

05-813-CD
Houtzdale Municip. vs Gilliland et al

Houtzdale Mun Auth. v. Eric Gilliland et
2005-813-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS

No.: 05-813-CD

Type of Case:
Eminent Domain

Type of Pleading:
Declaration of Taking

Filed on behalf of:
Condemnor

Counsel of Record for
This Party:
John R. Carfley
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

FILED

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JUN 08 2005

William

Prothonotary/Clerk of Courts

2 cc
Amy Carfley
Amy pd. 85.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

No.:

Eminent Domain
Proceeding -
In Rem

ERIC O. and BERNADETTE GILLILAND
CONDEMNNEES

DECLARATION OF TAKING

The Houtzdale Municipal Authority does hereby file this Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, 26 P.S. 1-402, as amended, and respectfully declares that:

1. The condemnor is the Houtzdale Municipal Authority, a Pennsylvania Municipal Authority, duly organized under the authority of the Municipal Authorities Act, Act of June 19, 2001, P.L. 287, No. 22 with its principal office located at 561 Kirk Street, P. O. Box 97, Houtzdale, Pennsylvania, 16651.

2. The interest in the property hereinafter described is hereby condemned as a right-of-way and/or easement for the purposes of constructing, maintaining and repairing of a right of way and/or easement to allow for the development and installation of a water transmission pipeline and other facilities for improvement of the water supply, water distribution and water treatment system pursuant to the Municipal Authorities Act of June 19, 2001, P.L. 287, No. 22, 55 Pa. C.S.A. §5601 et. seq. (the "Act"), specifically sections 5607(d)(15) and 5615(a) of the Act, and the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended, Article IV, Section 402 (26 P.S. 1-402 et. seq.). The within condemnation has been authorized by Resolution adopted the 4th day of May, 2005, by the said condemnor. A copy of said resolution and accompanying exhibits are attached hereto and made a part hereof. The original may be examined at the address of the condemnor.

3. The purpose of the condemnation is to provide a utility easement and right of way for the water transmission pipeline to insure access for the water line to the watershed in order to expand the ground water system and the surface source of the Authority known as the Moshannon Creek Watershed and to specifically enlarge, upgrade and renovate the water acquisition, water treatment, and water distribution system already approved for use in that locale and throughout the area of operations of the condemnor in the Moshannon Valley.

4. The further purpose of the Condemnation is to acquire a right of way in, over, across and

through the existing property of Eric and Bernadette Gilliland (the "Condemnee"), such Condemnee's property being located in Gulich Township and Woodward Township, Clearfield County, Pennsylvania, having an address of 548 Hunt Club Drive, Ginter, Pennsylvania, and being more particularly described in those certain instruments recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, (the "Subject Property"), for access and to place utilities, with the further right to construct, repair, and maintain the accessway for purposes of ingress, egress, and regress for its water pipeline and other facilities as the width of the right of way permits and to further construct, lay, maintain, and service the transmission pipeline and other support facilities so as to permit the efficient transmittal of water from the watershed throughout the system of distribution collectively, and specifically including the rights listed below, the "Right-of-Way." These rights shall include but shall not be limited to:

(a) A temporary right of way and a permanent right-of-way and/or easement for purposes of this Declaration of Taking and/or easement together with the free and uninterrupted use, liberty and privilege of and passage in, over and through the Subject Property as depicted in an area which has been determined by the Authority and is set forth on the map and legal description attached to the Resolution as Exhibits A-1 through A-4 and B-1 through B-4.

(b) The said temporary Right-of-Way shall not exceed sixty (60') feet in width, as Condemnees legal title shall so permit, or at a distance from and utilizing as a guide the existing pipeline, where and if applicable, to permit the Condemnor to expand to either side of the transmission pipeline; provided however, that said width is sufficient to accommodate these requirements failing which additional action may be warranted, all of which will be fully depicted on the Condemnor's maps as they are drafted subject to the easement as herein depicted and described. Together with the right of free ingress, egress and regress to and for the said Condemnor, its successors and assigns, its tenants and undertenants, occupiers, or possessors of the said Condemnor's Right-of-Way, the said Right-of-Way to be used for vehicular and construction equipment access and for the purposes of constructing, maintaining and repairing of a water transmission pipeline and other facilities that the Condemnor shall within its sole discretion deem

appropriate including but not limited to pressure reducing valves, shut offs, blow off valves, pump stations, electrical services and other related facilities. The specific description of the area to be acquired by the Condemnor as depicted on the map attached hereto and by description likewise attached hereto consists of a temporary right of way not to exceed sixty (60') feet in width and a permanent right of way of thirty (30') feet in width as Condemnees' legal title shall so permit subject to the same terms and conditions as are more fully set forth herein at length. Said 60 foot right of way shall be established as 30 foot equi-distant where appropriate from the center line of the pipeline or the center line of the described easement, but up to sixty feet as mandated by topography, terrain or other man made or natural obstructions. The thirty (30') foot right of way shall be established as fifteen foot (15') equidistant, where appropriate, from the centerline of the pipeline or center line of the easement as herein specified.

(c) The right of grading, conditioning, and installing drainage facilities, and seeding the soil of the Right-of-Way, and the removal of all obstructions from the Right-of-Way which may constitute a hindrance to the establishment and maintenance of Condemnor's facilities.

(d) The right to make alterations upon the Right-of-Way which alterations, fixtures, additions, structures or facilities so placed in or upon, or attached to the said Right-of-Way shall be and remain the property of the Condemnor, and may be removed upon the date of expiration or termination of this use, or within ninety (90) days thereafter, by or on behalf of the Condemnor, or its grantees, or purchasers of said alterations, fixtures, additions, structures, or facilities.

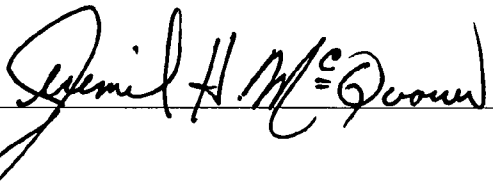
5. A description of the Right-of-Way over, across, upon and through the Subject Property sufficient for its identification is set forth on legal descriptions attached hereto as Exhibits A-1 through A-4 and on the maps affixed hereto as Exhibits B-1 through B-4. On the same day as this declaration of taking is being filed with the Prothonotary, plans showing the right-of-way and/or easement condemned are being lodged for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in accordance with Section 404 of the Eminent Domain Code, 26 P. S. §1-404 and pursuant to the plan attached hereto and to be filed with the Prothonotary as part of these proceedings.

