

05-583-CD
In Re: Sandy Twp. Municipal

In Re: Sandy Twp. Municipal
2005-583-CD

05.583 C.D.

BOND

KNOW ALL MEN BY THESE PRESENTS, that declaration of taking having been filed the 22nd day of April, 2005, by the Sandy Township Municipal Authority, ("obligor"), an authority organized and existing under the laws of the Commonwealth of Pennsylvania, being held and firmly bound unto the Commonwealth of Pennsylvania ("obligee") for the use and benefit of the owner owners of the property condemned as hereinafter noted, and other proper parties in interest, for such amount of damage as the owner or 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, for purposes of easements and rights of way, of certain land and improvements as shown on the attached Exhibits "A" and "B".

ALL THOSE CERTAIN easements and rights of way to which payment well and truly to be made, the obligor does bind itself and its successors, and assigns, firmly by these presents.

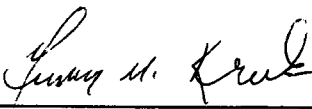
WHEREAS, the obligor has condemned the said property and cannot agree with the owner or owner of said land and buildings upon the just compensation to be paid for the damages sustained by said owner or owners as a result of the condemnation:

NOW THE CONDITION of this bond is such that if the obligor 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 22nd day of April, 2005.

WITNESS:

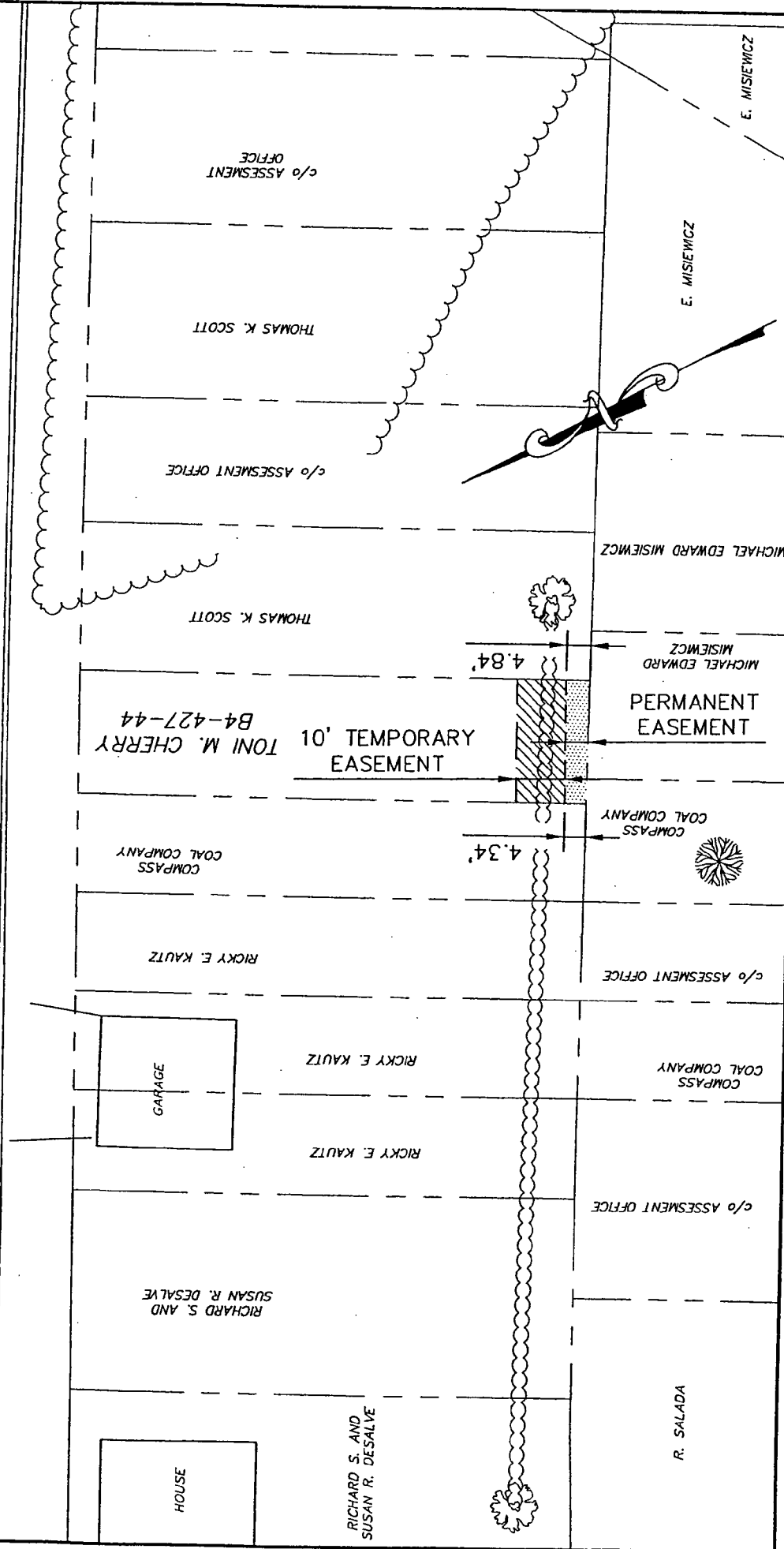
SANDY TOWNSHIP
MUNICIPAL AUTHORITY



BY: 
Chairperson

FILED ^{ice}
012:15 PM ^{Amy Krak}
APR 22 2005
William A. Shaw
Prothonotary/Clerk of Courts

TOZIER AVENUE (SR 4009)



LEGEND

PERMANENT EASEMENT

TEMPORARY EASEMENT

LEGAL RIGHT OF WAY

PROPERTY LINE

EASEMENT AREA

PERMANENT: 114.86 SQ. FT.

TEMPORARY: 250.03 SQ. FT.

Notes:

1. All properties are plotted from deeds of record, recorded subdivision or lot plans, or from field survey. Property lines were surveyed only when determined necessary by the professional land surveyor responsible for the project. Property lines not established by field survey were plotted based on existing topographical features and limited field data. This drawing is not to be substituted for a boundary or property survey.
2. Temporary easement(s), where shown, are required only until the construction or work indicated by the plan is completed, unless sooner relinquished in writing by the grantee.

SANDY TOWNSHIP MUNICIPAL AUTHORITY
SANDY TOWNSHIP SANITARY
SEWER REHABILITATION EASEMENT
AREA 'D'

