

01-948-CD

IN RE: CONDEMNATION OF REAL ESTATE OF RICHARD H. AND SHIRLEY N.  
LEWIS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL ESTATE :  
OF RICHARD H. AND SHIRLEY N. LEWIS, : NO. 2001-948-C9 OF 2001

DECLARATION OF TAKING BY THE  
DUBOIS AREA SCHOOL DISTRICT

The DuBois Area School District, pursuant to the Pennsylvania Eminent Domain Code, as amended, 26 PS 1-101 et seq. (Code) hereby declares:

1. The condemnor is the DuBois Area School District whose address is 500 Liberty Boulevard, DuBois, Pennsylvania 15801.
2. The condemnation is authorized by the Public Code, 24 PS 7-703.
3. Pursuant to Resolution No. 1, approved February 28, 2001, the DuBois Area School District hereby appropriates and condemns the real estate designated in the said Resolution, a copy of which is attached as Exhibit A. The name of the condemnees is Richard H. and Shirley N. Lewis.
4. The properties have been condemned by the DuBois Area School District for public purposes for a parking lot as provided for in the Resolution.

**FILED**

JUN 15 2001

William A. Shaw  
Prothonotary

5. A description of the property condemned is all that certain piece or parcel of and owned by Richard H. and Shirley N. Lewis. in the City of DuBois containing 2.7 acres, more or less and being further described in the Resolution, attached as Exhibit A.
6. The title acquired by the DuBois Area School District shall be fee simple absolute except for the following:
  - a. Right of Way 68/523, dated 8/30/47, recorded 9/6/47, L.A. Dixon Jr. et al, to City of DuBois.
  - b. Right of Way 69/517, dated 12/12/47, recorded 2/19/48, L.A. Dixon Jr. et al, to Untied Natural Gas Company.
  - c. Right of Way 85/203, dated 6/24/52, recorded 8/6/52, Hollis L. Lewis et vir. To Pennsylvania Electric Company.
7. A plan of the properties condemned is being lodged for record in the Administrative Offices of the DuBois Area School District as of the same date as filing the Declaration of Taking, in accordance with Section 404 of the Code, 26 PS 1-104.
8. Both the Resolution and the plan may be inspected at the address of the condemnor.

9. Under Section 403(b) of the Code, 26 PS 1-403(b), the power of taxation granted to the DuBois Area School District by the state legislature is sufficient to secure just compensation for the appropriation of the properties described herein.
10. Pursuant to Section 405(d) of the Code, 26 PS 1-405(d), a conformed copy of this Declaration of Taking together with the information and notice required by Section 405© thereof, 26 PS 1-405©, will be served upon each condemnee in this proceedings. Proof of Service will be filed.

WHEREFORE, the DuBois Area School District declares the within premises condemned and appropriated for the public purposes mentioned.



---

William R. Strong, Esquire, Attorney for  
DuBois Area School District  
PO Box 7, 616 Main Street  
Clarion, PA 16214  
(814)-226-4171

**VERIFICATION**

I, Rita Gutowski, verify that the statements and averments made in this Declaration of Taking are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S., Section 4904, relating to unsworn falsification to authorities.

Date: 5/25/01

Rita Gutowski

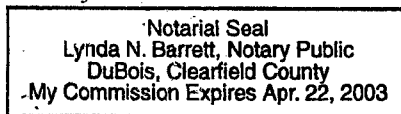
Rita Gutowski

Sworn to and subscribed before me this

25<sup>th</sup> day of May, 2001

Lynda N. Barrett

Notary Public



Member, Pennsylvania Association of Notaries

Regular Board Meeting Of December 20, 2000

LATE AGENDA ITEMS

AGENDA

19. Propose the board authorize the investigation into selecting and acquiring an area of land including two houses and 2.7 acres situate in the City of DuBois, Clearfield County, Pennsylvania owned by Richard H. and Shirley Lewis as per Resolution No. 1.

RESOLUTION NO. 1

AUTHORIZING THE INVESTIGATION INTO SELECTING AND ACQUIRING AN AREA OF LAND INCLUDING TWO HOUSES AND 2.7 ACRES SITUATE IN THE CITY OF DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA OWNED BY RICHARD H. AND SHIRLEY LEWIS

Be it resolved that the DuBois Area School District in accordance with the authority confirmed by law, proceed with the investigation into the feasibility of acquisition of necessary lands of Richard H. and Shirley Lewis situate in the City of DuBois, Clearfield County, Pennsylvania by condemnation including the hiring of an abstractor and surveyor/engineer.