6. The nature of the title acquired in and to the property is a right-of-way and/or an easement over, across, upon and through the Subject Property described in the exhibits attached hereto.

7. A plan showing the condemned Right-of-Way may also be inspected at the office of the condemnor which is located at 561 Kirk Street, Houtzdale, Pennsylvania and is attached hereto as Exhibit B1 through B-4.

8. The condemnor files with this Declaration of Taking an open ended bond without surety pursuant to Section 403(a) of the Eminent Domain Code 26 P.S. §1-403(a). Just compensation is made or secured by the filing of said bond. A copy of the bond is attached hereto as Exhibit C and stands as collateral for the reasonable value of the right-of-way as estimated by the Board in the amount of \$5,652.50 or \$.50 per lineal foot for the property so seized and appropriated.

HOUTZDALE MUNICIPAL AUTHORITY

BY 

ATTEST:



EXHIBIT A-1

That easement outlined on Exhibit B-1 attached hereto ingresses and egresses property identified as Tax Parcel Number 118-L16-136, which is more fully described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadette Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-L16-172 and continuing thereafter through Parcel 118-L16-136 by various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-L16-136 in an area comprised of the common boundaries of that parcel previously identified and other lands of Eric O. and Bernadette Gilliland identified as Tax Parcel No. 118-L16-176.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-1 which is drafted to correlate with the description contained herein.

EXHIBIT A-2

That easement outlined on Exhibit B-2 attached hereto ingresses and egresses property identified as Tax Parcel Number 118-L16-176, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadette Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-L16-136 and continuing thereafter through Parcel 118-L16-176 by various courses and distances as outlined in red on the map affixed hereto following the said description therein by various metes and bounds, finally exiting Tax Parcel No. 118-L16-176 at the common boundary of that parcel and other lands of Eric O. and Bernadette Gilliland identified as Tax Parcel No. 118-M16-176 at a landmark identified as the Miller Road Extension.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-2, which is drafted to correlate with the description contained herein.

EXHIBIT A-3

That Easement outlined on Exhibit B-3 attached hereto, ingresses and egresses property identified as Tax Parcel Number 118-M16-176, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this Easement.

The temporary and permanent Easement shall be of varying widths as herein specified, with the centerline of said easement to be as depicted on the drawing attached hereto; the said Easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadatte Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-M16-176 at a point on the Miller Road Extension and continuing thereafter by the various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-M16-176 at the common boundary of this parcel and lands now or formerly owned by Junior Coal and Land Company, Inc., identified as Tax Parcel No. 118-M16-1.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-3, which is drafted to correlate with the description contained herein.

EXHIBIT A-4

That easement outlined on Exhibit B-4 attached hereto, ingresses and egresses property identified as Tax Parcel Number 130-M15-5, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement being further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Junior Coal and Land Company, Inc., which property is identified as bearing Clearfield County Tax Parcel No. 118-M16-1 and continuing thereafter by the various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-M15-5 at the common boundary of that parcel and lands now or formerly of Junior Coal and Land Company, Inc., identified as Centre County Tax Parcel No. 118-M15-4.

This water transmission pipeline is more accurately depicted, along with its length, width and area, on the survey map affixed hereto as Exhibit B-4, which is drafted to correlate with the description contained herein.

EXHIBIT "C"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS

No.:

Eminent Domain
Proceeding -
In Rem

B O N D

KNOW ALL MEN BY THESE PRESENTS, that a Declaration of Taking having been filed the 7th day of June, 2005, by the Houtzdale Municipal Authority, (Obligor), a municipal 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 Eric and Bernadette Gilliland, the owner or owners of the Property upon which the right of way and/or easement being condemned is located, and other proper parties in interest, (the "Condemnee") for such amount of damages as the Condemnee 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 of such right-of-way and/or easement by obligor of a right of way and/or easement within those certain lands and improvements owned by the Condemnee, being more particularly described in that certain deed dated April 30, 2001, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Instrument Number 200105981, such right of way and/or easement being specifically described in the Declaration of Taking as follows:

ALL THOSE CERTAIN pieces of ground consisting of 11,306 lineal feet, more or less, and 2.93 Acres more or less located in Gulich and Woodward Townships, Clearfield County, Pennsylvania, more particularly bounded and described as follows on the legal descriptions attached hereto as Exhibits A-1 through A-4 and the maps affixed hereto as Exhibits B-1 through B-4. This field survey establishing the location of the sixty (60) foot wide temporary easement and the thirty (30) foot wide permanent easement consists of 11,305 lineal feet, more or less, the legal description by metes and bounds being filed with this bond and in conjunction with the Declaration of Taking, Resolution and all other documents supporting this condemnation action; 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 easement and cannot agree with the Condemnee upon the just compensation to be paid for the damages sustained by the Condemnee 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 Condemnee 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 3rd day of June, 2005.

HOUTZDALE MUNICIPAL AUTHORITY

By 

ATTEST:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS

No.: 05-813-CD

Type of Case:
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Type of Pleading:
Bond

Filed on behalf of:
Condemnor

Counsel of Record for
This Party:
John R. Carfley
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

FILED 2 cc
JUN 08 2005
William A. Shaw
Prothonotary Clerk of Courts

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CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS

No.:

Eminent Domain
Proceeding -
In Rem

B O N D

KNOW ALL MEN BY THESE PRESENTS, that a Declaration of Taking having been filed the 8th day of June, 2005, by the Houtzdale Municipal Authority, (Obligor), a municipal 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 Eric and Bernadette Gilliland, the owner or owners of the Property upon which the right of way and/or easement being condemned is located, and other proper parties in interest, (the "Condemnee") for such amount of damages as the Condemnee 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 of such right-of-way and/or easement by obligor of a right of way and/or easement within those certain lands and improvements owned by the Condemnee, being more particularly described in that certain deed dated April 30, 2001, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Instrument Number 200105981, such right of way and/or easement being specifically described in the Declaration of Taking as follows:

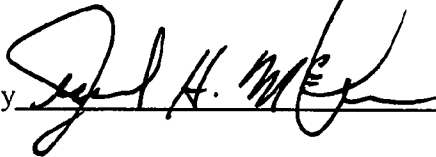
ALL THOSE CERTAIN pieces of ground consisting of 11,306 lineal feet, more or less, and 2.93 Acres more or less located in Gulich and Woodward Townships, Clearfield County, Pennsylvania, more particularly bounded and described as follows on the legal descriptions attached hereto as Exhibits A-1 through A-4 and the maps affixed hereto as Exhibits B-1 through B-4. This field survey establishing the location of the sixty (60) foot wide temporary easement and the thirty (30) foot wide permanent easement consists of 11,305 lineal feet, more or less, the legal description by metes and bounds being filed with this bond and in conjunction with the Declaration of Taking, Resolution and all other documents supporting this condemnation action; 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 easement and cannot agree with the Condemnee upon the just compensation to be paid for the damages sustained by the Condemnee 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 Condemnee 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 3rd day of June, 2005.