PROPERTY OWNER: TONI M. CHERRY

ADDRESS: 902 CHESTNUT AVENUE
DUBOIS, PA 15801

TAX PARCEL No: B4-427-44

DEED BOOK No: 0755 PAGE No: 525

INSTRUMENT No: N/A

REFERENCE FROM P&P SHEET NO. D-4

DATE: 9-15-04

FILE: RWO_4-12

JOB: 02058

DRAWN BY: MRS

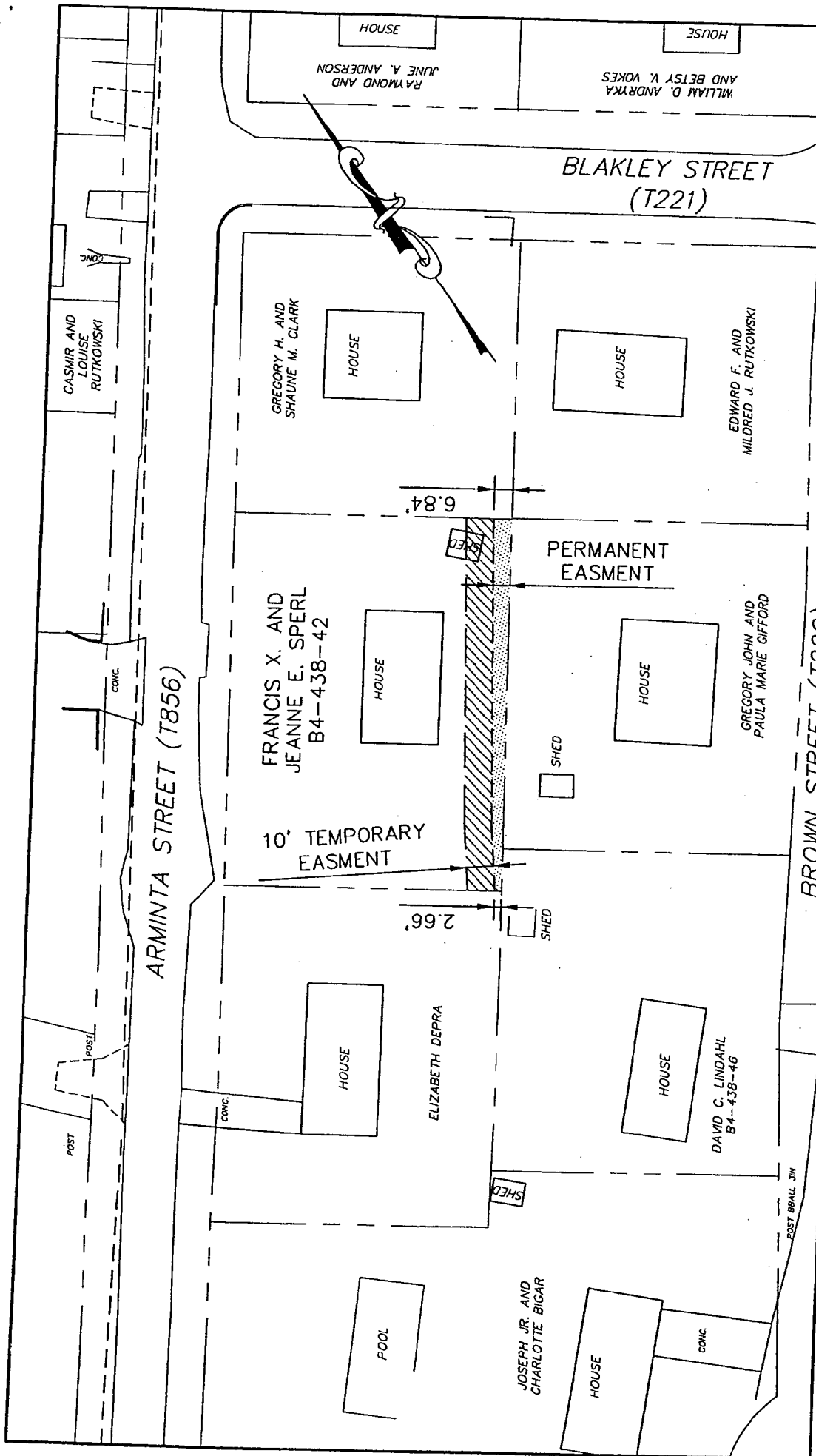
CHK. BY: MRO

SHEET NO:

4-12

GD&F

GWIN
DOBSON &
FOREMAN INC.
Consulting Engineers
3121 Fairway Drive
Allentown, PA 18602



LEGEND

PERMANENT EASEMENT
 TEMPORARY EASEMENT
 LEGAL RIGHT OF WAY
 PROPERTY LINE

EASEMENT AREA

PERMANENT: 713.58 SQ. FT.
 TEMPORARY: 1351.19 SQ. FT.

Notes:

1. All properties are plotted from deeds of record, recorded subdivision or lot plans, or from field survey. Property lines were surveyed only when determined necessary by the professional land surveyor responsible for the project. Property lines not established by field survey were plotted based on existing topographical features and limited field data. This drawing is not to be substituted for a boundary or property survey.
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SANDY TOWNSHIP MUNICIPAL AUTHORITY
 SANDY TOWNSHIP SANITARY
 SEWER REHABILITATION EASEMENT
 AREA "B"

PROPERTY OWNER: FRANCIS X. AND
 JEANNE E. SPERL
 ADDRESS: 39 ARMINTA STREET
 DUBOIS, PA 15801

TAX PARCEL No: B4-438-42
 DEED BOOK No.: 1208 PAGE No.: 276
 INSTRUMENT No.: N/A
 REFERENCE FROM P&P SHEET NO. B-10

DATE: 9-15-04 JOB: 02058
 FILE: RWB_10-5 DRAWN BY: PSI

GD&F

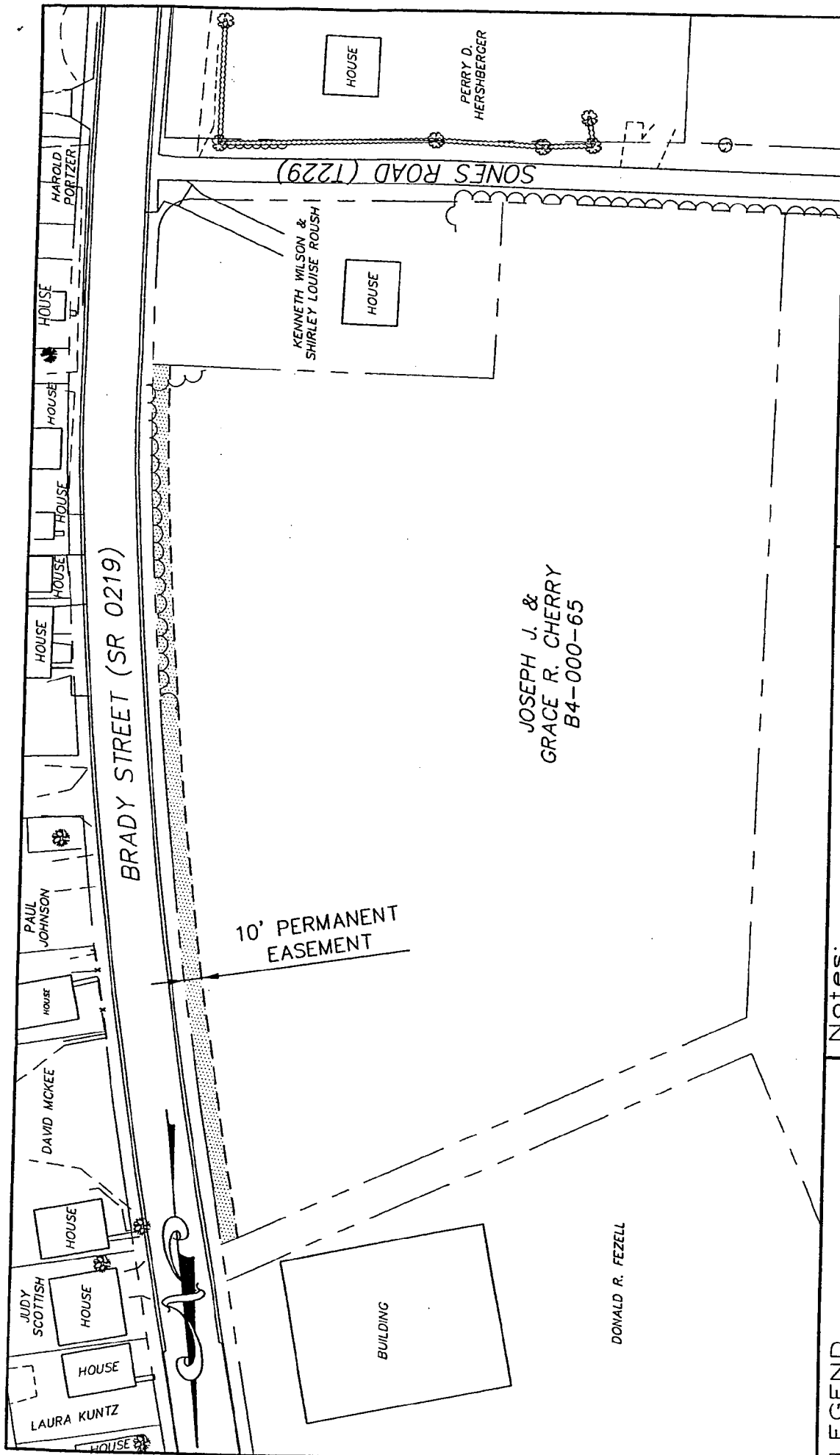
GWYN
 DOBSON &
 FOREMAN INC.
 Consulting Engineers
 3121 Fairway Drive
 Allentown, PA 18102