DuBois Area School District

By Rita A. Gutowski  
Rita A. Gutowski, President

Attest

Lynda N. Barrett  
Lynda N. Barrett, Secretary

APPROVED

DEFERRED

REJECTED

## RESOLUTION

AUTHORIZING THE SELECTION AND APPROPRIATION OF AN AREA OF LAND CONTAINING TWO (2) HOUSES AND 2.7 ACRES OWNED BY RICHARD AND SHIRLEY LEWIS IN THE CITY OF DUBOIS, AND AUTHORIZING THE FILING OF A DECLARATION OF TAKING AND ALL NECESSARY ACTIONS FOR THE ACQUISITION THEREOF:

WHEREAS, the DuBois Area School District pursuant to a Resolution adopted the 20<sup>th</sup> day of December 2000 is about to proceed with acquisition of an area containing two (2) houses and 2.7 acres, more or less; and,

WHEREAS, in order to carry out the proposed development of land for educational and recreational purposes for the District, it is necessary that the DuBois Area School District acquire title in fee simple to the said land, improvements and properties included in the area proposed to be used by the District;

WHEREAS, the DuBois Area School District has been unable to agree with the owner or owners of the said properties to be acquired on the price or damages to be paid; and,

WHEREAS, the DuBois Area School District is authorized to acquire title to property through Eminent Domain proceedings under the Public School Code, 24 PS 7-703;

NOW, THEREFORE, BE IT RESOLVED, that the DuBois Area School District, in accordance with authority conferred by law, selects and appropriates for the purposes of relocation of parking due to expansion of athletic fields and/or tennis courts on current property, alternate education, and storage, the property containing two (2) houses and 2.7 acres owned by Richard and Shirley Lewis and more fully described as follows:


BEGINNING at a cut in the concrete sidewalk at the Southeastern intersection of North Sixth Street in the said City of DuBois, and East DuBois Avenue, also known as State Highway Route No. 255; thence along North Sixth Street, North 21 degrees 16 minutes East, 353.4 feet to a point at the Southern line of lands heretofore sold to Homan S. Coder; thence at right angles along the Southern line of said Homan S. Coder, South 69 degrees 25 minutes East, 150 feet to point in other lands of former grantors; thence again at right angles along the Eastern boundary of Homan S. Coder, 150 feet to a point in line of lands now or formerly of the City of DuBois; thence along line of said lands now or formerly of the City of DuBois, South 69 degrees 25 minutes East, 786.2 feet to point in line of other lines now or formerly of the City of DuBois, thence along line of lands now or formerly of the City of DuBois, South 12 degrees 11 minutes West, 178.5 feet to an axle at the Northern line of Orient Avenue; thence along the Northern line of Orient Avenue, North 66 degrees 48 minutes, 237.5 feet, more or less, to the Western boundary of Division Street; thence South 23 degrees 47-1/2 minutes West along the Northern line of Division Street, 46 feet more or less to the Northern boundary of lands heretofore sold to Bert A. Hetrick and wife; thence North 66 degrees 48 minutes West along the Northern line of said Bert A. Hetrick land, 350 feet to a point in other lands of former grantors; thence along line of other lands of former grantors South, 23 degrees 47-1/2 minutes West, 330 feet, more or less, to point in the concrete sidewalk of East DuBois Avenue, also known as State Highway Route No. 255; thence along the sidewalk on said East DuBois Avenue, North 66 degrees 48 minutes West, 377.6 feet, more or less, to the point of beginning.