HOUTZDALE MUNICIPAL AUTHORITY

By 

ATTEST:

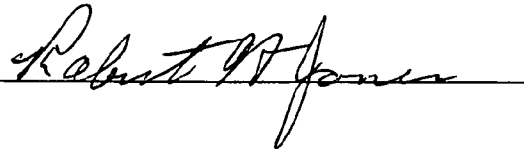


EXHIBIT A-1

That easement outlined on Exhibit B-1 attached hereto ingresses and egresses property identified as Tax Parcel Number 118-L16-136, which is more fully described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadette Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-L16-172 and continuing thereafter through Parcel 118-L16-136 by various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-L16-136 in an area comprised of the common boundaries of that parcel previously identified and other lands of Eric O. and Bernadette Gilliland identified as Tax Parcel No. 118-L16-176.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-1 which is drafted to correlate with the description contained herein.

EXHIBIT A-2

That easement outlined on Exhibit B-2 attached hereto ingresses and egresses property identified as Tax Parcel Number 118-L16-176, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadette Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-L16-136 and continuing thereafter through Parcel 118-L16-176 by various courses and distances as outlined in red on the map affixed hereto following the said description therein by various metes and bounds, finally exiting Tax Parcel No. 118-L16-176 at the common boundary of that parcel and other lands of Eric O. and Bernadette Gilliland identified as Tax Parcel No. 118-M16-176 at a landmark identified as the Miller Road Extension.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-2, which is drafted to correlate with the description contained herein.

EXHIBIT A-3

That Easement outlined on Exhibit B-3 attached hereto, ingresses and egresses property identified as Tax Parcel Number 118-M16-176, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this Easement.

The temporary and permanent Easement shall be of varying widths as herein specified, with the centerline of said easement to be as depicted on the drawing attached hereto; the said Easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadatte Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-M16-176 at a point on the Miller Road Extension and continuing thereafter by the various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-M16-176 at the common boundary of this parcel and lands now or formerly owned by Junior Coal and Land Company, Inc., identified as Tax Parcel No. 118-M16-1.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-3, which is drafted to correlate with the description contained herein.

EXHIBIT A-4

That easement outlined on Exhibit B-4 attached hereto, ingresses and egresses property identified as Tax Parcel Number 130-M15-5, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement being further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Junior Coal and Land Company, Inc., which property is identified as bearing Clearfield County Tax Parcel No. 118-M16-1 and continuing thereafter by the various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-M15-5 at the common boundary of that parcel and lands now or formerly of Junior Coal and Land Company, Inc., identified as Centre County Tax Parcel No. 118-M15-4.

This water transmission pipeline is more accurately depicted, along with its length, width and area, on the survey map affixed hereto as Exhibit B-4, which is drafted to correlate with the description contained herein.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS

No.: 05-813-05

Type of Case:
Eminent Domain

Type of Pleading:
Memorandum

Filed on behalf of:
Condemnor

Counsel of Record for
This Party:
John R. Carfley
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

FILED 2cc
01/04/05 Ashy Carfley
JUN 08 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

No.:

Eminent Domain
Proceeding -
In Rem

ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS

MEMORANDUM TO PROTHONOTARY OF FILING OF NOTICE WITH RECORDER OF
DEEDS

TO THE PROTHONOTARY:

Notice is hereby given that the Houtzdale Municipal Authority, as "Condemnor" on the 8th day of June, 2005, filed a Declaration of Taking in the above-named Court to the above term and number in an action to condemn the easement more particularly described in that Declaration of Taking, a copy of which is attached hereto as Exhibit "A", and made a part hereof. The name of the owners of the property on, across, within and upon which the easement is located is Eric and Bernadette Gilliland, the "Condemnee". A Notice of Condemnation for the easement condemned has been filed in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania as Instrument Number 2005 08536

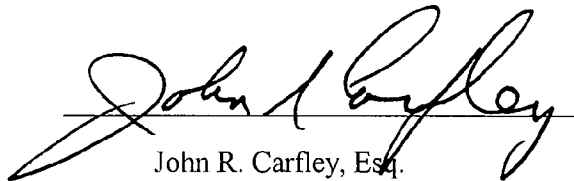

John R. Carfley, Esq.

EXHIBIT “A”

(Without Exhibits A-1 through A-4 and B-1 through B-4)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEES IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEES, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND
CONDEMNEES

No.:

Type of Case:
Eminent Domain

Type of Pleading:
Declaration of Taking

Filed on behalf of:
Condemnor

Counsel of Record for
This Party:
John R. Carfley
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

No.:

Eminent Domain
Proceeding -
In Rem

ERIC O. and BERNADETTE GILLILAND
CONDEMNNEES

DECLARATION OF TAKING

The Houtzdale Municipal Authority does hereby file this Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, 26 P.S. 1-402, as amended, and respectfully declares that:

1. The condemnor is the Houtzdale Municipal Authority, a Pennsylvania Municipal Authority, duly organized under the authority of the Municipal Authorities Act, Act of June 19, 2001, P.L. 287, No. 22 with its principal office located at 561 Kirk Street, P. O. Box 97, Houtzdale, Pennsylvania, 16651.

2. The interest in the property hereinafter described is hereby condemned as a right-of-way and/or easement for the purposes of constructing, maintaining and repairing of a right of way and/or easement to allow for the development and installation of a water transmission pipeline and other facilities for improvement of the water supply, water distribution and water treatment system pursuant to the Municipal Authorities Act of June 19, 2001, P.L. 287, No. 22, 55 Pa. C.S.A. §5601 et. seq. (the "Act"), specifically sections 5607(d)(15) and 5615(a) of the Act, and the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended, Article IV, Section 402 (26 P.S. 1-402 et. seq.). The within condemnation has been authorized by Resolution adopted the 4th day of May, 2005, by the said condemnor. A copy of said resolution and accompanying exhibits are attached hereto and made a part hereof. The original may be examined at the address of the condemnor.