SHEET NO:

10-5

SCALE: 1"=50'

PLAT BY: JMC



LEGEND

PERMANENT EASEMENT
 TEMPORARY EASEMENT
 LEGAL RIGHT OF WAY
 PROPERTY LINE

EASEMENT AREA

PERMANENT: 5033.02 SQ. FT.
 TEMPORARY: 000 SQ. FT.

Notes:

1. All properties are plotted from deeds of record, recorded subdivision or lot plans, or from field survey. Property lines were surveyed only when determined necessary by the professional land surveyor responsible for the project. Property lines not established by field survey were plotted based on existing topographical features and limited field data. This drawing is not to be substituted for a boundary or property survey.
2. Temporary easement(s), where shown, are required only until the construction or work indicated by the plan is completed, unless sooner relinquished in writing by the grantee.

SANDY TOWNSHIP MUNICIPAL AUTHORITY
 SANDY TOWNSHIP SANITARY
 SEWER REHABILITATION EASEMENT
 AREA "C"

PROPERTY OWNER: JOSEPH J. & GRACE R. CHERRY
 ADDRESS: P.O. BOX 505
 DUBOIS, PA 15801

TAX PARCEL No: B4-000-65
 DEED BOOK No: 1541 PAGE No: 380
 INSTRUMENT No: N/A

REFERENCE FROM P&P SHEET NO. C-4

DATE: 12-22-04

FILE: RWC_4-1

JOB: 02058

DRAWN BY: MRS

SCALE: 1"=80'

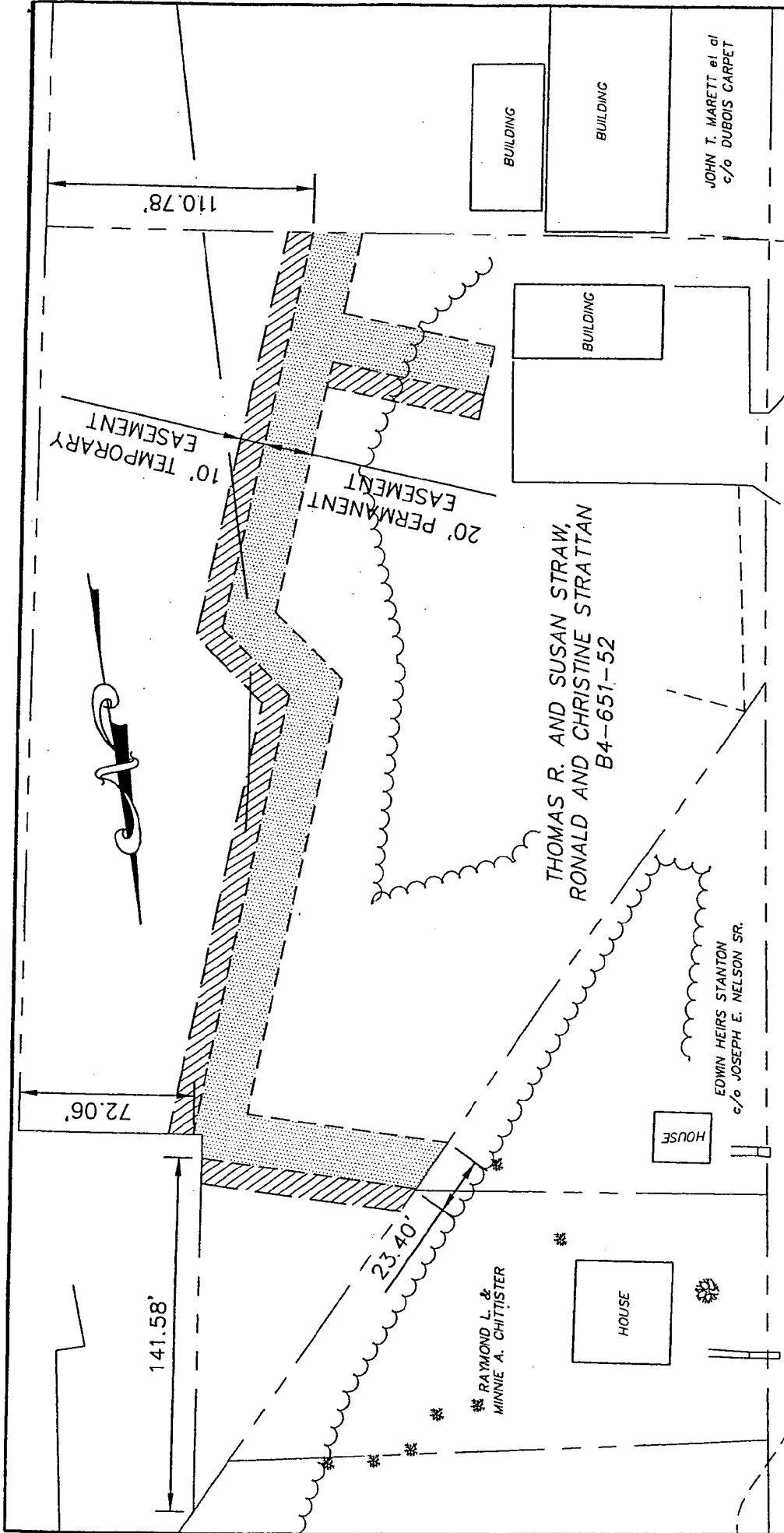
CHK. BY: MRO

GD&F

GWIN
 DOBSON &
 FOREMAN INC
 Consulting Engineers
 3121 Furway Drive
 Altoona, PA 16602

SHEET NO:

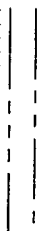
4-1



BRADY STREET (S.R. 0219)

SOUTH BRADY STREET (SR 0219)

LEGEND

PERMANENT EASEMENT 
 TEMPORARY EASEMENT 
 LEGAL RIGHT OF WAY 
 PROPERTY LINE 

EASEMENT AREA

PERMANENT: 10749.22 SQ. FT.
 TEMPORARY: 5377.33 SQ. FT.

Notes:

1. All properties are plotted from deeds of record, recorded subdivision or lot plans, or from field survey. Property lines were surveyed only when determined necessary by the professional land surveyor responsible for the project. Property lines not established by field survey were plotted based on existing topographical features and limited field data. This drawing is not to be substituted for a boundary or property survey.
2. Temporary easement(s), where shown, are required only until the construction or work indicated by the plan is completed, unless sooner relinquished in writing by the grantee.

