

06-525-CD  
In RE: Huston Township

2006-525-CD  
In RE: Huston Twp et al

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

IN RE: CONDEMNATION BY  
THE TOWNSHIP OF HUSTON OF  
EASEMENT TO A PROPERTY  
LOCATED IN HUSTON TOWNSHIP,  
CLEARFIELD COUNTY,  
PENNSYLVANIA, IDENTIFIED BY  
CLEARFIELD COUNTY ASSESSMENT  
MAP NUMBER 119-G3-89

: No. 06- 525 -CD  
: Type of Case: Civil  
: Type of Pleading: Declaration of Taking  
: Filed on behalf of: Huston Township  
: Attorney of Record for this Party:  
: Kim C. Kesner, Esquire  
: Supreme Ct. I.D. #28307  
: 23 North Second Street  
: Clearfield, PA 16830  
: 814-765-1706  
: 814-765-7006 - facsimile

FILED

APR 04 2006  
04/11/2006  
William A. Shaw  
Prothonotary/Clerk of Courts

4 sent to Atty

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

IN RE: CONDEMNATION BY :  
THE TOWNSHIP OF HUSTON OF : No. 06- -CD  
EASEMENT TO A PROPERTY :  
LOCATED IN HUSTON TOWNSHIP, :  
CLEARFIELD COUNTY, :  
PENNSYLVANIA, IDENTIFIED BY :  
CLEARFIELD COUNTY ASSESSMENT :  
MAP NUMBER 119-G3-89 :  
:

**DECLARATION OF TAKING**

NOW COMES, the Township of Huston, Clearfield County, Pennsylvania and files the following Declaration of Taking:

1. The Condemnor is Township of Huston, with its offices in Huston Township, Clearfield County, Pennsylvania, with a mailing address of P.O. 38, Penfield, Pennsylvania, 15849.
2. This condemnation is authorized by the Second Class Township Code (53 P.S. §68401-68407) and the Pennsylvania Eminent Domain Code (26 P.S. §1-101, et seq.), as amended and supplemented;
3. This Declaration of Taking was authorized by resolution duly passed by the Township of Huston at its special meeting held on March 22, 2006. The record thereof, including a copy of the Resolution may be examined at the office of the Township in Penfield, Pennsylvania, 15849, during regular business hours.
4. The purpose of this condemnation is to acquire a temporary road easement for the purposes of the Township's public access and travel during construction of the Munn Road Bridge Project.

5. The property condemned is shown on a narrative description and plat thereof annexed to this Declaration of Taking as Exhibit "A" and "B" and made a part hereof, which property is identified by the following easement number, assessment map number and owner(s) as known to the Township.

<u>Map Number</u>	<u>Owner(s)</u>
119-G3-89	Dennis P. Galmish and Linda A. Galmish

A Copy of the Plat annexed hereto is also being lodged for record concurrent with the filing herewith in the Office of the Recorder of Deeds of Clearfield County in accordance with Section 404 of the Eminent Domain Code, Act of June 22, 1964, Sp. Sess., P.L. 84, Art. I Section 404, as amended, Act of December 5, 1969, P.L. 316, Section 1 and Act of December 29, 1971, P.L. 636, No. 169 Section 2, 26 P.S. Section 1-404.

6. The nature of the title acquired in and to property described in Paragraph 5 hereof is a temporary, exclusive and sufficient road easement, rights-of-way, rights, and privileges for the purpose of providing public access and travel during construction of the Munn Road Bridge Project over, across, upon and through the easement area as shown on the Plat.

7. The construction plans of the Township showing the facilities to be constructed and installed as well as the condemned property may be inspected at the office of the Township at Penfield, Pennsylvania, 15849, during regular business hours.