3. The purpose of the condemnation is to provide a utility easement and right of way for the water transmission pipeline to insure access for the water line to the watershed in order to expand the ground water system and the surface source of the Authority known as the Moshannon Creek Watershed and to specifically enlarge, upgrade and renovate the water acquisition, water treatment, and water distribution system already approved for use in that locale and throughout the area of operations of the condemnor in the Moshannon Valley.

4. The further purpose of the Condemnation is to acquire a right of way in, over, across and

through the existing property of Eric and Bernadette Gilliland (the "Condemnee"), such Condemnee's property being located in Gulich Township and Woodward Township, Clearfield County, Pennsylvania, having an address of 548 Hunt Club Drive, Ginter, Pennsylvania, and being more particularly described in those certain instruments recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, (the "Subject Property"), for access and to place utilities, with the further right to construct, repair, and maintain the accessway for purposes of ingress, egress, and regress for its water pipeline and other facilities as the width of the right of way permits and to further construct, lay, maintain, and service the transmission pipeline and other support facilities so as to permit the efficient transmittal of water from the watershed throughout the system of distribution collectively, and specifically including the rights listed below, the "Right-of-Way." These rights shall include but shall not be limited to:

(a) A temporary right of way and a permanent right-of-way and/or easement for purposes of this Declaration of Taking and/or easement together with the free and uninterrupted use, liberty and privilege of and passage in, over and through the Subject Property as depicted in an area which has been determined by the Authority and is set forth on the map and legal description attached to the Resolution as Exhibits A-1 through A-4 and B-1 through B-4.

(b) The said temporary Right-of-Way shall not exceed sixty (60') feet in width, as Condemnees legal title shall so permit, or at a distance from and utilizing as a guide the existing pipeline, where and if applicable, to permit the Condemnor to expand to either side of the transmission pipeline; provided however, that said width is sufficient to accommodate these requirements failing which additional action may be warranted, all of which will be fully depicted on the Condemnor's maps as they are drafted subject to the easement as herein depicted and described. Together with the right of free ingress, egress and regress to and for the said Condemnor, its successors and assigns, its tenants and undertenants, occupiers, or possessors of the said Condemnor's Right-of-Way, the said Right-of-Way to be used for vehicular and construction equipment access and for the purposes of constructing, maintaining and repairing of a water transmission pipeline and other facilities that the Condemnor shall within its sole discretion deem

appropriate including but not limited to pressure reducing valves, shut offs, blow off valves, pump stations, electrical services and other related facilities. The specific description of the area to be acquired by the Condemnor as depicted on the map attached hereto and by description likewise attached hereto consists of a temporary right of way not to exceed sixty (60') feet in width and a permanent right of way of thirty (30') feet in width as Condemnees' legal title shall so permit subject to the same terms and conditions as are more fully set forth herein at length. Said 60 foot right of way shall be established as 30 foot equi-distant where appropriate from the center line of the pipeline or the center line of the described easement, but up to sixty feet as mandated by topography, terrain or other man made or natural obstructions. The thirty (30') foot right of way shall be established as fifteen foot (15') equidistant, where appropriate, from the centerline of the pipeline or center line of the easement as herein specified.

(c) The right of grading, conditioning, and installing drainage facilities, and seeding the soil of the Right-of-Way, and the removal of all obstructions from the Right-of-Way which may constitute a hindrance to the establishment and maintenance of Condemnor's facilities.

(d) The right to make alterations upon the Right-of-Way which alterations, fixtures, additions, structures or facilities so placed in or upon, or attached to the said Right-of-Way shall be and remain the property of the Condemnor, and may be removed upon the date of expiration or termination of this use, or within ninety (90) days thereafter, by or on behalf of the Condemnor, or its grantees, or purchasers of said alterations, fixtures, additions, structures, or facilities.

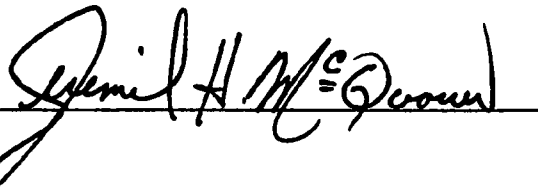
5. A description of the Right-of-Way over, across, upon and through the Subject Property sufficient for its identification is set forth on legal descriptions attached hereto as Exhibits A-1 through A-4 and on the maps affixed hereto as Exhibits B-1 through B-4. On the same day as this declaration of taking is being filed with the Prothonotary, plans showing the right-of-way and/or easement condemned are being lodged for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in accordance with Section 404 of the Eminent Domain Code, 26 P. S. §1-404 and pursuant to the plan attached hereto and to be filed with the Prothonotary as part of these proceedings.

6. The nature of the title acquired in and to the property is a right-of-way and/or an easement over, across, upon and through the Subject Property described in the exhibits attached hereto.

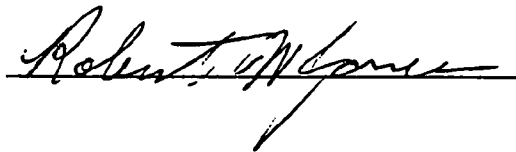
7. A plan showing the condemned Right-of-Way may also be inspected at the office of the condemnor which is located at 561 Kirk Street, Houtzdale, Pennsylvania and is attached hereto as Exhibit B1 through B-4.

8. The condemnor files with this Declaration of Taking an open ended bond without surety pursuant to Section 403(a) of the Eminent Domain Code 26 P.S. §1-403(a). Just compensation is made or secured by the filing of said bond. A copy of the bond is attached hereto as Exhibit C and stands as collateral for the reasonable value of the right-of-way as estimated by the Board in the amount of \$5,652.50 or \$.50 per lineal foot for the property so seized and appropriated.