SANDY TOWNSHIP MUNICIPAL AUTHORITY
 SANDY TOWNSHIP SANITARY
 SEWER REHABILITATION EASEMENT
 AREA "C"

PROPERTY OWNER: THOMAS R. & SUSAN STRAW,
 RONALD AND CHRISTINE STRATTAN
 ADDRESS: 535 NELSON ROAD
 CLEARFIELD, PA 16830

TAX PARCEL No: B4-651-52
 DEED BOOK No.: 1227 PAGE No.: 355
 INSTRUMENT No.: N/A
 REFERENCE FROM P&P SHEET NO. C-9

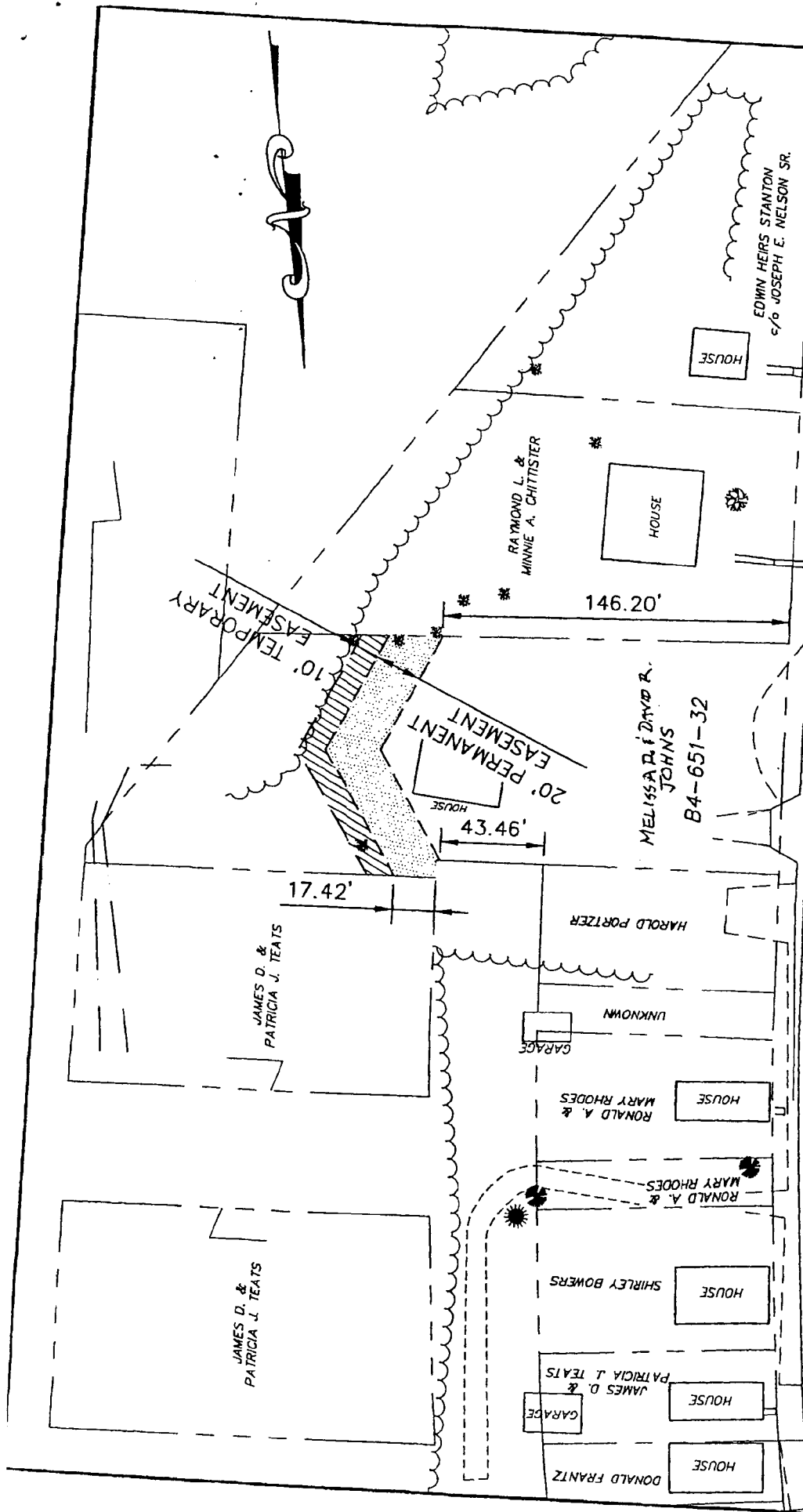
DATE: 9-15-04 JOB: 02058
 FILE: RWC_9-5 DRAWN BY: MRS. CHK. BY: MRO

GD&F

GWIN
 DOBSON &
 FOREMAN INC.
 Consulting Engineers
 3121 Pilgrimage Drive
 Altoona, PA 16602

SHEET NO:

9-5



BRADY STREET (S.R. 0219)

LEGEND

PERMANENT EASEMENT
 TEMPORARY EASEMENT
 LEGAL RIGHT OF WAY
 PROPERTY LINE

EASEMENT AREA

PERMANENT: 2269.36 SQ. FT.
 TEMPORARY: 1161.19 SQ. FT.

Notes:

1. All properties are plotted from deeds of record, recorded subdivision or lot plans, or from field survey. Property lines were surveyed only when determined necessary by the professional land surveyor responsible for the project. Property lines not established by field survey were plotted based on existing topographical features and limited field data. This drawing is not to be substituted for a boundary or property survey.
2. Temporary easement(s), where shown, are required only until the construction or work indicated by the plan is completed, unless sooner relinquished in writing by the grantee.

SANDY TOWNSHIP MUNICIPAL AUTHORITY
 SANDY TOWNSHIP SANITARY
 SEWER REHABILITATION EASEMENT
 AREA "C"

PROPERTY OWNER: MELISSA D. & DAVID R. JOHNS

ADDRESS: 1099 SOUTH BRADY STREET
 DUBOIS, PA 15801

TAX PARCEL No: B4-651-32

DEED BOOK No.: PAGE No.:
 INSTRUMENT No.: 2004/8330

REFERENCE FROM P&P SHEET NO. C-9
 DATE: 9-15-04

JOB: 02058
 FILE: RWC-9-2

DRAWN BY: MRS
 SCALE: 1"=60'

CHK. BY: MRO

GD&F

GWYN
 DOBSON &
 FOREMAN INC.
 Consulting Engineers
 3222 Highway Drive
 Altoona, PA 16802

SHEET NO:

9-2

NAMES OF PROPERTY OWNERS**TAX PARCEL NO.**

1.	Toni M. Cherry	B4-427-44
2.	Jeanne E. Sperl	B4-438-42
3.	Joseph J. Cherry & Grace R. Cherry Heirs	B4-000-65
4.	Thomas R. Straw, Susan Straw, Ronald Stratton & Christine Stratton	B4-651-52
5.	Melissa D. Johns & David R. Johns	B4-651-32
6.	Cletas Heller & Betty L. Heller	C4-421-16

EXHIBIT B

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

CONDEMNATION BY THE
SANDY TOWNSHIP MUNICIPAL AUTHORITY
OF LANDS OF TONI M. CHERRY, JEANNE
E. SPERL, JOSEPH J. CHERRY & GRACE R.
CHERRY HEIRS, THOMAS R. STRAW, SUSAN
STRAW, RONALD STRATTON & CHRISTINE
STRATTON, MELISSA D. JOHNS & DAVID R.
JOHNS, CLETAS HELLER and BETTY L.
HELLER

05-583-CD
No. _____ of 2005 C.D.

FILED *2cc*
012:1561 *Aug*
APR 22 2005 *Kruk*
William A. Shaw *Aug pd.*
Prothonotary/Clerk of Courts *85.00*

FOR THE PURPOSES OF SANITARY
SEWAGE COLLECTION LINES AND
RELATED FACILITIES IN THE TOWNSHIP
OF SANDY FOR THE HEALTH AND SAFETY
OF ITS CITIZENS

PROCEEDINGS IN REM

DECLARATION OF TAKING

The Sandy Township Municipal Authority, pursuant to the Pennsylvania Eminent Domain Code, as amended, 26 P.S. Sections 1-101, et. seq., ("Code"), and those Sections of the Municipalities Authorities Act of the Commonwealth of Pennsylvania not repealed and not superseded by 26 P.S. Sections 1-101, et. seq., governing the procedure for the exercise of eminent domain, as amended, 53 Pa. C.S.A. Section 5601, et. seq., hereby declares:

1. The Condemnor is the Sandy Township Municipal Authority, an Authority duly organized and existing under the laws of the Commonwealth of Pennsylvania, with address of PO Box 267, DuBois, PA (15801).

