

06-322-CD
In RE: Township of Karthaus

In Re: Karthaus Twp et al
2006-322-CD

DAVID S. AMMERMAN

Attorneys at Law

310 EAST CHERRY STREET
CLEARFIELD, PA 16830

XXXXXXXXXX

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE:

CONDEMNATION BY THE TOWNSHIP
OF KARTHAUS OF EASEMENT FOR
ROAD RELOCATION AND BRIDGE
CONSTRUCTION OVER, ACROSS AND
THROUGH ONE TRACT OF LAND
SITUATE IN KARTHAUS TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA

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* No. 06-322 -CD
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* ACTION IN REM
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DECLARATION OF TAKING

The TOWNSHIP OF KARTHAUS by its Board of Supervisors does respectfully declare that:

1. The Condemnor is the Township of Karthaus (hereinafter known as the "TOWNSHIP"), with its office being situate at 367 Market Street, Karthaus, Pennsylvania 16845.
2. The within condemnation is made pursuant to powers vested in the Township as an agency of the Commonwealth of Pennsylvania and in accordance with the provisions of the Second Class Township Code Act of May 1, 1933 P.L. 103 69 Sections 203, as amended (53 PA C.S.A. Section 67301).
3. This Declaration of Taking is authorized by resolution of the Condemnor at a special meeting on February 6, 2006, the record thereof may be examined at the office of the Township of Karthaus.
4. The purpose of the condemnation is to acquire an additional parcel of land for an easement for the right-of-way as required by PennDot for the realignment of T-748 by the original design of the intersection as PennDot now requires a larger radius at the intersection of Township Road T-748 and Pennsylvania State Route SR879 in the Village of Karthaus, Karthaus Township. The initial design of the new Mosquito Creek Bridge and its approaches was a subject of a prior condemnation as a result of a Declaration of Taking filed in the Court of Common Pleas of Clearfield County, Pennsylvania on January 13, 2005 to No. 2005-60-CD. The within condemnation being supplemental thereto to meet the new PennDot guidelines and is for the purpose of acquiring a permanent easement for the relocation of Township Road T-748 to include the approach surface of the proposed bridge on the south side of Mosquito Creek.

FILED 3cc
0122461
MAR 01 2006
Atty D. Ammerman
Any pd 85.00
William A. Shaw
Prothonotary/Clerk of Courts

5. The description of the property condemned, sufficient for identification, is as follows:

THE DESCRIPTION OF A PERMANENT RIGHT-OF-WAY FOR T-748 ON A PARCEL OF GROUND IDENTIFIED BY CLEARFIELD COUNTY TAX PARCEL NO. T04-606-00050 FORMERLY ASSESSED TO "UNKNOWN OWNER" AND HAVING SINCE TO BE DETERMINED TO BE OWNED BY THE F. ELIZABETH POTTER HEIRS:

Beginning at a point, said point being at the intersection of L5 and L8 on the Hess & Fisher Map attached hereto, said point being the southwestern point of the right-of-way described herein; thence along the right-of-way line of SR-879 North 48 degrees 28 minutes 39 seconds West for a distance of 69.15 feet to a point; thence along line of other lands North 41 degrees 39 minutes 55 seconds East, a distance of 20.66 feet to a point on the western bank of Mosquito Creek; thence along the western bank of Mosquito Creek South 52 degrees 25 minutes 29 seconds East, a distance of 68.90 feet to a point being the northeastern point of lands of Potter Heirs previously condemned by Karthaus Township for the purpose of obtaining and easement; thence along line of the Potter Heirs premises previously condemned South 41 degrees 56 minutes 16 seconds West, a distance of 25.89 feet to the right-of-way of SR-879 and the place of beginning.

6. The nature of the title acquired is for road relocation and a bridge construction easement.

7. Said plan as attached hereto showing the condemned property to be recorded in the Office of the Recorder of Deeds under caption NOTICE OF CONDEMNATION concurrently with the filing of the within Declaration of Taking. Further detailed construction plans are available for inspection at the office of the Township of Karthaus during regular business hours or at the office of Hess & Fisher Engineers, 36 North 2nd Street, Clearfield, Pennsylvania ((814) 765-7541) by appointment.