HOUTZDALE MUNICIPAL AUTHORITY

BY 

ATTEST:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS

No.: 05-813-CD

Type of Case:
Eminent Domain

Type of Pleading:
Notice of Condemnation

Filed on behalf of:
Condemnor

Counsel of Record for
This Party:
John R. Carfley
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

FILED 2cc
JUN 08 2005
Carfley

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

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NOTICE OF CONDEMNATION

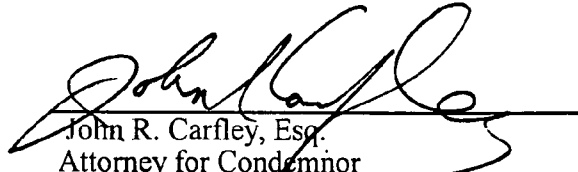
TO: Eric and Bernadette Gilliland
548 Hunt Club Drive
Ginter, PA 16651

In accordance with Sections 5607(d)(15) and 5615(a) of the Municipal Authorities Act, Act of June 19, 2001, P.L. 287, No. 22, 55 Pa. C.S.A. §5601 et. seq. and Section 1-405 of the Eminent Domain Code of 1964, 26 P.S. §1-405, Notice is hereby given by Houtzdale Municipal Authority, (the "Authority") having an address of 561 Kirk Street, P. O. Box 97, Houtzdale, Pennsylvania, that:

1. A declaration of taking, a copy of which is attached as Exhibit "A" and incorporated herein, was filed on the 8th day of June, 2005, in the Court of Common Pleas of Clearfield County, Pennsylvania to the above term and number.

2. The Declaration of Taking was filed by the Authority to condemn the right-of-way and/or easement more particularly described in the Declaration of Taking. The purpose of this condemnation is for the construction, and installation of a water transmission pipeline for the purpose of engaging in the exploitation of production wells and the surface source and intake at the Moshannon Creek Headwaters and for other purposes involved in the upgrading and renovation of its water system and system of treatment, all as more particularly described in the Declaration of Taking. Identification of the right-of-way and/or easement being condemned appears on Exhibits "A" and "B" of the Declaration of Taking.

3. If you wish to challenge the power or right of Houtzdale Municipal Authority to appropriate the condemned property, the sufficiency of the security, the procedure followed by the Authority, or the declaration of taking, you are required to file preliminary objections within 30 days after being served with this notice.


John R. Carfley, Esq.
Attorney for Condemnor
222 Presqueisle Street
Philipsburg, Pa., 16866
(814) 342-5581
ID# 17621

Dated: 6-8-05

EXHIBIT “A”

(Without Exhibits A-1 through A-4 and B-1 through B-4)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

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DECLARATION OF TAKING

The Houtzdale Municipal Authority does hereby file this Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, 26 P.S. 1-402, as amended, and respectfully declares that:

1. The condemnor is the Houtzdale Municipal Authority, a Pennsylvania Municipal Authority, duly organized under the authority of the Municipal Authorities Act, Act of June 19, 2001, P.L. 287, No. 22 with its principal office located at 561 Kirk Street, P. O. Box 97, Houtzdale, Pennsylvania, 16651.

2. The interest in the property hereinafter described is hereby condemned as a right-of-way and/or easement for the purposes of constructing, maintaining and repairing of a right of way and/or easement to allow for the development and installation of a water transmission pipeline and other facilities for improvement of the water supply, water distribution and water treatment system pursuant to the Municipal Authorities Act of June 19, 2001, P.L. 287, No. 22, 55 Pa. C.S.A. §5601 et. seq. (the "Act"), specifically sections 5607(d)(15) and 5615(a) of the Act, and the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended, Article IV, Section 402 (26 P.S. 1-402 et. seq.). The within condemnation has been authorized by Resolution adopted the 4th day of May, 2005, by the said condemnor. A copy of said resolution and accompanying exhibits are attached hereto and made a part hereof. The original may be examined at the address of the condemnor.

3. The purpose of the condemnation is to provide a utility easement and right of way for the water transmission pipeline to insure access for the water line to the watershed in order to expand the ground water system and the surface source of the Authority known as the Moshannon Creek Watershed and to specifically enlarge, upgrade and renovate the water acquisition, water treatment, and water distribution system already approved for use in that locale and throughout the area of operations of the condemnor in the Moshannon Valley.

4. The further purpose of the Condemnation is to acquire a right of way in, over, across and

through the existing property of Eric and Bernadette Gilliland (the "Condemnee"), such Condemnee's property being located in Gulich Township and Woodward Township, Clearfield County, Pennsylvania, having an address of 548 Hunt Club Drive, Ginter, Pennsylvania, and being more particularly described in those certain instruments recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, (the "Subject Property"), for access and to place utilities, with the further right to construct, repair, and maintain the accessway for purposes of ingress, egress, and regress for its water pipeline and other facilities as the width of the right of way permits and to further construct, lay, maintain, and service the transmission pipeline and other support facilities so as to permit the efficient transmittal of water from the watershed throughout the system of distribution collectively, and specifically including the rights listed below, the "Right-of-Way." These rights shall include but shall not be limited to:

(a) A temporary right of way and a permanent right-of-way and/or easement for purposes of this Declaration of Taking and/or easement together with the free and uninterrupted use, liberty and privilege of and passage in, over and through the Subject Property as depicted in an area which has been determined by the Authority and is set forth on the map and legal description attached to the Resolution as Exhibits A-1 through A-4 and B-1 through B-4.

(b) The said temporary Right-of-Way shall not exceed sixty (60') feet in width, as Condemnees legal title shall so permit, or at a distance from and utilizing as a guide the existing pipeline, where and if applicable, to permit the Condemnor to expand to either side of the transmission pipeline; provided however, that said width is sufficient to accommodate these requirements failing which additional action may be warranted, all of which will be fully depicted on the Condemnor's maps as they are drafted subject to the easement as herein depicted and described. Together with the right of free ingress, egress and regress to and for the said Condemnor, its successors and assigns, its tenants and undertenants, occupiers, or possessors of the said Condemnor's Right-of-Way, the said Right-of-Way to be used for vehicular and construction equipment access and for the purposes of constructing, maintaining and repairing of a water transmission pipeline and other facilities that the Condemnor shall within its sole discretion deem

appropriate including but not limited to pressure reducing valves, shut offs, blow off valves, pump stations, electrical services and other related facilities. The specific description of the area to be acquired by the Condemnor as depicted on the map attached hereto and by description likewise attached hereto consists of a temporary right of way not to exceed sixty (60') feet in width and a permanent right of way of thirty (30') feet in width as Condemnees' legal title shall so permit subject to the same terms and conditions as are more fully set forth herein at length. Said 60 foot right of way shall be established as 30 foot equi-distant where appropriate from the center line of the pipeline or the center line of the described easement, but up to sixty feet as mandated by topography, terrain or other man made or natural obstructions. The thirty (30') foot right of way shall be established as fifteen foot (15') equidistant, where appropriate, from the centerline of the pipeline or center line of the easement as herein specified.

