

01-838-CO  
IN RE: SANDY TOWNSHIP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION, OF THE  
RIGHT-OF-WAY FOR STATE  
ROUTE 0219, SECTION N06 IN THE  
TOWNSHIP OF SANDY

NO. 01-838-CQ

EMINENT DOMAIN PROCEEDING  
IN REM

DECLARATION OF TAKING

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

This Declaration of Taking, based on the provisions of Article IV, Section 402, of the Eminent Domain Code, Act of June 22, 1964, P. L. 84, 26 P. S. 1-402, as amended, respectfully represents that:

1. The Condemnor is the Commonwealth of Pennsylvania, Department of Transportation, acting through the Secretary of Transportation.

2. The address of the Condemnor is:

Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

3. The Department of Transportation is authorized by the provisions of Section 2003(e) of the Administrative Code of 1929, P. L. 177, 71 P. S. 513(e), as amended, to acquire by gift, purchase, condemnation or otherwise, land in fee simple or such other estate or interest as it shall determine, in the name of the Commonwealth for all transportation purposes.

FILED

JUN 11 2001

William A. Shaw  
Prothonotary

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on May 1, 2001, entitled "Drawings Authorizing Acquisition of Right-of-Way for State Route 0219, Section 228 R/W in Clearfield County, also State Route 0219, Section N06, also State Route 0219, Section A03", a copy of which plan was filed in the County Recorder's Office in Map File No. 2309, Instrument No. 200107339 on May 16, 2001.

5. The purpose of the within condemnation is to acquire property for transportation purposes.

6. A Schedule of Property Condemned identifying and specifying the location of the property hereby condemned is attached hereto and made a part hereof.

7. Plans showing the property hereby condemned may be inspected in the Recorder's Office of the aforesaid County at the places indicated on the attached Schedule of Property Condemned or, if not shown thereon, on the day of the filing of this document being lodged for record or filed in said Recorder's Offices, where they may be inspected.

8. The nature of the title hereby condemned is fee simple and a slope easement.

9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided however, that the right of support of the areas condemned is included within the scope of this condemnation, and no access from the surface of such areas for removal purposes will be allowed without permission from the Commonwealth.

10. The payment of just compensation in this matter is secured by the Commonwealth's power of taxation.

11. I, Dean A. Schreiber, P. E., Director of the Bureau of Design of the Department of Transportation, do hereby depose, swear and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Commonwealth of Pennsylvania, Department of Transportation, 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 penalties provided in 18 Pa. C. S. §4904, relating to false swearing to authorities.

WHEREFORE, fee simple title and a slope easement are hereby condemned from the property as shown on Exhibit Number 1 attached hereto and incorporated herein as though fully set forth.

  
\_\_\_\_\_  
Dean A. Schreiber, P. E.  
Director, Bureau of Design

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 01-838-CD

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE  
ROUTE 0219, SECTION N06,  
IN THE TOWNSHIP OF SANDY

---

DECLARATION OF TAKING

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Stuart A. Liner  
Assistant Counsel  
ID No. 15290

Commonwealth of Pennsylvania  
Department of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**



County:	Clearfield
Route-Section:	0219-N06
State Proj. No.:	2-0219-06-N06-0220
Federal Proj. No.:	315-0049-146

**SCHEDULE OF  
PROPERTY CONDEMNED  
(Declaration of Taking)**

Page 1 of 1

* TYPE OF DESCRIPTION	D – Deed Description	P – Plan lodged for recording with Notice of Condemnation	R – Plan now recorded in Recorder's Office
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CLAIM NO.	PARCEL NO.	NAME, MAILING ADDRESS, AND PROPERTY INTEREST OF CONDEMNNEES, AND LOCATION OF CONDEMNED PROPERTY	ATTACHED EXHIBIT NO. (IF ANY)	TYPE OF DESCRIPTION	PLAN (IF ANY) RECORDED IN
17000710000	46	<p>L. T. Boccia Construction Company, Inc., an Ohio Corporation Owner by unrecorded Deed C/O Richard Boccia, CEO &amp; Louis Boccia, Vice President 434 Robbins Avenue Niles, Ohio 44446</p> <p>DuBois Area School District, Owner by recorded deed Gary Sayers, Business Manager 500 Liberty Boulevard DuBois, PA 15801</p> <p>As their interests may appear</p> <p>LOCATION OF CONDEMNED PROPERTY Tax Map No. 128-B4-430-55</p>		R	<p>Clearfield County Instrument No. 200107339 Map File No. 2309 Sheet 34</p>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION, OF THE RIGHT-  
OF-WAY FOR STATE ROUTE 0219,  
SECTION N06 IN THE TOWNSHIP OF  
SANDY

NO. 01-838-CD

EMINENT DOMAIN PROCEEDING  
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Michael J. Creighton, Assistant Counsel In Charge, 1209 State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania and Stuart A. Liner, Assistant Counsel, Office of Chief Counsel, Department of Transportation, P.O. Box 8212, Harrisburg, PA 17105-8212, as attorneys for the Commonwealth of Pennsylvania, Department of Transportation, Condemnor in the above-captioned proceedings.

Michael J. Creighton  
Michael J. Creighton  
Assistant Counsel In Charge

Stuart A. Liner  
Stuart A. Liner  
Assistant Counsel

Dated: May 30, 2001

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR STATE ROUTE  
0219, SECTION N06,

IN THE  
TOWNSHIP OF SANDY

PRAECIPE TO ENTER APPEARANCE

Filed, \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_ A.M.      \_\_\_\_ P.M.

