

IN THE MATTER OF PROCEEDING
OF DUNCAN TOWNSHIP MUNICIPAL
WATER AUTHORITY AND DUNCAN
TOWNSHIP – CONDEMNATION OF THE
PROPERTY OF MICHELLE W. DUDDY

: IN THE COURT OF COMMON PLEAS
:
: OF TIOGA COUNTY, PENNSYLVANIA
:
: NO. CV 2023
:
: IN REM ACTION


.....

TO: Michelle W. Duddy
7064 Route 414
Liberty, Pennsylvania 16930

DECLARATION OF TAKING

1. The Condemnors are the Duncan Township Municipal Water Authority, Tioga County, Pennsylvania, a body corporate and politic and a Municipal Authority organized under the Municipal Authorities Act, Pa.C.S.A. §§ 5601, *et. seq.*, with a mailing address of 42 Duncan Township Road, Wellsboro, Pennsylvania 16901, and Duncan Township, Tioga County, Pennsylvania, a body corporate and politic and a Township organized under the Second Class Township Code, with a mailing address of 42 Duncan Township Road, Wellsboro, Pennsylvania 16901.
2. The condemnation is authorized by law by the Municipal Authorities Act , 53 Pa.C.S.A. § 56071 and § 5615, *et. seq.*, by the Second Class Township Code, and by the Eminent Domain Code, 26 P.S. §§ 101, *et. seq.* These laws grant to the Authority and the Township the power to acquire property by eminent domain for the construction of water systems, and for all other purposes authorized by the Acts.
3. This Declaration of Taking was authorized by **Resolution** of the Authority adopted on February 20, 2023, at the Duncan Township Municipal Building, Wellsboro, Pennsylvania, which record may be found and examined at the offices of the Authority, located at 42 Duncan Township Road, Wellsboro, Pennsylvania 16901, and by **Resolution** of the Township adopted on March 13, 2023, at the Duncan Township Building, Wellsboro, Pennsylvania, which record may be found and examined at the offices of the Township, located at 42 Duncan Township Road, Wellsboro, Pennsylvania 16901.
4. The purpose of the condemnation is to acquire in fee simple a parcel of property to be used for the locating, installing, constructing, reconstructing, extending, repairing, maintaining, replacing, and/or adding, as the Authority and the Township deem necessary, any and all necessary fixtures, equipment, pipes, buildings and appurtenances thereto, upon, over and under the property as generally depicted in a document titled “Sketch Plan Showing Eminent Domain Claim Area For Duncan Township” dated January 5, 2022, a true and correct copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

5. The property interest to be condemned is located in Duncan Township, Tioga County, Pennsylvania, and is currently owned by Michelle W. Duddy. The property interest to be condemned is approximately 1.53 acres and is more particularly described in Tioga County Instrument Number 201811055 and being identified as Tax Parcel Number 10/03.00/008B/1/000.
6. A description of the property sufficient for its identification is set forth on the survey map attached hereto as Exhibit "A".
7. The nature of the title acquired in and to the said property is a fee simple interest so that the property may be used in furtherance of the Authority's and the Township's water system.
8. A plan showing the condemned property may be inspected at the address of the Condemnors, which is the offices of the Authority and the Township, located at 42 Duncan Township Road, Wellsboro, Tioga County, Pennsylvania 16901.
9. Pursuant to Section 303(b) of the Eminent Domain Code of 2006, the Condemnor, the Township of Duncan, has the power of taxation, and is not required to file a bond with this Declaration of Taking. The funds raised or authorized by law to be raised by the power of taxation of the Township are deemed pledged and are made security for the payment of the damages determined by law. See Exhibit "B" attached hereto and incorporated by reference.
10. Plans showing the property condemned are on the same date hereof being lodged for record or filed in the Office of the Recorder of Deeds of Tioga County pursuant to Section 304 of the Eminent Domain Code of 2006, as amended and supplemented, where the plans may be inspected.
11. I, Richard Pittman, Chairman of the Board of Supervisors of Duncan Township, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Township and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to the penalties provided in 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.
12. I, Scott Brown, ^{VICE} Chairman of the Board of the Duncan Township Municipal Authority, do hereby depose, swear, and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Authority and that the averments contained and set forth herein are true and correct to the best of my knowledge, information, and belief, and are made subject to the penalties provided in 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities

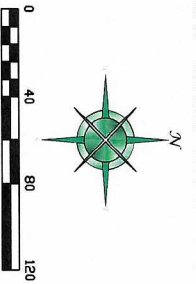
By: 

Duncan Township Water Authority
42 Duncan Township Road
Wellsboro, PA 16901
(570) 353-7532

By: 

Duncan Township
42 Duncan Township Road
Wellsboro, PA 16901
(570) 353-7532

Date: 3/13, 2023



OTHER LANDS OF:
RONALD R. WILSON
PARCEL II - LOT #2
INSTRUMENT # 201014420
PARCEL II # 10-03-00-0088



CLAIM SUMMARY:

AREA BEING CLAIMED FROM LANDS OF DUDDY: 1.53 AC. (ENTIRE PARCEL)

AREA BEING CLAIMED FROM LANDS OF WILSON: ± 1.21 AC. (INCLUDES EXISTING EASEMENT AREA) (WILSON REMAINDER: 90.25 AC. (PER ASSESSMENT))

TOTAL EMINENT DOMAIN CLAIM AREA: 2.74 AC.