8. Just compensation for the taking is secured by the taxing power of the Township of Karthaus.

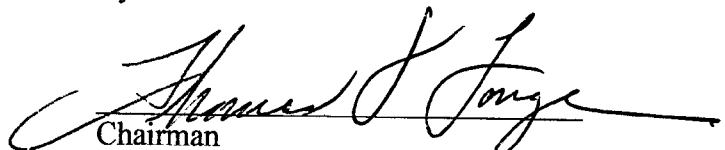
February 21, 2006

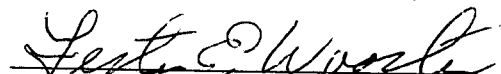
ATTEST:


TOWNSHIP OF KARTHAUS:

By


Secretary

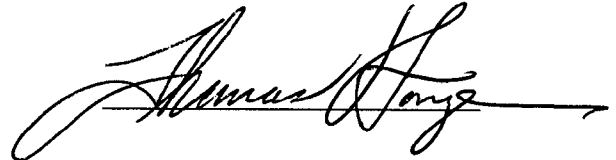

Chairman


Supervisor

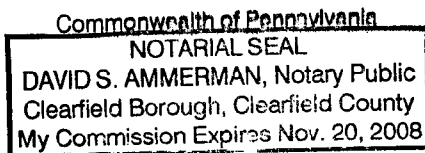

Supervisor

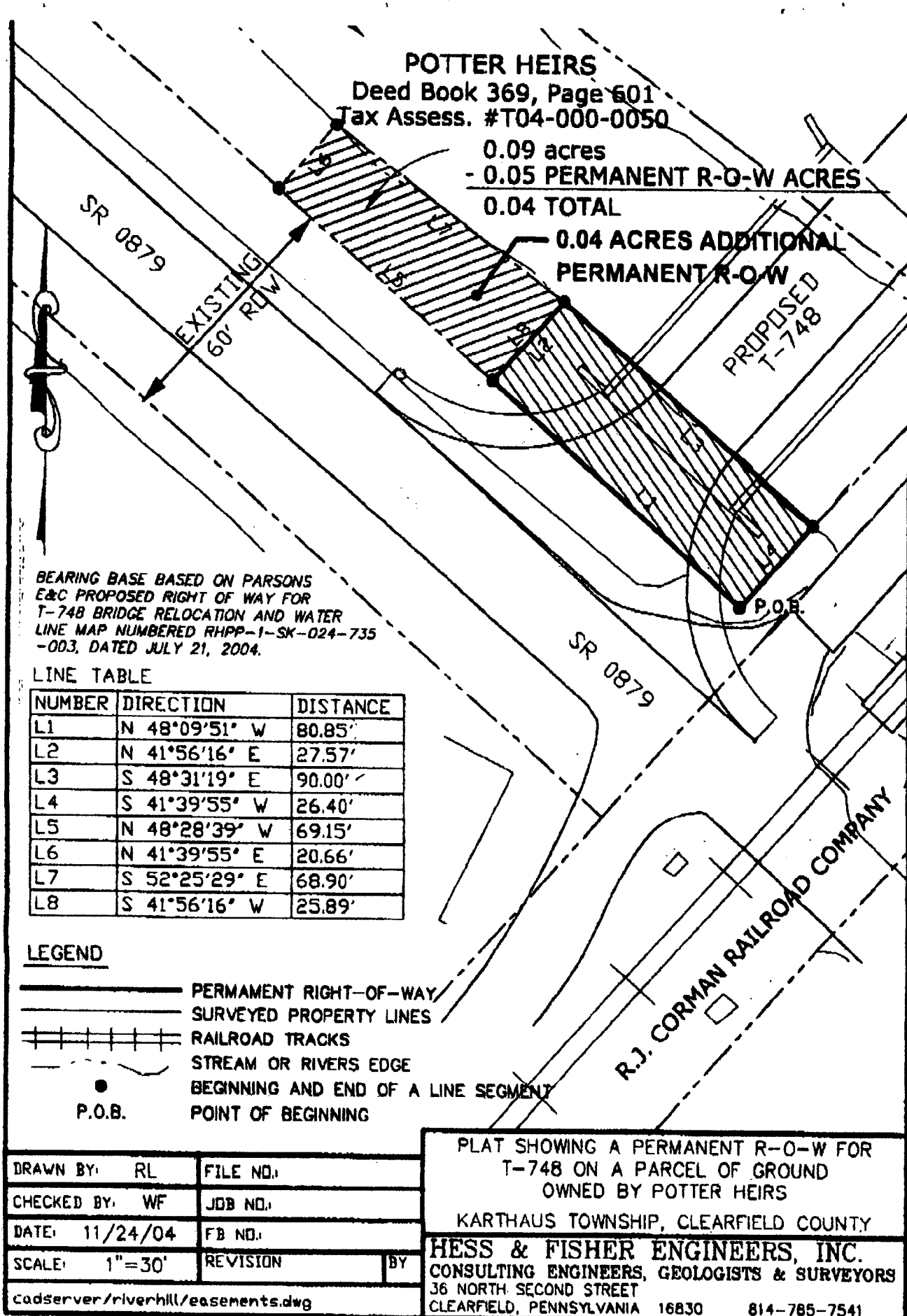
COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Thomas F. Longe being duly sworn according to law, deposes and says that he is the Chairman of the Township of Karthaus Board of Supervisors and makes this Affidavit on its behalf, being familiar with the facts and having authority so to do and that all of the statements in the foregoing Declaration of Taking are true and correct to the best of his information, knowledge and belief.