**FILED** 2 cc  
Sgt. J. C. 23-88  
12/1/2001  
PMS  
BS/CD

William A. Shaw  
Prothonotary

Commonwealth of Pennsylvania  
Department of Transportation

Office of Chief Counsel

P.O. Box 8212

Harrisburg, Pennsylvania 17105-8212  
Telephone No. (717) 787-3128



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, OF  
THE RIGHT-OF-WAY FOR STATE ROUTE  
219, SECTION N06, IN THE TOWNSHIP OF  
SANDY

NO. 01-838-CD TERM, 2001

EMINENT DOMAIN PROCEEDING IN REM

PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

:ss

COUNTY OF CLEARFIELD

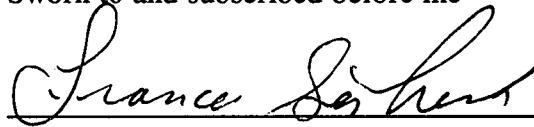
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Michale Hnat, being duly sworn accordance to law, deposes and says that he/she is District Right-of-Way Administrator of District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before June 6, 2001, notice of the filing of the Declaration of Taking in the above matter was served on the condemnees affected thereby in compliance with Article IV, Section 405, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended. A schedule of the condemnees so notified is attached hereto and made a part hereof.



  
\_\_\_\_\_  
District Right-of-Way Administrator

Sworn to and subscribed before me

  
\_\_\_\_\_  
Frances L. Sistrunk

Notary Public

My Commission Expires: 10/18/04

**FILED**

JUN 12 2001

William A. Shaw  
Prothonotary

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**



County:	Clearfield
Route-Section:	0219-N06
State Proj. No.:	2-0219-06-N06-0220
Federal Proj. No.:	315-0049-146

**COMPLETED SCHEDULE OF  
PROPERTY CONDEMNED  
(Declaration of Taking)**

Page 1 of 1

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17000710000	46	<p>L. T. Boccia Construction Company, Inc.,  Owner by unrecorded Deed  C/O Richard Boccia, CEO  &amp; Louis Boccia, Vice President  434 Robbins Avenue  Niles, Ohio 44446</p> <p>DuBois Area School District, Owner by  recorded deed  Gary Sayers, Business Manager  500 Liberty Boulevard  DuBois, PA 15801</p> <p>As their interests may appear</p> <p>LOCATION OF CONDEMNED PROPERTY  Tax Map No. 128-B4-430-55</p>		R	<p>Clearfield County  Instrument No.  200107339  Map File No.  2309  Sheet 34</p>

41 NO. 46

Claim No: 17000710000

Claim: L. T. Boccia  
Construction, Co., Inc.

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

L. T. Boccia Const. Co., Inc.

Postage	\$ 76
Certified Fee	\$ 190
Return Receipt Fee (Endorsement Required)	\$ 180
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 416

Postmark Here

USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
C/o Louis Boccia  
Street, Apt. No., or PO Box No.  
434 Robbins Avenue  
City, State, ZIP+4 Niles, OH 44446

PS Form 3800, February 2000

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Dubois Area School Dist.  
C/o Gary Sayers, Business  
Manager

500 Liberty Blvd.

Dubois PA 15801

## 2. Article Number (Copy from service label)

7000 1670 0000 4732 6575

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**U.S. Postal Service**

**CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

Dubois Area School Dist.

Postage	\$ 76
Certified Fee	\$ 190
Return Receipt Fee (Endorsement Required)	\$ 180
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 416

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
C/o Gary Sayers  
Street, Apt. No., or PO Box No.  
500 Liberty Ave  
City, State, ZIP+4 Niles, PA 15801

PS Form 3800, February 2000

See Reverse for Instructions

See Reverse for Instructions

A. Received by (Please Print Clearly) B. Date of Delivery

Judy Whelby 6/05/01

C. Signature

X Judy Whelby

Agent  
 Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes  
 No

## 3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

L.T. Boccia Construction  
Co., Inc.  
C/o Louis Boccia  
434 Robbins Ave.  
Niles, OH 44446

## 2. Article Number (Copy from service label)

7000 1670 0000 4732 6582

PS Form 3811, July 1999

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

6-6-01

C. Signature

X Judy Whelby

Agent  
 Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes  
 No

## 3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Domestic Return Receipt

102595-99-M-1789

FILED 2 CC of  
Commonwealth  
06/30/2001  
JUN 12  
William A. Snow  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
TRANSPORTATION, OF THE RIGHT-  
OF-WAY FOR STATE ROUTE 0219,  
SECTION N06 IN THE TOWNSHIP OF  
SANDY

NO. 01-838-C □ TERM, 2001

EMINENT DOMAIN PROCEEDING  
IN REM

MEMORANDUM TO PROTHONOTARY

You are hereby informed that notice of the condemnation effected by the Declaration of Taking filed to the above term and number on June 1, 2001, was recorded in the office of the Recorder of Deeds of the above county ~~AS INST. NO. 200108215, Page(s)~~

The condemnation book and page number, file number, or microfilm number of any property plat filed or microfilmed separately from the said Notice of Condemnation is shown on the list of property condemned which is attached hereto.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

BY

Michael J. P. F. (Friedrich)  
District Right of Way Administrator  
Engineering District No. 2-0

**FILED**

JUN 01 2001

William A. Shaw  
Prothonotary

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION



County:	Clearfield
Route-Section:	0219-N06
State Proj. No.:	2-0219-06-N06-0220
Federal Proj. No.:	315-0049-146

COMPLETED SCHEDULE OF  
PROPERTY CONDEMNED  
(Declaration of Taking)

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**FILED**

JUN 01 2001  
01255126 L Dep. Trans.  
William A. Shaw  
Prothonotary  
*EBS*