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

ATTEST:

Darell J. Patten Jr.  
Secretary  
"Seal"

TOWNSHIP OF HUSTON  
By:

Nellie Bundy  
Nellie Bundy, Chairman

**Proposed Description  
of  
Temporary Road Condemnation**

All that certain piece, parcel or tract of land situated in Huston Township, Clearfield County, Pennsylvania and bounded and described as follows to wit:

Beginning at the northwesterly corner on a piece, parcel or tract of land belonging to now or formerly Dennis Galmish et ux; thence by the line between Galmish and the land of now or formerly Haupt, South 4°50'00" East, 550 feet more or less to a point;

Thence by the same South 53°40'00" West, 36.05 feet more or less to the true point and place of beginning;

Thence through the property of Galmish the following courses and distances;

South 01°37'37" East, 10.28 feet more or less to a point;

Thence by a curve to the left 44.04 feet to a point, said curve having a central angle of 25°26'19" and a radius of 99.20 feet;

Thence South 27°03'57" East, 134.30 feet to a point;

Thence by a curve to the left 71.22 feet to a point, said curve having a central angle of 14°23'41" and a radius of 283.49 feet;

Thence South 41°27'37" East, 332.73 feet to a point;

Thence by a curve to the right 55.51 feet to a point; said curve having a central angle of 25°52'18" and a radius of 122.93 feet;

Thence South 15°35'20" East, 314.50 feet to a point;

Thence South 08°48'03" East, 412.62 feet to a point;

Thence by a curve to the left 125.81 feet to a point, said curve having a central angle of 133°04'10" and a radius of 54.17 feet;

Thence North 38°07'47" East, 203.77 feet to a point;

Thence by a curve to the left 173.74 feet to a point, said curve having a central angle of 39°17'19" and a radius of 253.37 feet;

Thence North 01°09'32" West, 371.03 feet to a point;

Thence North 04°57'35" West, 441.20 feet to a point;

Thence North 03°16'02" East, 210.69 feet to a point;

Thence by a curve to the right 124.68 feet to a point, said point having a central angle of 22°06'10" and a radius of 323.20 feet;

Thence North 25°22'11" East, 168.60 feet to a point;

Thence by a curve to the left 76.34 feet to a point, said curve having a central angle of  $41^{\circ}24'34''$  and a radius of 105.63 feet;

Thence North  $16^{\circ}02'23''$  West, 59.67 feet to a point;

Thence North  $07^{\circ}55'09''$  West, 118.77 feet to a point;

Thence by a curve to the left 86.16 feet to a point, said curve having a central angle of  $22^{\circ}41'06''$  and a radius of 217.62 feet;

Thence North  $30^{\circ}36'16''$  West, 38.85 feet to a point;

Thence by a curve to the right 32.01 feet, more or less to a point, said curve having a central angle of  $23^{\circ}04'07''$  and a radius of 79.51 feet;

Thence by the land now or formerly Bundy, South  $77^{\circ}25'00''$  West, 16.05 feet, more or less to a point;

Thence by a curve to the left 37.04 feet, more or less to a point, said curve having a central angle of  $22^{\circ}13'17''$  and a radius of 95.51 feet to a point;

Thence South  $30^{\circ}36'16''$  East, 38.84 feet to a point;

Thence by a curve to the left 79.83 feet to a point, said curve having a central angle of  $22^{\circ}41'06''$  and a radius of 201.62 feet;

Thence South  $07^{\circ}55'09''$  East, 119.91 feet to a point;

Thence South  $16^{\circ}02'23''$  East, 60.80 feet;

Thence by a curve to the right 64.78 feet to a point, said curve having a central angle of  $41^{\circ}24'34''$  and a radius of 89.63 feet;

Thence South  $25^{\circ}22'11''$  West, 168.60 feet to a point;

Thence by a curve to the left 130.85 feet to a point, said curve having a central angle of  $22^{\circ}06'10''$  and a radius of 339.20 feet;

Thence South  $03^{\circ}16'02''$  West, 211.84 feet to a point;

Thence South  $04^{\circ}57'35''$  East, 441.82 feet to a point;

Thence South  $01^{\circ}09'32''$  East, 370.50 feet to a point;

Thence by a curve to the right 162.77 feet to a point, said curve having a central angle of  $39^{\circ}17'19''$  and a radius of 237.37 feet;

Thence South  $38^{\circ}07'47''$  West, 203.77 feet to a point;

Thence by a curve to the right 88.65 feet to a point, said curve having a central angle of  $133^{\circ}04'10''$  and a radius of 38.17 feet;

Thence North  $08^{\circ}48'03''$  West, 413.57 feet to a point;