2. This condemnation is authorized by 26 P.S. Section 101, et. seq., and those Sections of the Municipalities Authorities Act not repealed and not superseded by 26 P.S. Sections 1-101, et. seq., found at 53 Pa.C.S.A. Section 5601, et. seq.

3. This Declaration of Taking was authorized by a Resolution of the Board of the Sandy Township Municipal Authority at a regular meeting of the Board of Sandy Township Municipal Authority held on Monday, April 4, 2005, duly advertised. The record of the Resolution may be examined at the Office of the Secretary of the Sandy Township Municipal Authority, PO Box 267, DuBois, PA (15801)

4. A brief description of the purpose of the condemnation is as follows – for purposes of the replacement of the sanitary sewer collection lines and related facilities in the Township of Sandy for the health and safety of its citizens.

5. The properties in **SANDY TOWNSHIP, CLEARFIELD COUNTY, PA**, which are being condemned for the purposes of easements and rights of way are as set forth on the maps which are attached to this Declaration of Taking and labeled as Exhibits “A”, said maps being lodged for record with the Notice of Condemnation in the Office of the Recorder of Deeds for Clearfield County, PA, and are specifically described on the attached Exhibit “B”.

6. The nature of the title being acquired for the properties as set forth on the attached Exhibit “B”, as shown on the maps attached as Exhibit “A”, are in the form of easements and rights-of-way.

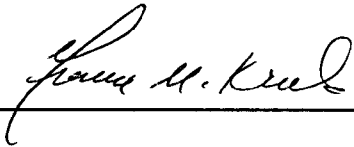
7. An inspection of the plan showing the easements and rights of way condemned may be conducted at the Office of the Secretary of the Sandy Township Municipal Authority, PO Box 267, DuBois, PA (15801).

8. Just compensation will be secured through the assets of the Sandy Township Municipal Authority, which said assets are sufficient to secure just compensation for the appropriation of the properties described herein. Furthermore, the required security as set forth in 26 P.S. Section 1-403(a) is being given by the Sandy Township Municipal Authority in the form of its bond, without surety, to the Commonwealth of Pennsylvania for the use of the owner or owners of the property interests condemned, the condition of which shall be that the condemnor shall pay such damages as shall be determined by law.

WHEREFORE, the Sandy Township Municipal Authority declares the within premises condemned and appropriated for the public purposes mentioned.

WITNESS:

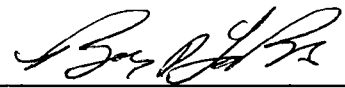
SANDY TOWNSHIP
MUNICIPAL AUTHORITY



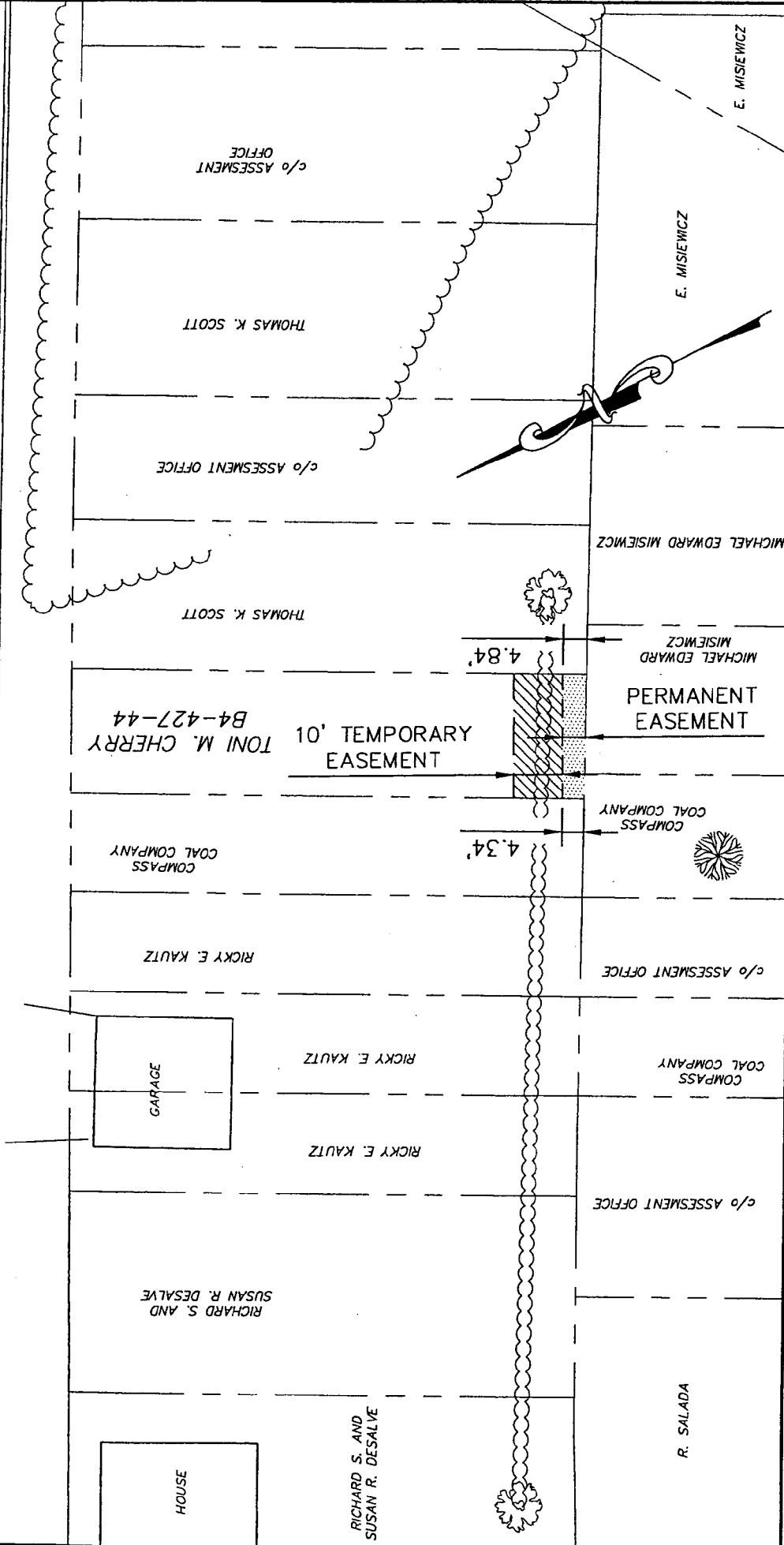
BY: 
Chairperson

I, BRADY LABORDE, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 4-22-05


Brady LaBorde

TOZIER AVENUE (SR 4009)



LEGEND

PERMANENT EASEMENT ———

TEMPORARY EASEMENT ———

LEGAL RIGHT OF WAY ———

PROPERTY LINE ———

NOTES:

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- Temporary easement(s), where shown, are required only until the construction or work indicated by the plan is completed, unless sooner relinquished in writing by the grantee.

EASEMENT AREA

PERMANENT: 114.86 SQ. FT.

TEMPORARY: 250.03 SQ. FT.