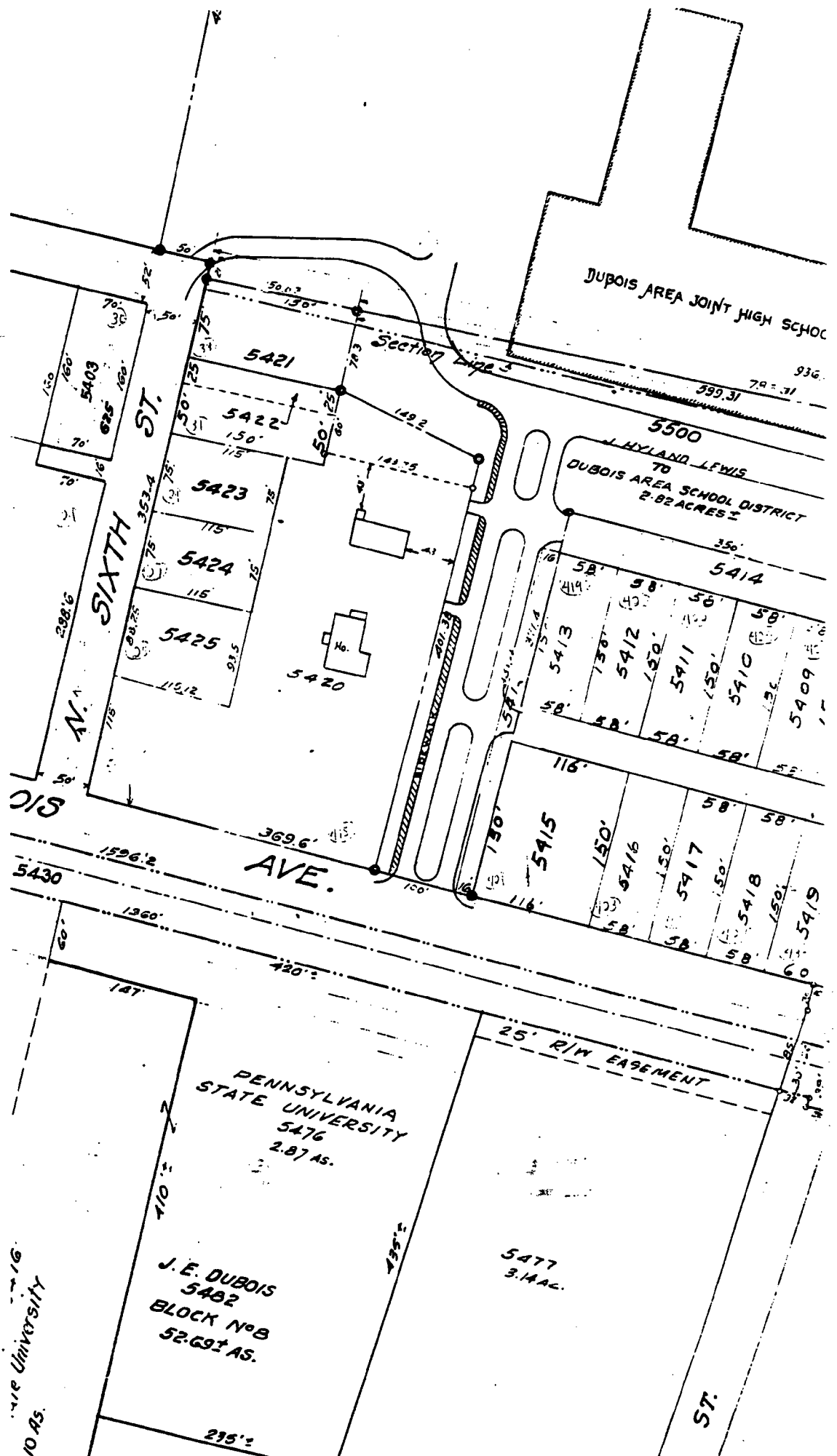
ORDAINED AND ENACTED by the DuBois Area School Board of the DuBois Area School District, DuBois, Pennsylvania, this 28th day of February 2001.

DUBOIS AREA SCHOOL DISTRICT

  
Rita A. Gutowski, President

ATTEST:

  
Lynda N. Barrett, Secretary





FILED

JUN 15 2001  
6/2:47/wsr  
William A. Shaw  
Prothonotary

(E) me  
80--

1 CENT TO ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL ESTATE :  
OF RICHARD H. AND SHIRLEY N. LEWIS : NO. 2001-948-10 OF 2001

MEMORANDUM

TO THE PROTHONOTARY:

Please be advised that a Notice of Condemnation was recorded in the Office of the Recorder of Deeds on the 15<sup>th</sup> day of June, 2001 in Book \_\_\_\_\_, Page \_\_\_\_\_. Instrument No. 200109130

W R Strong  
William R. Strong, Esquire, Attorney for  
DuBois Area School District  
PO Box 7, 616 Main Street  
Clarion, PA 16214  
814-226-4171

**FILED**

JUN 15 2001  
0/2:38/wm  
William A. Shaw  
Prothonotary

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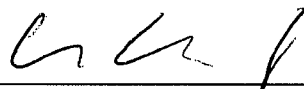
IN THE COURT OF COMMON PLEAS OF CLARION COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL ESTATE  
OF RICHARD H. AND SHIRLEY N. LEWIS

:  
:NO. 948 CD 2001

CERTIFICATE OF SERVICE

I, William R. Strong, Esquire, do hereby certify that a true and correct copy of the within Notice of Condemnation and the Declaration of Taking was served on Shirley N. Lewis at 25 N. 6<sup>th</sup> Street, DuBois, Pennsylvania 15801 by Certified Mail Receipt No. 7000 1670 0002 1934 5229, attached hereto is the receipt for the certified mailing.