SWORN to and SUBSCRIBED before me
this 21 day of FEBRUARY, 2006.


Notary Public



POTTER HEIRS

Deed Book 369, Page 601

Tax Assess. #T04-000-0050

0.09 acres

- 0.05 PERMANENT R-O-W ACRES

0.04 TOTAL

0.04 ACRES ADDITIONAL
PERMANENT R-O-W

BEARING BASE BASED ON PARSONS
E&C PROPOSED RIGHT OF WAY FOR
T-748 BRIDGE RELOCATION AND WATER
LINE MAP NUMBERED RHPP-1-SK-024-735
-003, DATED JULY 21, 2004.

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 48°09'51" W	80.85'
L2	N 41°56'16" E	27.57'
L3	S 48°31'19" E	90.00'
L4	S 41°39'55" W	26.40'
L5	N 48°28'39" W	69.15'
L6	N 41°39'55" E	20.66'
L7	S 52°25'29" E	68.90'
L8	S 41°56'16" W	25.89'

LEGEND

- PERMANENT RIGHT-OF-WAY
- SURVEYED PROPERTY LINES
- RAILROAD TRACKS
- STREAM OR RIVERS EDGE
- BEGINNING AND END OF A LINE SEGMENT
- P.O.B.
- POINT OF BEGINNING

DRAWN BY: RL	FILE NO.	
CHECKED BY: WF	JOB NO.	
DATE: 11/24/04	FB NO.	
SCALE: 1"=30'	REVISION	BY
cadserver/riverhill/easements.dwg		

PLAT SHOWING A PERMANENT R-O-W FOR
T-748 ON A PARCEL OF GROUND
OWNED BY POTTER HEIRS

KARTHAUS TOWNSHIP, CLEARFIELD COUNTY

HESS & FISHER ENGINEERS, INC.
CONSULTING ENGINEERS, GEOLOGISTS & SURVEYORS
36 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830 814-785-7541

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

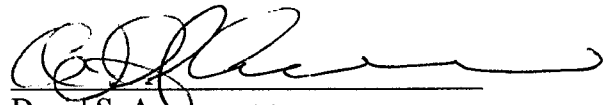
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MEMORANDUM OF RECORDING

NOW, this 1st day of March, 2006, the undersigned, David S. Ammerman, Esquire, being duly appointed Solicitor of Karthaus Township, does hereby certify that the Notice of Condemnation of easements over and upon the lands described on the Declaration of Taking, filed March 1, 2006, to the above year and number has been recorded on March 1, 2006, in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania to Instrument Number 200603180.



David S. Ammerman
Solicitor for Karthaus Township
Clearfield County, Pennsylvania

FILED 300
MAR 13 2006
Atty Ammerman

William A. Shaw
Prothonotary/Clerk of Courts