MAP REFERENCES:

A MAP TITLED: "SUBDIVISION OF LANDS BELONGING TO, DUNCAN FORESTLAND, INC.", SURVEYED BY K. ROBERT CUNNINGHAM, P.L.S., DATED APRIL 7, 2010, AND FILED IN THE TIOGA COUNTY COURTHOUSE AS INSTRUMENT NUMBER 2010181816, (NOW WILSON)

A MAP TITLED: "SUBDIVISION OF LANDS BELONGING TO, RONALD R. WILSON", SURVEYED BY K. ROBERT CUNNINGHAM, P.L.S., DATED OCTOBER 29, 2018, AND FILED IN THE TIOGA COUNTY COURTHOUSE AS INSTRUMENT NUMBER 201810682, (NOW DUDDY)

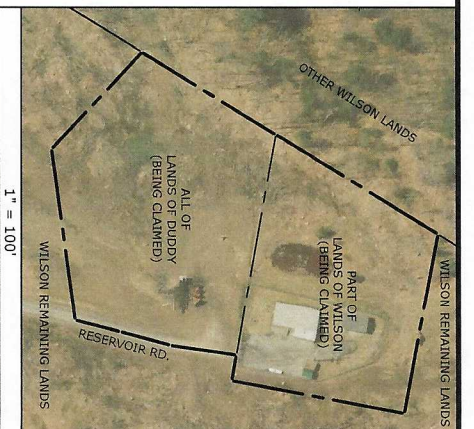
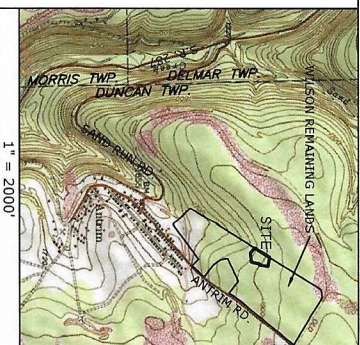


LEGEND -

- Commonly Used Symbols
- △ No. 5 Iron Rod Set
 - Nail Set
 - ⊕ Railroad Spike
 - ⊙ Angle Point
 - ⊞ Iron Rod Set 30.0' On Line (rodman marked)
 - ⊞ Iron Rod Found
 - ⊞ Iron Rod Previously Set
 - ⊞ Property Line
 - ⊞ CL
 - ⊞ N/F
 - ⊞ Now or Formerly
 - ⊞ Soil Test Location
 - ⊞ Failed Soil Test Location
 - ⊞ Dead
 - ⊞ Power Pole
 - ⊞ Gas Line
 - ⊞ Electric Line
 - ⊞ Existing Power Line
 - ⊞ Existing Wilson Lands
 - ⊞ Existing Duddy Lands
 - ⊞ Existing Duncans Twp. Perpetual
 - ⊞ Basement Area

LOTS IN THIS AREA ARE SERVED BY MUNICIPAL WATER AND SEWER.

THE ADJOINING LANDOWNER INFORMATION SHOWN HEREON WAS CURRENT WITH THE ASSESSMENT INFORMATION PROVIDED BY THE COUNTY ONLINE ASSESSMENT DATABASE DURING THE RESEARCH PHASE OF THIS SURVEY. THE INFORMATION SHOWN MAY NOT BE CURRENT IN ALL CASES AND MAY HAVE CHANGED SINCE THE TIME OF OUR RESEARCH.



REVISIONS	
DATE	DESCRIPTION
5/16/22	ENLARGED CLAIM AREA FROM DUDDY TO INCLUDE ENTIRE LOT

LAND SERVICES GROUP
CUNNINGHAM SURVEYORS
WILKESBORO, PA (670) 724-3896 LANDSG.COM

SKETCH PLAN SHOWING EMINENT DOMAIN
CLAIM AREA FOR:
DUNCAN TOWNSHIP

Surveyed by: Jeffrey J. Bailey
Professional Surveyor
No. 54075567
Wilkesboro, PA

DATE	SCALE	DATE	SCALE
5/16/22	1" = 40'	01-05-2022	2021192