under Article VI and VI-A of the Pennsylvania Eminent Domain Code or otherwise arising from the condemnation and taking. This release is intended by the parties to be a general release of Condemnor by Condemnee and a full and final agreement as to damages.


4. It is agreed that the Condemnor may file a copy of this agreement certified by the Condemnor's solicitor in this proceeding in order to confirm acceptance of payment and final resolution of the Condemnations.



Juanita D. Holencik, Condemnee

Attest:

Muddy Run Regional Authority
By:



John W. Fudrow, Secretary



James Saupp, Chairman