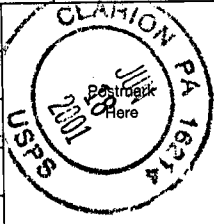
  
\_\_\_\_\_  
William R. Strong, Esquire

7000 1670 0002 1934 5229

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

**OFFICIAL USE**

|   |        |
|---|--------|
| Postage   | \$ 76  |
| Certified Fee                                     | 190    |
| Return Receipt Fee<br>(Endorsement Required)      | 150    |
| Restricted Delivery Fee<br>(Endorsement Required) |        |
| Total Postage & Fees                              | \$ 416 |



|                                 |                  |
|---------------------------------|------------------|
| Sent To                         | Shirley N. Lewis |
| Street, Apt. No., or PO Box No. | 25 N. Oak Street |
| City, State, ZIP+4              | DuBois, Pa 15801 |


IN THE COURT OF COMMON PLEAS OF CLARION COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL ESTATE  
OF RICHARD H. AND SHIRLEY N. LEWIS

:  
:NO. 948 CD 2001

CERTIFICATE OF SERVICE

I, William R. Strong, Esquire, do hereby certify that a true and correct copy of the within Notice of Condemnation and the Declaration of Taking was served on Richard H. Lewis at 25 N. 6<sup>th</sup> Street, DuBois, Pennsylvania 15801 by Certified Mail Receipt No. 7000 1670 0002 1934 5212, attached hereto is the receipt for the certified mailing.

  
\_\_\_\_\_  
William R. Strong, Esquire

**FILED**

JUN 21 2001

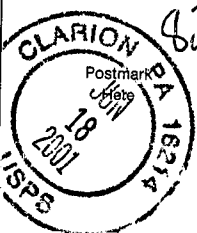
William A. Shaw  
Prothonotary

7000 1670 0002 1634 5212

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

**OFFICIAL USE**

|   |               |
|---|---------------|
| Postage   | \$ 76         |
| Certified Fee                                     | 190           |
| Return Receipt Fee<br>(Endorsement Required)      | 150           |
| Restricted Delivery Fee<br>(Endorsement Required) |               |
| <b>Total Postage &amp; Fees</b>                   | <b>\$ 416</b> |



Sent To RICHARD A. LEWIS  
Street, Apt. No., or PO Box No. 25 N. Linn Street  
City, State, ZIP+4 WILKES BARRE, PA 18701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL  
ESTATE: RICHARD H. LEWIS AND  
SHIRLEY N. LEWIS,

Plaintiffs-Condemnees

VS.

DUBOIS AREA SCHOOL DISTRICT,

Defendant-Condemnor

CIVIL DIVISION

NO. 2001-948CD

**PRELIMINARY OBJECTIONS TO  
DECLARATION OF TAKING**

EMINENT DOMAIN PROCEEDING

IN REM

FILED ON BEHALF OF: Richard H. Lewis  
and Shirley N. Lewis

COUNSEL IN RECORD FOR THIS  
PARTY:

William P. Bresnahan, Esquire

Pa. ID No. 00119

William P. Bresnahan, II, Esquire

Pa. ID No. 85543

HOLLINSHEAD, MENDELSON,  
BRESNAHAN & NIXON, P. C.

820 Grant Building

Pittsburgh, PA 15219

(412) 355-7070

Firm No. 628

**FILED**

JUL 16 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL  
ESTATE: RICHARD H. LEWIS AND  
SHIRLEY N. LEWIS,

CIVIL DIVISION

NO. 2001-948CD

Plaintiffs-Condemnees

VS.