(c) The right of grading, conditioning, and installing drainage facilities, and seeding the soil of the Right-of-Way, and the removal of all obstructions from the Right-of-Way which may constitute a hindrance to the establishment and maintenance of Condemnor's facilities.

(d) The right to make alterations upon the Right-of-Way which alterations, fixtures, additions, structures or facilities so placed in or upon, or attached to the said Right-of-Way shall be and remain the property of the Condemnor, and may be removed upon the date of expiration or termination of this use, or within ninety (90) days thereafter, by or on behalf of the Condemnor, or its grantees, or purchasers of said alterations, fixtures, additions, structures, or facilities.

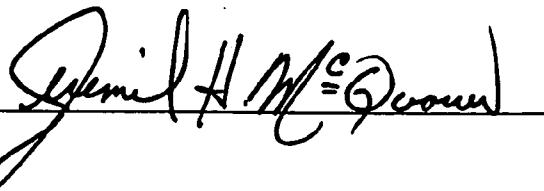
5. A description of the Right-of-Way over, across, upon and through the Subject Property sufficient for its identification is set forth on legal descriptions attached hereto as Exhibits A-1 through A-4 and on the maps affixed hereto as Exhibits B-1 through B-4. On the same day as this declaration of taking is being filed with the Prothonotary, plans showing the right-of-way and/or easement condemned are being lodged for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in accordance with Section 404 of the Eminent Domain Code, 26 P. S. §1-404 and pursuant to the plan attached hereto and to be filed with the Prothonotary as part of these proceedings.

6. The nature of the title acquired in and to the property is a right-of-way and/or an easement over, across, upon and through the Subject Property described in the exhibits attached hereto.

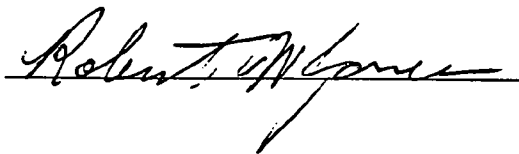
7. A plan showing the condemned Right-of-Way may also be inspected at the office of the condemnor which is located at 561 Kirk Street, Houtzdale, Pennsylvania and is attached hereto as Exhibit B1 through B-4.

8. The condemnor files with this Declaration of Taking an open ended bond without surety pursuant to Section 403(a) of the Eminent Domain Code 26 P.S. §1-403(a). Just compensation is made or secured by the filing of said bond. A copy of the bond is attached hereto as Exhibit C and stands as collateral for the reasonable value of the right-of-way as estimated by the Board in the amount of \$5,652.50 or \$.50 per lineal foot for the property so seized and appropriated.

HOUTZDALE MUNICIPAL AUTHORITY

BY 

ATTEST:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

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John R. Carfley
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

FILED 1cc
6/11/05 4:35 PM
JUN 14 2005
Atty Carfley
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

RESOLUTION

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

WHEREAS, the Houtzdale Municipal Authority has embarked upon the planning, approval, and financing to complete the enlargement, upgrading, and renovation of the water distribution system and the water treatment system and its facilities located throughout the Moshannon Valley, specifically those areas referred to as the Moshannon Creek Production Well, Surface Source and Intake; and

WHEREAS, in order to carry out its proposed purposes, it is necessary for the Houtzdale Municipal Authority to acquire an easement over, across, upon and through the lands and properties of Eric and Bernadette Gilliland (the "Condemnee"), such lands being located in Gulich and Woodward Townships, Clearfield County, Pennsylvania, having an address of 548 Hunt Club Drive, Ginter, Pennsylvania, and being more particularly described in that certain Deed dated April 30, 2001, and recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania, in Instrument Number 200105981, and consisting of those properties identified as bearing Clearfield County Tax Parcel Numbers 118-L16-136; 118-L16-176; 118-M16-176; and 130-M15-5, specified for the purpose of laying out, and constructing a water transmission pipeline in order to exploit the surface source, underground water resources and the intake at the Moshannon Creek headwaters, and for the further purpose of constructing, maintaining and repairing facilities to access production wells, monitoring wells and surface sources with the necessary water

transmission pipelines, electrical powergrid and other facilities involved in the upgrade and renovation of HMA's water supply, water distribution and water treatment systems to be included within the easement established for the pipeline to provide and implement improved services throughout the Houtzdale Municipal Authority's service area; and

WHEREAS, the Houtzdale Municipal Authority has been unable to agree with the Condemnees on the price or damages to be paid; and

WHEREAS, in accordance with Sections 5607(d)(15) and 5615(a) of the Municipal Authorities Act (55 Pa. C.S.A. §5601 et. seq.) as amended, the Authority is authorized to acquire an interest in property through Eminent Domain proceedings;

NOW THEREFORE BE IT RESOLVED, That the Houtzdale Municipal Authority, in accordance with the authority conferred by law, selects and appropriates the following property rights consisting of a temporary water transmission pipeline and access easement sixty (60') feet more or less in width, and a permanent water transmission pipeline and access easement thirty (30') feet more or less in width, more particularly bounded and described as shown on the attached Exhibits A-1 through A-4, from the point of beginning for a distance in lineal footage of 11,305 feet more or less to the terminus of the easement over, across, upon and through lands of the Condemnee as depicted on the survey maps attached hereto as Exhibits B-1 through B-4 and as more fully defined by the legal descriptions for the proposed easement which are likewise attached hereto as exhibits.

RESOLVED, That all title and private rights or easements of whatever nature of property owners in the hereinabove described property are hereby selected and appropriated for the purposes set forth herein in accordance with law.

RESOLVED, That the title to be acquired shall be an easement or right of way in the subject property.

RESOLVED, That counsel for the Houtzdale 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 the institution of such proceedings, and any damages which may be agreed upon or awarded to any party in interest, including the owner or owners of said properties located within the area, shall be paid out of the funds of the Houtzdale Municipal Authority based upon an estimate of just compensation as determined by the Condemnor or by a real estate agent qualified to perform appraisals in matters involving the condemnation of real property.