Thence North  $15^{\circ}35'20''$  West, 315.43 feet to a point;

Thence by a curve to the left 62.73 feet to a point; said curve having a central angle of 25°52'18" and a radius of 138.93 feet;

Thence North 41°27'37" West, 332.73 feet to a point;

Thence by a curve to the right 67.20 feet to a point, said curve having a central angle of 14°23'41" and a radius of 267.49 feet;

Thence North 27°03'57" West, 134.30 feet to a point;

Thence by a curve a curve to the right 36.94 feet to a point, said curve having a central angle of 25°26'19" and radius of 83.20 feet;

Thence North 01°37'37" West, 21.36 feet more or less to a point;

Thence by the aforesaid land of Haupt, South 53°40'00" West, 19.46 feet more or less, to the point and place of beginning. Containing 1.32 acres more or less. Overall length of road center line equals 3585.40 feet more or less.

No complete boundary survey was performed on the entire Galmish property. Points that fell on and ran with adjoining property lines may very slightly upon completion of a complete and accurate survey of the entire property.

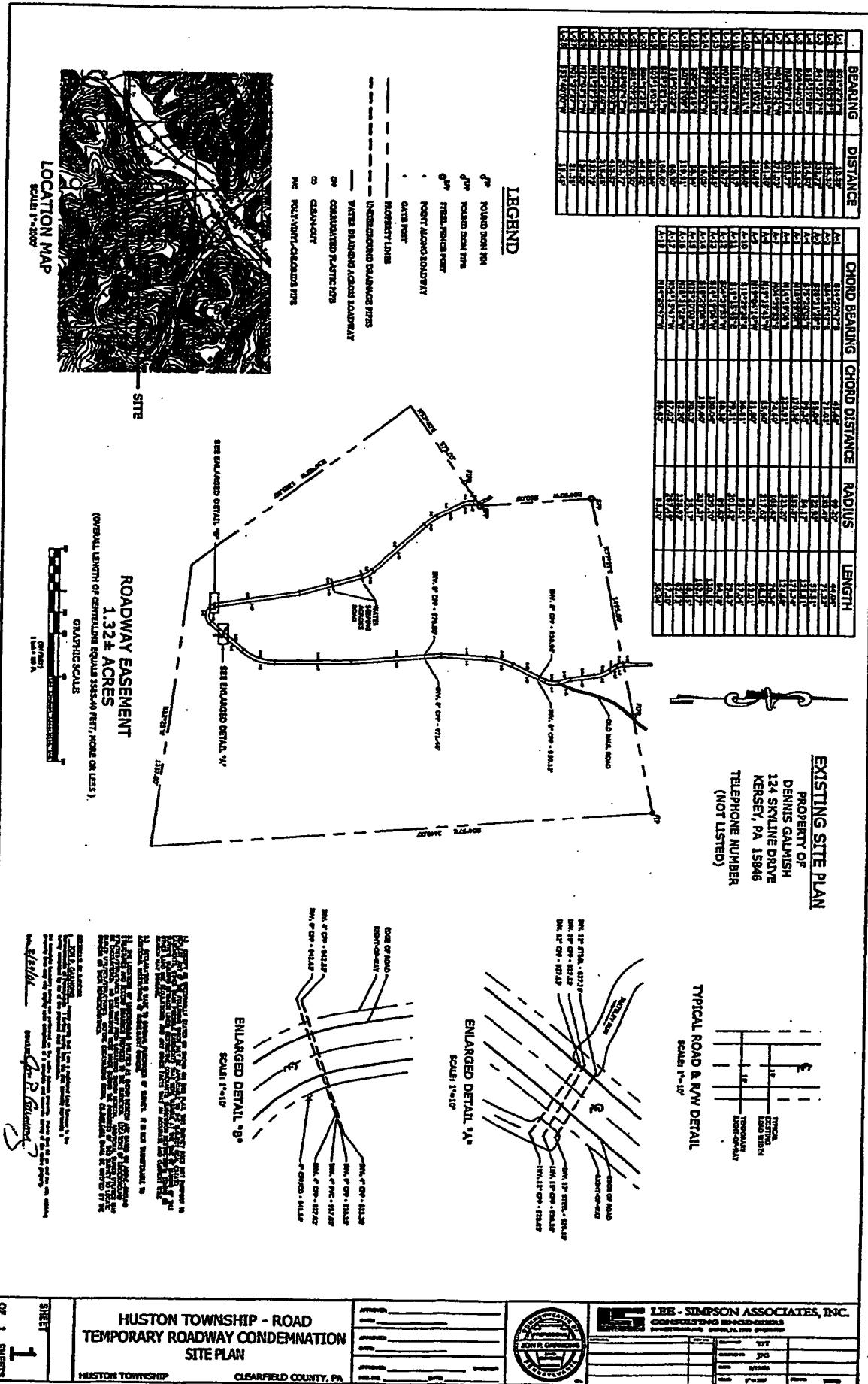


Exhibit "B"  
1 of 1

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

IN RE: CONDEMNATION BY  
THE TOWNSHIP OF HUSTON OF  
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PENNSYLVANIA, IDENTIFIED BY  
CLEARFIELD COUNTY ASSESSMENT  
MAP NUMBER 119-G3-89

No. 06-525 -CD

FILED  
APR 04 2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
4 cent to MTO

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PENNSYLVANIA, IDENTIFIED BY :  
CLEARFIELD COUNTY ASSESSMENT :  
MAP NUMBER 119-G3-89 :  
:

**BOND**

KNOW ALL MEN BY THESE PRESENTS, THAT THE TOWNSHIP OF HUSTON,  
CLEARFIELD COUNTY, PENNSYLVANIA, with a mailing address of P.O. Box 38, Penfield,  
Pennsylvania, 15849, hereafter called "OBLIGOR" is held and firmly bound unto the  
