

06-813-CD.  
In RE: Cambria County Cons. & Rec.

In re: Cambria co Cons et al  
2006-813-CD

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

A CONDEMNATION IN REM BY THE :  
CAMBRIA COUNTY CONSERVATION :  
AND RECREATION AUTHORITY of :  
1/6 interest in 60 acres, more or less, of real :  
estate situated in the Borough of Westover, :  
Clearfield County, Tax parcel :  
D17-000-00005, for the purpose of :  
Constructing and operating a :  
recreational facility. :

No. 2006 - 2006-813-CN

EMINENT DOMAIN

TYPE OF PLEADING:  
Declaration of Taking  
(D. T. Mitchell, Jr. Property)

FILED ON BEHALF OF: CONDEMNOR  
Cambria County Conservation &  
Recreation Authority

COUNSEL OF RECORD FOR  
CONDEMNOR:  
Michelle A. Tokarsky, Esq. (#70343)  
Lesley R. Childers, Esquire (#92348)  
Silverman, Tokarsky & Forman, LLC  
227 Franklin Street, Suite 410  
Johnstown, PA 15901  
TEL: (814) 536-8600

FILED

MAY 23 2006

William A. Shaw

Prothonotary/Clerk of Courts

2 cents to ATT.

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

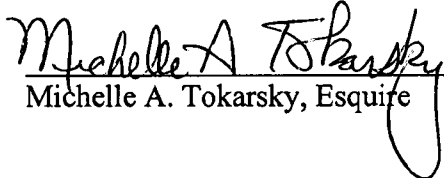
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recreational facility. :

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within thirty (30) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**MidPenn Legal Services**  
213-A North Front Street  
Harrisburg, PA 17101  
(717) 232-0581

  
Michelle A. Tokarsky, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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recreational facility. :

**DECLARATION OF TAKING (D.T. Mitchell, Jr. Property)**

AND NOW COMES THE CONDEMNOR, Cambria County Conservation & Recreation Authority, by and through its attorney, and hereby declares that:

1. Condemnor is the Cambria County Conservation & Recreation Authority, a municipal authority organized and existing under the Pennsylvania Municipal Authorities Act of 1945, 53 P.S. Section 306. The address of Condemnor is 401 Candlelight Drive, Suite 234, Ebensburg, Cambria County, Pennsylvania, 15931.

2. This condemnation is authorized under Section 4 of the Municipal Authorities Act of 1945, as amended (53 P.S. Section 306).

3. This Declaration of Taking was authorized by the Board of the Cambria County Conservation & Recreation Authority at its regular monthly meeting. A record of said authorization may be examined by reviewing the approved minutes of the meeting at the address for the Cambria County Conservation & Recreation Authority listed above.

4. The purpose of this condemnation is to acquire the property in order to remediate acid mine drainage on the site and construct a recreational facility primarily for motorized uses. The public need thereby served is the treatment of the discharge of acid mine drainage that is polluting the water tables and water sheds of Rock Run, as well as providing recreational and economic opportunities for that region.

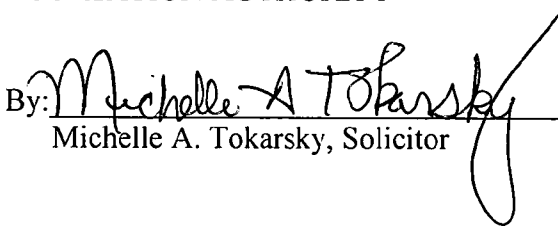
5. The property described in Exhibit "A" attached hereto and made a part hereof, now owned by the County National Bank, Trustee for the Estate of D.T. Mitchell, Jr. and heirs, which is a 1/6<sup>th</sup> interest in the property described in deed recorded in the Clearfield County Recorder of Deeds Office on August 7, 1967 in Deed Book Volume 591 at page 183, is hereby CONDEMNED. Said property consists of one sixty acre parcel of land. Plans showing the property condemned are this day being lodged for record in the Office of the Recorder of Deeds in Clearfield County, Pennsylvania in accordance with Section 404 of the Eminent Domain Code.

6. A plan showing the condemned property may be inspected at the Cambria County Conservation & Recreation Authority at 401 Candlelight Drive, Suite 234, Ebensburg, Cambria County, Pennsylvania, 15931.

7. Condemnor is taking the following estate in the property: Fee simple absolute, excepting and reserving any and all mineral rights reserved in Condemnee by prior instruments of conveyance.

8. Just compensation has been made or secured by the filing of the Bond of the Authority, attached hereto and made a part hereof as Exhibit "B" for the use and benefit of the owner or the owners of the property in interest, a condition of which the Condemnor shall pay such amount of damages as the said owner or owners of the properties and other parties in interest shall be entitled to receive by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law.

CAMBRIA COUNTY CONSERVATION &  
RECREATION AUTHORITY

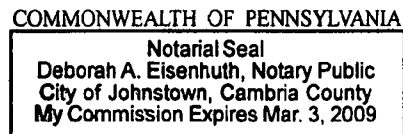
By:   
Michelle A. Tokarsky, Solicitor

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CAMBRIA :

On this the 19<sup>th</sup> day of May, 2006, before me, a Notary Public, in and for Cambria County, Pennsylvania, personally appeared Michelle A. Tokarsky, who acknowledged herself to be the Solicitor of the Cambria County Conservation & Recreation Authority, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of Cambria County Conservation & Recreation Authority by herself as Solicitor.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Deborah A. Eisenhuth  
Notary Public



IN THE COURT OF COMMON PLEAS OF  
CAMBRIA COUNTY, PENNSYLVANIA  
No. 2006

A CONDEMNATION IN REM BY THE  
CAMBRIA COUNTY CONSERVATION AND  
RECREATION AUTHORITY OF 1/6 interest in 60  
acres, more or less, of real estate situated in the  
Borough of Westover, Clearfield County, Tax  
parcel D17-000-00005, for the purpose of  
Constructing and operating a recreational  
facility.

EMINENT DOMAIN COMPLAINT

SILVERMAN, TOKARSKY  
FORMAN & GREEN, LLC  
ATTORNEYS-AT-LAW  
227 FRANKLIN STREET  
SUITE 410  
JOHNSTOWN, PENNSYLVANIA 15901  
(814) 536-8600

William A. Shaw  
Prothonotary/Clerk of Courts

MAY 23 2006

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