HOUTZDALE MUNICIPAL AUTHORITY

By *Samuel H. McQueen*

ATTEST:

Robert T. W. Fourn
Secretary

Dated: *MAY 4, 2005*

EXHIBIT A-1

That easement outlined on Exhibit B-1 attached hereto ingresses and egresses property identified as Tax Parcel Number 118-L16-136, which is more fully described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadette Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-L16-172 and continuing thereafter through Parcel 118-L16-136 by various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-L16-136 in an area comprised of the common boundaries of that parcel previously identified and other lands of Eric O. and Bernadette Gilliland identified as Tax Parcel No. 118-L16-176.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-1 which is drafted to correlate with the description contained herein.

EXHIBIT A-2

That easement outlined on Exhibit B-2 attached hereto ingresses and egresses property identified as Tax Parcel Number 118-L16-176, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadette Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-L16-136 and continuing thereafter through Parcel 118-L16-176 by various courses and distances as outlined in red on the map affixed hereto following the said description therein by various metes and bounds, finally exiting Tax Parcel No. 118-L16-176 at the common boundary of that parcel and other lands of Eric O. and Bernadette Gilliland identified as Tax Parcel No. 118-M16-176 at a landmark identified as the Miller Road Extension.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-2, which is drafted to correlate with the description contained herein.

EXHIBIT A-3

That Easement outlined on Exhibit B-3 attached hereto, ingresses and egresses property identified as Tax Parcel Number 118-M16-176, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this Easement.

The temporary and permanent Easement shall be of varying widths as herein specified, with the centerline of said easement to be as depicted on the drawing attached hereto; the said Easement is further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Eric O. and Bernadatte Gilliland, which property is identified as bearing Clearfield County Tax Parcel No. 118-M16-176 at a point on the Miller Road Extension and continuing thereafter by the various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-M16-176 at the common boundary of this parcel and lands now or formerly owned by Junior Coal and Land Company, Inc., identified as Tax Parcel No. 118-M16-1.

This water transmission pipeline is more accurately depicted, along with the length, width and area, on the survey map affixed hereto as Exhibit B-3, which is drafted to correlate with the description contained herein.

EXHIBIT A-4

That easement outlined on Exhibit B-4 attached hereto, ingresses and egresses property identified as Tax Parcel Number 130-M15-5, which is more particularly described in Clearfield County Instrument No. 200105981, and is acquired by the Condemnor, together with the right of ingress and egress over these lands of the Condemnee, their successors and assigns, for the purposes of this easement.

The temporary and permanent easement shall be of varying widths as herein specified, with the center line of said easement to be as depicted on the drawing attached hereto; the said easement being further described as follows:

BEGINNING at the terminus of the water transmission pipeline at a point where it egresses property now or formerly of Junior Coal and Land Company, Inc., which property is identified as bearing Clearfield County Tax Parcel No. 118-M16-1 and continuing thereafter by the various courses and distances as outlined in red on the map affixed hereto, exiting Tax Parcel No. 118-M15-5 at the common boundary of that parcel and lands now or formerly of Junior Coal and Land Company, Inc., identified as Centre County Tax Parcel No. 118-M15-4.

This water transmission pipeline is more accurately depicted, along with its length, width and area, on the survey map affixed hereto as Exhibit B-4, which is drafted to correlate with the description contained herein.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

ERIC O. and BERNADETTE GILLILAND

CONDEMNEDS

No.: 05-813-CD

Type of Case:
Eminent Domain

Type of Pleading:
Certificate of Service

Filed on behalf of:
Condemnor

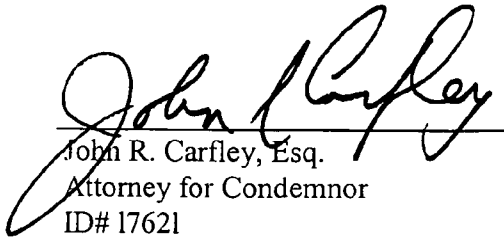
Counsel of Record for
This Party:
John R. Carfley
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

FILED ^{icc}
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JUN 14 2005
Atty Carfley
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

Please file the attached Affidavit of Process Server in the above captioned matter.

A handwritten signature in black ink, reading "John R. Carfley", is written over a horizontal line. The signature is fluid and cursive.

John R. Carfley, Esq.
Attorney for Condemnor
ID# 17621
P. O. Box 249
Philipsburg, PA 16866
(814) 342-5581

AFFIDAVIT OF PROCESS SERVER

Court of Common Pleas of Clearfield County

(NAME OF COURT)

Houtzdale Municipal Authority

PLAINTIFF/PETITIONER

vs ERIC O S Bernadette Gilliland

DEFENDANT/RESPONDENT

05-813-CD

CASE #

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

Service: I served ERIC O. Gilliland

with the (documents)

by serving

NAME

RELATIONSHIP

at ☐ Home

☒ Business WARRIORS MARK Shooting Preserve Rt 153 Givota Pa 16651

on Thursday June 9, 2005 at 6:30 PM

Thereafter copies of the documents were mailed by prepaid, first class mail on

from

CITY

STATE

DATE

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

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

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

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

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

☐ Unknown at Address

☐ Evading

☐ Moved, Left no Forwarding

☐ Other

☐ Address Does Not Exist

☐ Service Cancelled by Litigant

☐ Unable to Service in a Timely Fashion

Service Attempts:

Service was attempted on ()

() DATE TIME () DATE TIME () DATE TIME

Description:

Age late 30's Sex M Race W Hgt. 6 Wgt. 190 Hair Ba Glasses Y

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on

at

CITY

STATE

DATE

State of

PA

County of

CLEARFIELD

Sworn to and subscribed before me this 13

day of

June

2005

RICHARD A. IRELAND

District Justice, State of Pennsylvania

No. 48-3-02, Clearfield County

Term Expires Jan. 3, 2006

SIGNATURE OF PROCESS SERVER

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO.130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO.130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

FILED

JUN 29 2007

William A. Shaw
Prothonotary/Clerk of Courts

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No.: 2005-813

Eminent
Domain

Proceeding In
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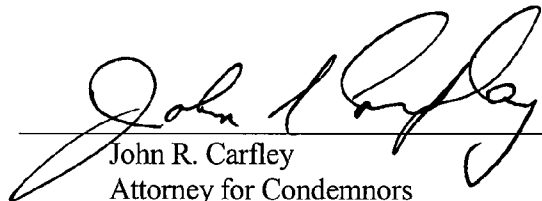
VS.

