

06-525-CD

In RE: Huston Township

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

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

0/11-20/11
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.

Map Number

Owner(s)

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:

Danell J. Patton 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 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°24'34" and a radius of 105.63 feet;

Thence North 16°02'23" West, 59.67 feet to a point;

Thence North 07°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°41'06" and a radius of 217.62 feet;

Thence North 30°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°04'07" and a radius of 79.51 feet;

Thence by the land now or formerly Bundy, South 77°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°13'17" and a radius of 95.51 feet to a point;

Thence South 30°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°41'06" and a radius of 201.62 feet;

Thence South 07°55'09" East, 119.91 feet to a point;

Thence South 16°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°24'34" and a radius of 89.63 feet;

Thence South 25°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°06'10" and a radius of 339.20 feet;

Thence South 03°16'02" West, 211.84 feet to a point;

Thence South 04°57'35" East, 441.82 feet to a point;

Thence South 01°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°17'19" and a radius of 237.37 feet;

Thence South 38°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°04'10" and a radius of 38.17 feet;

Thence North 08°48'03" West, 413.57 feet to a point;

Thence North 15°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 vary slightly upon completion of a complete and accurate survey of the entire property.

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: Bond

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

William A. Shaw

Prothonotary/Clerk of Courts

4 sent to Att

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

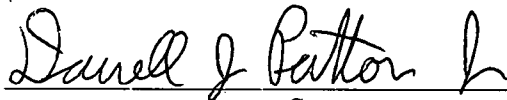
IN RE: CONDEMNATION BY :
THE TOWNSHIP OF HUSTON OF : No. 06- 525 -CD
EASEMENT TO A PROPERTY :
LOCATED IN HUSTON TOWNSHIP, :
CLEARFIELD COUNTY, :
PENNSYLVANIA, IDENTIFIED BY :
CLEARFIELD COUNTY ASSESSMENT :
MAP NUMBER 119-G3-89 :

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:


Secretary
"Seal"

TOWNSHIP OF HUSTON

By:


Nellie Bundy, Chairman

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

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
0/2:33_{LM} KC AKy
APR - 4 2006 ^{UM} Kesner

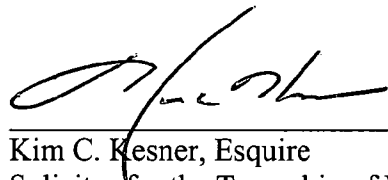
William A. Shaw
Prothonotary

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 :

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 4th 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.



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

IN THE COURT OF COMMON PLEAS OF
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CLEARFIELD COUNTY ASSESSMENT
MAP NUMBER 119-G3-89

No. 06-525-CD

Type of Case: Civil

Type of Pleading: Proofs of Service

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
01:32 PM
APR 11 2006

1 CC
Amy Kesner
CR

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 P M

manner of service: Hand Delivered

Llyn A. Hartzfeld

Pennsylvania State Constable

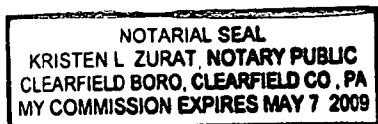
Sworn to and subscribed before me on this the

8th Day of April 2006

Kristen L. Zurat

Notary

(SEAL)



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

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

IN THE COURT OF COMMON PLEAS OF
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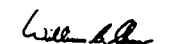
814-765-1706

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.


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

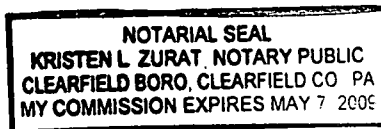
Llyn A. Hartzfeld
Pennsylvania State Constable

Sworn to and subscribed before me on this the

8th Day of April 2006

Kristen L. Zurat
Notary

(SEAL)



IN THE COURT OF COMMON PLEAS OF
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Kim C. Kesner, Esquire
Solicitor for the Township of Huston

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Supreme Ct. I.D. #28307

23 North Second Street
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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.


Prothonotary/
Clerk of Courts