SANDY TOWNSHIP MUNICIPAL AUTHORITY

SANDY TOWNSHIP SANITARY SEWER REHABILITATION EASEMENT AREA 'D'

PROPERTY OWNER: TONI M. CHERRY

ADDRESS: 902 CHESTNUT AVENUE DUBOIS, PA 15801

TAX PARCEL No: B4-427-44

DEED BOOK No: 0755 PAGE No: 525

INSTRUMENT No: N/A

REFERENCE FROM P&P SHEET NO. D-4

DATE: 9-15-04 JOB: 02058

FILE: RWO_4-12 DRAWN BY: MRS

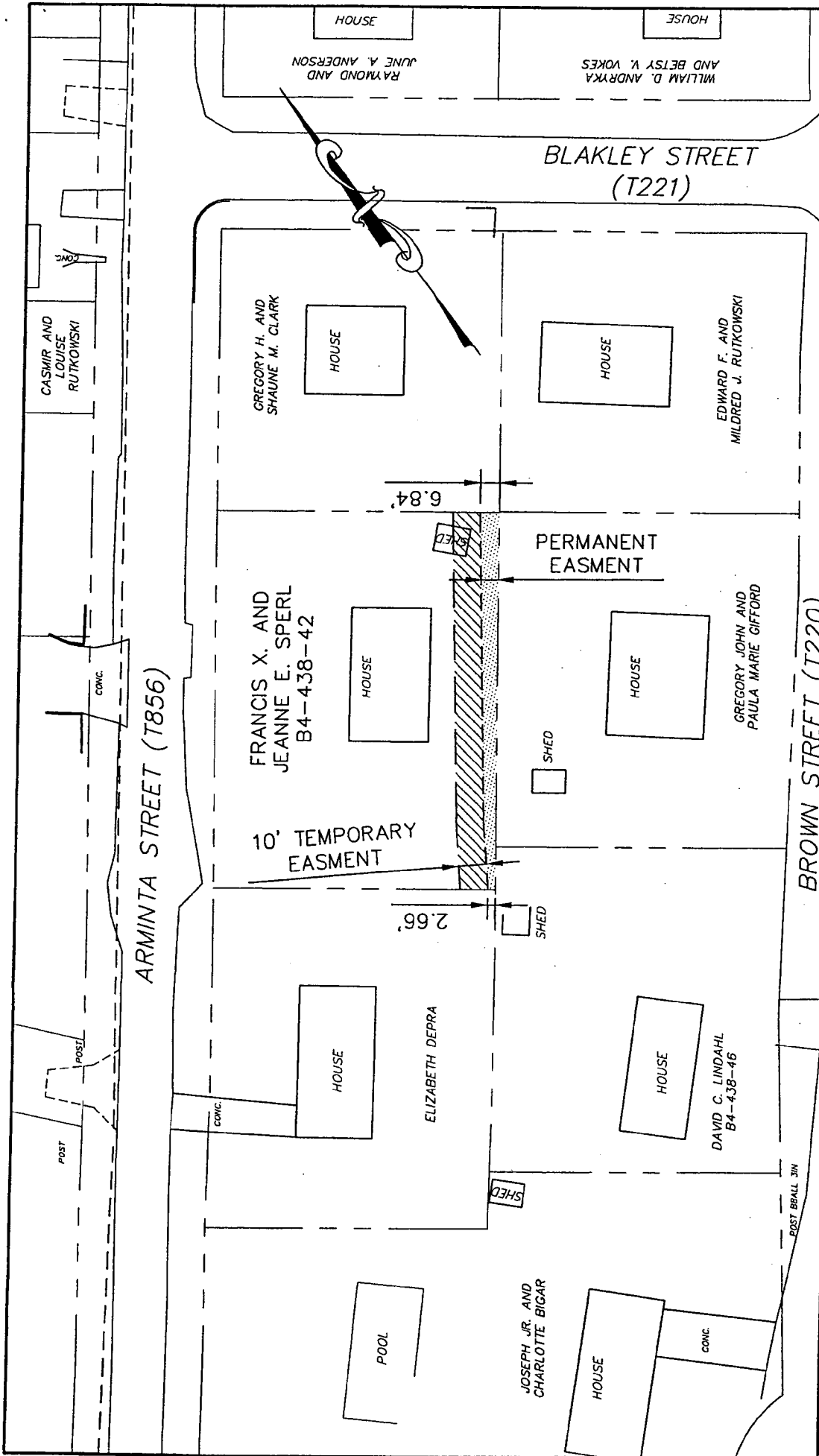
SCALE: 1" = 30'

CHK. BY: MRO

GD&F

GWIN DOBSON & FOREMAN INC.
Consulting Engineers
321 Fairway Drive
Allentown, PA 16602

SHEET NO: **4-12**



SANDY TOWNSHIP MUNICIPAL AUTHORITY SEWER REHABILITATION EASEMENT AREA "B"

PROPERTY OWNER: FRANCIS X. AND JEANNE E. SPERL
ADDRESS: 39 ARMINA STREET DUBOIS, PA 15801

TAX PARCEL No: B4-438-42
DEED BOOK No.: 1208 PAGE No.: 276
INSTRUMENT No.: N/A
REFERENCE FROM P&P SHEET NO. B-10

DATE: 9-15-04 JOB: 02058
FILE: RWB_10-5 DRAWN BY: PSL

GD&F

GWIN DOBSON & FOREMAN INC.
Consulting Engineers
3121 Fairway Drive
Allentown, PA 16602

SHEET NO: **10-5**

Notes:

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LEGEND

PERMANENT EASEMENT

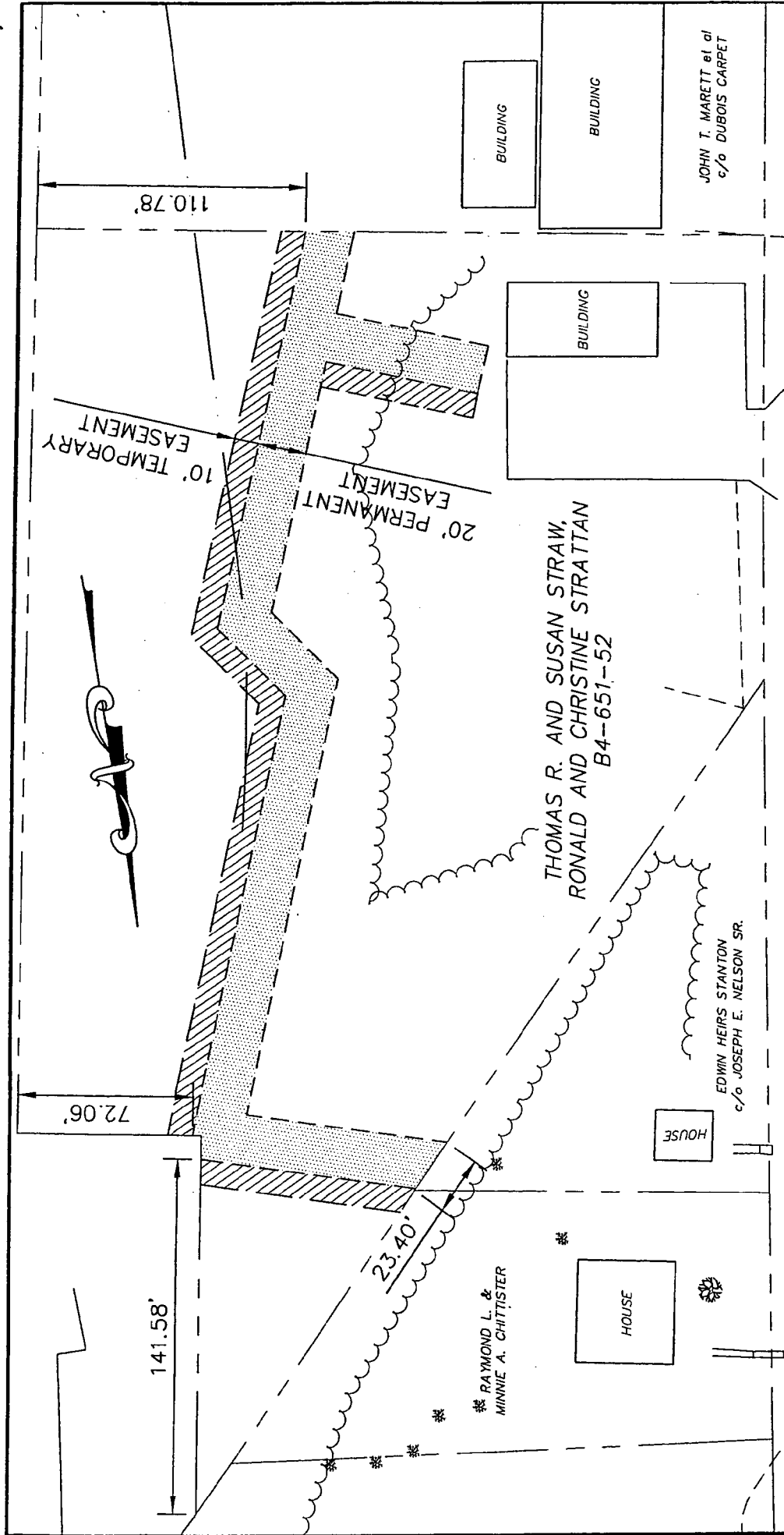
TEMPORARY EASEMENT

LEGAL RIGHT OF WAY

PROPERTY LINE

EASEMENT AREA

PERMANENT: 713.58 SQ. FT.
TEMPORARY: 1351.19 SQ. FT.



BRADY STREET (S.R. 0219)

SOUTH BRADY STREET (SR 0219)

LEGEND

PERMANENT EASEMENT

TEMPORARY EASEMENT

LEGAL RIGHT OF WAY

PROPERTY LINE

EASEMENT AREA

PERMANENT: 10749.22 SQ. FT.

TEMPORARY: 5377.33 SQ. FT.

Notes:

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SANDY TOWNSHIP MUNICIPAL AUTHORITY
SANDY TOWNSHIP SANITARY
SEWER REHABILITATION EASEMENT
AREA "C"

PROPERTY OWNER: THOMAS R. & SUSAN STRAW,
RONALD AND CHRISTINE STRATTAN
ADDRESS: 535 NELSON ROAD
CLEARFIELD, PA 16830

TAX PARCEL No: B4-651-52

DEED BOOK No: 1227 PAGE No: 355

INSTRUMENT No: N/A

REFERENCE FROM P&P SHEET NO. C-9

DATE: 9-15-04 JOB: 02058

FILE: RWC_9-5

DRAWN BY: MRS

CHK. BY: MRO

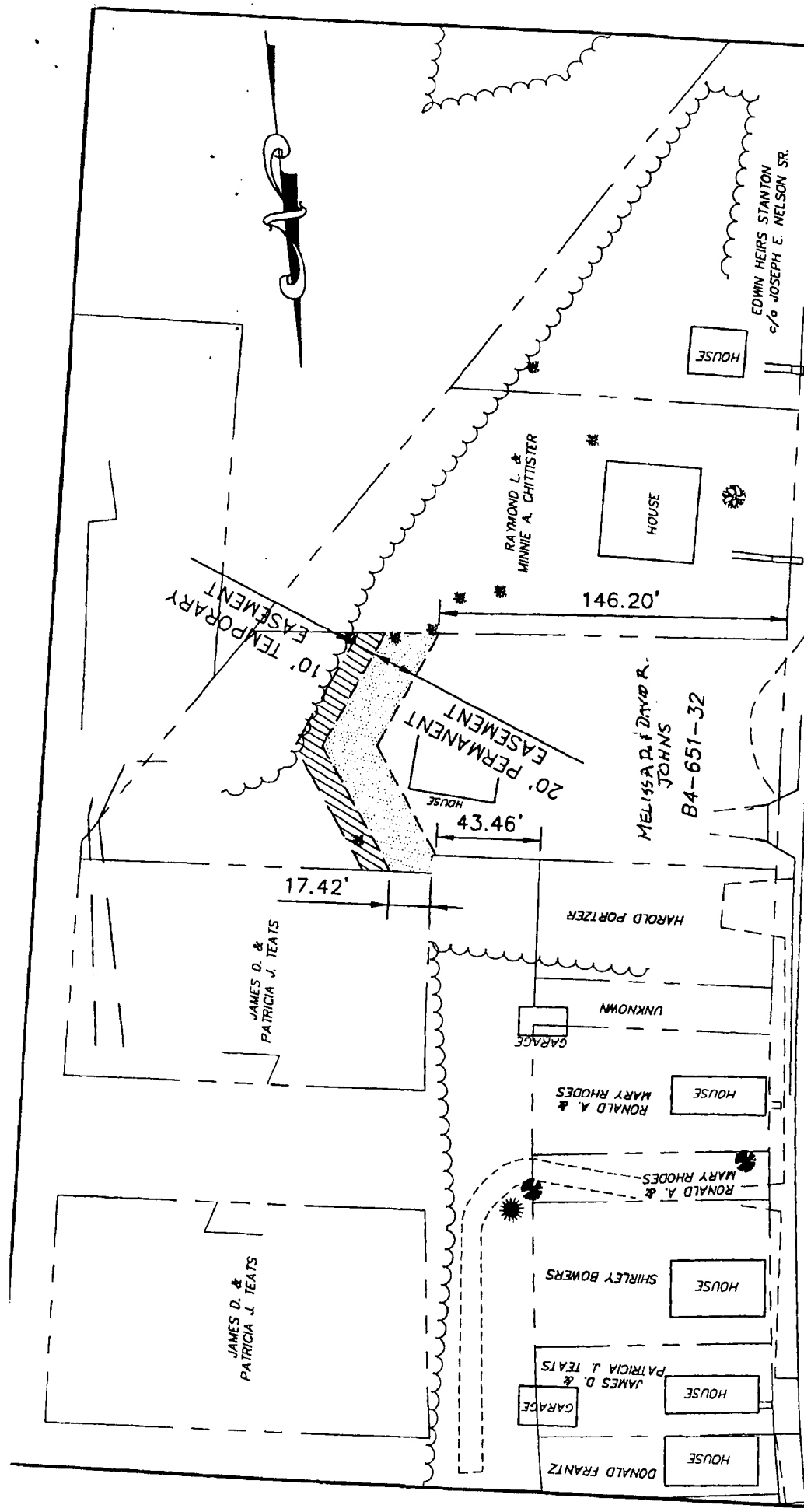
SCALE: 1"=60'

GD&F

GWIN
DOBSON &
FOREMAN INC.
Consulting Engineers
3121 Fairway Drive
Allentown, PA 18602

SHEET NO:

9-5



BRADY STREET (S.R. 0219)

LEGEND

- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- LEGAL RIGHT OF WAY
- PROPERTY LINE

EASEMENT AREA

PERMANENT: 2269.36 SQ. FT.
TEMPORARY: 1161.19 SQ. FT.