ERIC O. and BERNADETTE GILLILAND,
CONDEMNNEES

PRAECIPE

To the Prothonotary of Said Court:

Please file the attached Application for Payment of Estimated Just Compensation in the above captioned matter which was signed by the Condemnees as application for the payment of \$5,652.50 as the fair market value for the placement of the water line across property owned by the Condemnees.

A handwritten signature in black ink, appearing to read "John R. Carfley", is written over a horizontal line.

John R. Carfley
Attorney for Condemnors
P. O. Box 249
Philipsburg, PA 16866
814.342.5581

Dated: March 14, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNEDS IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNEDS, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY,

No.: 2005-813-CD

**Eminent Domain
Proceeding -
In Rem**

**WATER DISTRIBUTION AND WATER TREATMENT
SYSTEMS**

CONDEMNOR

VS.

**ERIC O. and BERNADETTE GILLILAND
CONDEMNEDS**

APPLICATION FOR PAYMENT OF ESTIMATED JUST COMPENSATION

I. Application is hereby made for payment of Five Thousand Six Hundred Fifty-two and 50/100 (\$5,652.50) Dollars, the amount estimated by the Authority to constitute just compensation for damages which will accrue to the above property (or the interest of the APPLICANT(S) therein) as a result of the above condemnation. In accordance with Section 407 of the Eminent Domain Code of 1964, the aforesaid payment will be made and received without prejudice to the rights of either the AUTHORITY or the APPLICANT(S) to proceed to a final determination of just compensation by filing a petition for the appointment of viewers within five (5) years of the date of this payment. The payment shall be considered only as payment pro tanto of just compensation as finally determined, it being understood that the AUTHORITY shall pay to the APPLICANT(S) the difference between the aforesaid amount and any higher amount which may be finally determined.

The AUTHORITY does not require actual physical possession of the property until either the start of construction or written notice that possession is required (whichever occurs earlier) and until such time, APPLICANT(S) remain(s) in possession with the right to use the property in such manner as will not result in physical or other change to the contour or nature of the property; further APPLICANT(S) shall not erect or install any improvements on the property.

Andrew J. Harris
Witness

Andrew J. Harris
Witness

[Signature] (SEAL)
Condemnee

Bernadette Gilliland (SEAL)
Condemnee

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THE CONDEMNATION BY THE HOUTZDALE MUNICIPAL AUTHORITY, OF AN EASEMENT FOR A WATER TRANSMISSION PIPELINE WITH A TEMPORARY WIDTH OF SIXTY (60') FEET, MORE OR LESS, AND A PERMANENT WIDTH OF THIRTY (30') FEET, MORE OR LESS, FROM THE POINT OF BEGINNING ON THAT PROPERTY IDENTIFIED AS BEARING CLEARFIELD COUNTY TAX PARCEL NO. 118-L16-136 AND CONTINUING THROUGH THAT PARCEL FOR 2,126 LINEAL FEET, MORE OR LESS, TO TAX PARCEL NO. 118-L16-176; AND CONTINUING THEREAFTER THROUGH SAID PARCEL A DISTANCE OF 2,653 LINEAL FEET TO THE BOUNDARY OF TAX PARCEL NO. 118-M16-176 AND CONTINUING OVER AND THROUGH THAT PROPERTY FOR 3,993 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON LANDS NOW OR FORMERLY OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 118-M16-1. SAID RIGHT OF WAY BEING THEN RECONFIGURED BEGINNING ON OTHER LANDS OF THE CONDEMNNEES IDENTIFIED AS TAX PARCEL NO. 130-M15-5, CONTINUING OVER AND THROUGH THAT PARCEL FOR 2,533 LINEAL FEET, MORE OR LESS UNTIL TERMINATING ON OTHER LANDS OF JUNIOR COAL & LAND COMPANY, INC., IDENTIFIED AS TAX PARCEL NO. 130-M15-4 SAID RIGHT OF WAY TRAVELING OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN PROPERTIES SITUATE IN GULICH AND WOODWARD TOWNSHIPS, CLEARFIELD CO., PENNSYLVANIA, AS HEREIN DESCRIBED, REPUTED TO BE OWNED BY THE CONDEMNNEES, WHICH EASEMENT IS FOR THE PURPOSE OF CONSTRUCTING, EXPLORING, DRILLING, TRANSMITTING AND EXPLOITING THE SURFACE SOURCE, UNDERGROUND WATER RESOURCES AND THE INTAKE AT THE MOSHANNON CREEK HEADWATERS, AND FOR THE FURTHER PURPOSE OF ACCESSING WATER FROM THE PRODUCTION WELLS, AND SURFACE SOURCES INTERCONNECTING WITH THE NECESSARY WATER TRANSMISSION PIPELINES, ELECTRICAL POWERGRIDS AND OTHER FACILITIES INVOLVED IN THE UPGRADE AND RENOVATION OF HMA'S WATER SUPPLY, WATER DISTRIBUTION AND WATER TREATMENT SYSTEMS

CONDEMNOR

VS.

No.: 05-813-CD

Eminent
Domain
Proceeding

In Rem

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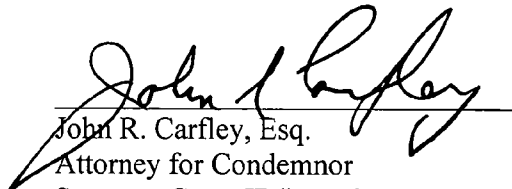
William A. Shaw
Prothonotary/Clerk of Courts

ERIC O. and BERNADETTE GILLILAND
CONDEMNNEES

PRAECIPE TO AMEND CAPTION

TO THE PROTHONOTARY:

Please amend the caption in all documents relating to the above case to reflect that the condemnation of an easement crossing Tax Parcel No. 118-M16-176 for a distance of 3,993 lineal feet, together with the right of ingress and egress therein, should be and is hereby corrected to reflect that the actual Tax Parcel Number over and through which the easement will cross should be designated as **118-L16-176** which is how this parcel is identified by the Assessment Office records and in all other public records. The Assessment Office records designate two (2) contiguous parcels containing 201.885 acres identified with the above referenced number. The total linear footage as reflected in the Declaration of Taking is further declared to be 6,646 feet, more or less, as reflected on the supporting maps and other documents. All future filings for this case shall reflect this corrected caption.


John R. Carfley, Esq.
Attorney for Condemnor
Supreme Court ID#: 17621
P. O. Box 249
Philipsburg, PA 16866
(814-342-5581)