Commonwealth of Pennsylvania, hereinafter called "OBLIGEE" for the use and benefit of the  
owner or owners of the property interests condemned, the condition of which shall be that the  
OBLIGOR shall pay such damages as shall be determined by law.

WHEREAS, the Township of Huston, the OBLIGOR herein, shall pay or cause to be  
paid such amount of damages as the said owner(s) of the property interest(s) shall be entitled to  
by reason of such condemnation, after the same shall have been agreed upon or assessed in the  
manner provided by law, then this obligation shall be void; otherwise, to remain in full force and  
effect.

ATTEST:

Darell J. Pather  
Secretary  
"Seal"

TOWNSHIP OF HUSTON  
By:

Nellie Bundy  
Nellie Bundy, Chairman

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: No. 06-525-CD  
: Type of Case: Civil  
: Type of Pleading: Memorandum of  
: Recording Notice of Condemnation  
: Filed on behalf of: Huston Township  
: Attorney of Record for this Party:  
: Kim C. Kesner, Esquire  
: Supreme Ct. I.D. #28307  
: 23 North Second Street  
: Clearfield, PA 16830  
: 814-765-1706  
: 814-765-7006 - facsimile

FILED  
04/23/06  
APR - 4 2006  
KCC/ATK  
Kesner

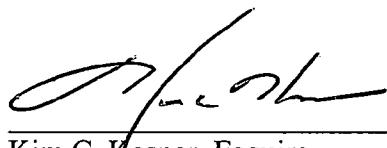
William A. Shaw  
Prothonotary

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CLEARFIELD COUNTY ASSESSMENT :  
MAP NUMBER 119-G3-89 :  
:

**MEMORANDUM OF RECORDING**  
**NOTICE OF CONDEMNATION**

In accordance with Section 404 of the Eminent Domain Code, 26 P.S. Section 1-404, now comes the Township of Huston, by its solicitor, Kim C. Kesner, Esquire and files this Memorandum that on the 4<sup>th</sup> day of April, 2006, a Notice of this condemnation was recorded with the Recorder of Deeds of Clearfield County and is of the record at Instrument Number 200604980.