Notes:

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SANDY TOWNSHIP MUNICIPAL AUTHORITY
SANDY TOWNSHIP SANITARY
SEWER REHABILITATION EASEMENT
AREA "C"

PROPERTY OWNER: MELISSA D. & DAVID R. JOHNS
ADDRESS: 1099 SOUTH BRADY STREET
DUBOIS, PA 15801

TAX PARCEL No: B4-651-32
DEED BOOK No.: PAGE No.:
INSTRUMENT No.: 2004-18330
REFERENCE FROM P&P SHEET NO. C-9
DATE: 9-15-04

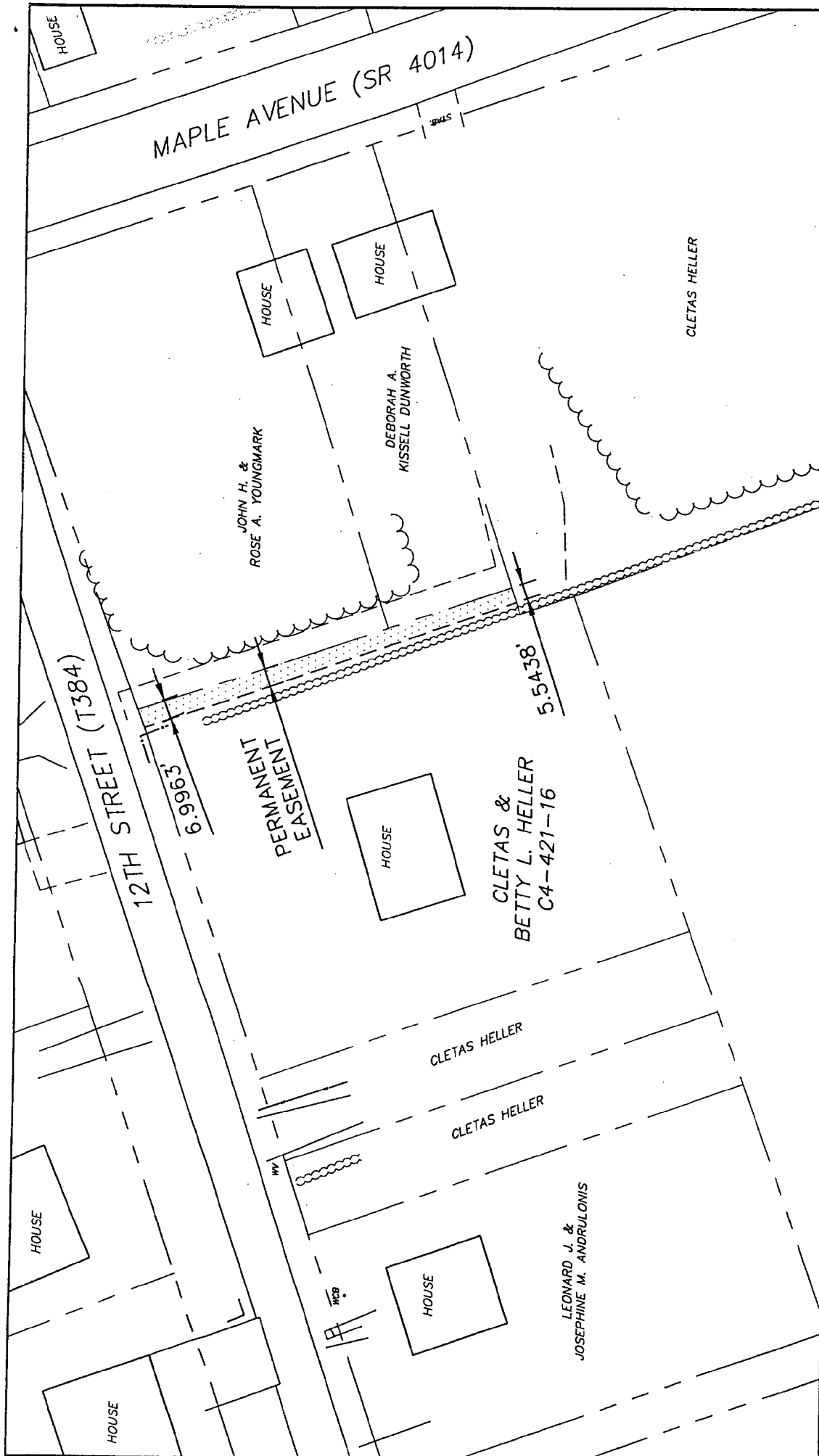
JOB: 02058
DRAWN BY: MRS
SCALE: 1"=60'
CHK. BY: MRO

GD&F

GWIN
DOBSON &
FOREMAN INC
Consulting Engineers
3321 Highway Drive
Allentown, PA 18602

SHEET NO:

9-2



LEGEND

PERMANENT EASEMENT
 TEMPORARY EASEMENT
 LEGAL RIGHT OF WAY
 PROPERTY LINE

EASEMENT AREA

PERMANENT: 000 SQ. FT.
 TEMPORARY: 000 SQ. FT.

Notes:

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SANDY TOWNSHIP MUNICIPAL AUTHORITY SANDY TOWNSHIP SANITARY SEWER REHABILITATION EASEMENT

PROPERTY OWNER: CLETAS &
 BETTY L. HELLER

ADDRESS: 82 TREASURE LAKE
 DUBOIS, PA 15801

TAX PARCEL No: C4-421-16
 DEED BOOK No.: 0407
 REFERENCE FROM P&P SHEET NO. E-4
 DATE: 9-15-04

JOB: 02058
 SCALE: 1"=50'

GD&F

GWIN
 DOBSON &
 FOREMAN INC.
 Consulting Engineers
 3121 Fairway Drive
 Altoona, PA 16602

SHEET NO:

1

NAMES OF PROPERTY OWNERS**TAX PARCEL NO.**

1.	Toni M. Cherry	B4-427-44
2.	Jeanne E. Sperl	B4-438-42
3.	Joseph J. Cherry & Grace R. Cherry Heirs	B4-000-65
4.	Thomas R. Straw, Susan Straw, Ronald Stratton & Christine Stratton	B4-651-52
5.	Melissa D. Johns & David R. Johns	B4-651-32
6.	Cletas Heller & Betty L. Heller	C4-421-16

EXHIBIT B

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

CONDEMNATION BY THE
SANDY TOWNSHIP MUNICIPAL AUTHORITY
OF LAND OF TONI M. CHERRY, JEANNE
E. SPERL, JOSEPH J. CHERRY & GRACE R.
CHERRY HEIRS, THOMAS T. STRAW, SUSAN
STRAW, RONALD STRATTON & CHRISTINE
STRATTON, MELISSA D. JOHNS & DAVID R.
JOHNS, CLETAS HELLER and BETTY L.
HELLER

No. 05-583-CD

FILED ⁶² NO CC
MAY 10 4:58 PM
MAY 16 2005

William A. Shaw
Prothonotary/Clerk of Courts

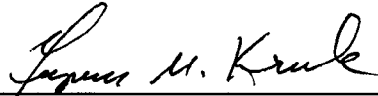
FOR THE PURPOSES OF SANITARY
SEWAGE COLLECTION LINES AND
RELATED FACILITIES IN THE TOWNSHIP
OF SANDY FOR THE HEALTH AND SAFETY
OF ITS CITIZENS

PROCEEDINGS IN REM

MEMORANDUM OF RECORDED NOTICE

This Memorandum is filed in accordance with the Eminent Code of the Commonwealth of Pennsylvania, specifically the Section entitled "Recording Notice of Condemnation" found at 26 P.S. Section 1-404. This Memorandum sets forth that the Notice of the Declaration of Taking in the above-captioned matter was recorded in the Recorder of Deeds Office of Clearfield County, PA, on April 22, 2005 at Instrument No. 200505928.

SANDY TOWNSHIP MUNICIPAL AUTHORITY,
CONDEMNOR

BY: 
Attorney for Sandy Township Municipal Authority

FERRARO, KRUK & FERRARO, LLP
690 Main Street
Brockway, PA 15824
(814) 265-2202