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Kim C. Kesner, Esquire  
Solicitor for the Township of Huston

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: Type of Pleading: Proofs of Service  
: Filed on behalf of: Huston Township  
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: Kim C. Kesner, Esquire  
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FILED  
04/13/2006  
APR 11 2006  
1 CC  
Atty Kesner  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

## PROOF OF SERVICE

To whom it may concern:

Now be it known that I, Llyn A. Hartzfeld, one of the Constables within the Commonwealth of Pennsylvania, being duly sworn according to law, does hereby depose and say that on the 8th day of April 2006 the original \_\_\_\_\_

Notice and Declaration of Taking No. 06-525-CD

was served upon Linda A. Galmish

address 124 Skyline Drive Kersey, PA 15846

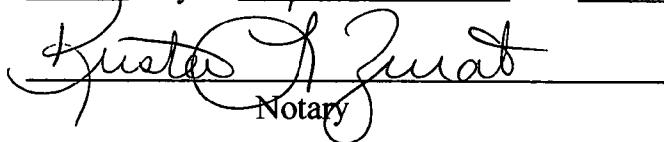
time 5:50 PM

manner of service: Hand Delivered

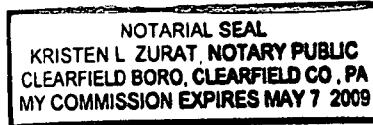
  
Llyn A. Hartzfeld  
Pennsylvania State Constable

Sworn to and subscribed before me on this the

8<sup>th</sup> Day of April 2006

  
Kristen L. Zurat  
Notary

(SEAL)



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
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IN RE: CONDEMNATION BY :  
THE TOWNSHIP OF HUSTON OF : No. 06-525-CD  
EASEMENTS TO A PROPERTY :  
LOCATED IN HUSTON TOWNSHIP, :  
CLEARFIELD COUNTY, :  
PENNSYLVANIA, IDENTIFIED BY :  
CLEARFIELD COUNTY ASSESSMENT :  
MAP NUMBER 119-G3-89 :  
:

**NOTICE**

TO: Linda A. Galmish  
124 Skyline Drive  
Kersey, PA 15846

**You are hereby notified** in accordance with Section 405 of the Pennsylvania Eminent Domain Code, 26 P.S. Section 1-405 that a Declaration of Taking was filed in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania on April 6, 2006 to Docket No. 06-525-CD by Township of Huston, P.O. Box 38, Penfield, PA, 15849, by which property to which you are the owner(s) as known to the Authority has been condemned.

A true copy of the Declaration of Taking as filed is annexed hereto as Exhibit "A".

The property condemned is shown on a narrative description and plat thereof annexed to the Declaration of Taking.

You are further notified that if you wish to challenge the power or the right of the Township of Huston to appropriate the condemned property, the sufficiency of the security, the procedure followed by Township of Huston or the Declaration of Taking, you are required to file preliminary objections within thirty (30) days after service of this notice.

  
\_\_\_\_\_  
Kim C. Kesner, Esquire  
Solicitor for the Township of Huston

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Supreme Ct. I.D. #28307

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Clearfield, PA 16830

: 814-765-1706

: 814-765-7006 - facsimile

: I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

APR 04 2006

Attest.

*Laura A. C.*  
Prothonotary/  
Clerk of Courts

## PROOF OF SERVICE

To whom it may concern:

Now be it known that I, Llyn A. Hartzfeld, one of the Constables within the Commonwealth of Pennsylvania, being duly sworn according to law, does hereby depose and say that on the 8th day of April 2006 the original \_\_\_\_\_

Notice and Declaration of Taking No. 06-525-CD

was served upon Linda A. Galmish for Dennis P. Galmish

address 124 Skyline Drive Kersey, PA 15846

time 5:50 P.M.

manner of service: Hand Delivered

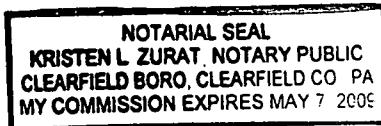
Llyn A. Hartzfeld  
Pennsylvania State Constable

Sworn to and subscribed before me on this the

8<sup>th</sup> Day of April 2006

Kristen L. Zurat  
Notary

(SEAL)



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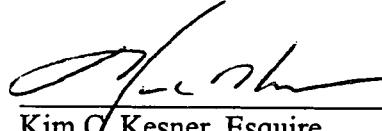
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Kim C. Kesner, Esquire  
Solicitor for the Township of Huston

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: 814-765-1706  
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I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

APR 04 2006

Attest.

*Lee A. Q.*  
Prothonotary/  
Clerk of Courts