DUBOIS AREA SCHOOL DISTRICT,

Defendant-Condemnor

**PRELIMINARY OBJECTIONS TO DECLARATION OF TAKING**

AND NOW COMES Richard H. Lewis and Shirley N. Lewis, by their attorneys, Hollinshead, Mendelson, Bresnahan & Nixon, P.C., William P. Bresnahan, Esquire, and William P. Bresnahan II, Esquire, to challenge the Declaration of Taking and challenge the Notice of Condemnation by filing the following Preliminary Objections to the Declaration of Taking filed at No. 2001-948CD in the Office of the Prothonotary of Clearfield County under Section 406 of the Pennsylvania Eminent Domain Code, 26 P.S. §406, et seq.:

1. The Declaration of Taking filed in this case was not executed by the Condemnor, but rather by an attorney for the Condemnor. It does not comply with the Code.
2. The Declaration of Taking filed in this case does not caption as a proceeding in rem. It does not comply with the Code.
3. The Declaration of Taking filed in this case contains both a description and a plan. They are inconsistent in that the description describes measurements, distances, degrees and



minutes which are not shown on the plain. In addition, the description describes the land containing the residence of the Plaintiffs-Condemnees, as well as the two other structures located on the property. Negotiations with the school district never included the taking of the residence of Plaintiffs-Condemnees.

4. The Declaration of Taking filed in this case states that the purpose of the condemnation is "for public purposes for a parking lot". Research of the Plaintiffs-Condemnees indicates that the existing parking facility on the property of Defendant-Condemnor is not fully utilized and, therefore, additional parking is not required. Therefore, no need for additional parking exists.

5. In the Notice to Condemnee it is not clear whether the taking is total or partial. If total, the description and the plan are inconsistent. If partial, there is not a description or depiction of the area taken and the area remaining.

WHEREFORE, Richard H. Lewis and Shirley N. Lewis request your Honorable Court to declare the Declaration of Taking to be void and of no effect because of its failure to comply with the provisions of the Pennsylvania Eminent Domain Code.

HOLLINSHEAD, MENDELSON

BRESNAHAN & NIXON, P.C.

DATE: July 16, 2001

BY William P. Bresnahan

William P. Bresnahan, Esquire  
William P. Bresnahan II, Esquire

Attorneys for Richard H. Lewis and  
Shirley N. Lewis

**VERIFICATION**

I, William P. Bresnahan, Esquire, attorney for Richard H. Lewis and Shirley N. Lewis, and being authorized to do so, hereby affirm, under penalty of perjury as set forth in 18PA.

C.S.A. §4904, that the facts set forth in the foregoing PRELIMINARY OBJECTIONS TO DECLARATION OF TAKING are true and correct, to the best of my knowledge, information and belief.

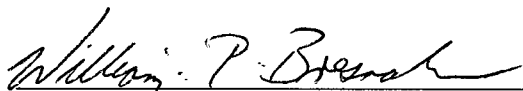
DATE: July 16, 2001

William P. Bresnahan  
William P. Bresnahan

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PRELIMINARY  
OBJECTIONS AND BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO THE  
DECLARATION OF TAKING was mailed this 16<sup>TH</sup> day of July, 2001, by U.S. Mail, First Class,  
Postage Prepaid, to the following party:

William R. Strong, Esquire  
Attorney for Dubois Area School District  
P.O. Box 7  
616 Main Street  
Clarion, PA 16214

A handwritten signature in cursive script, appearing to read "William P. Bresnahan", is written over a horizontal line.

William P. Bresnahan, Esquire  
William P. Bresnahan, II, Esquire

Attorneys for Richard H. Lewis and  
Shirley N. Lewis

FILED

JUL 16 2001

01113515C atty. Barbara  
William A. Shaw  
Prothonotary



CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CONDEMNATION OF REAL ESTATE  
RICHARD H. LEWIS, AL.

VS.

DUBOIS AREA SCHOOL DISTRICT

:  
:  
:  
:  
:CIVIL ACTION  
:  
:NO. 01-948-CD

MOTION FOR CONTINUANCE

DuBois Area School District, by and through his attorney, William R. Strong, files this Motion for Continuance and alleges the following:

1. The Court by notice dated September 6, 2001 established William R. Strong's, brief to be due on or before September 26, 2001 and oral argument scheduled for October 1, 2001 at 3:00 p.m.
2. Attorney Strong will be in Europe for vacation from September 12, 2001 until October 1, 2001.
3. Attorney Strong does not have time to prepare the brief and submit it for oral argument as scheduled.
4. Attorney William P. Bresnahan has been notified of this request for a continuance and he has no objections.

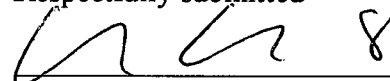
**FILED**

SEP 11 3 2001

**William A. Shaw**  
**Prothonotary**

WHEREFORE, the DuBois Area School District requests that the briefing schedule be reestablished and oral argument scheduled for a later date.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'W. R. Strong', written over a horizontal line.

William R. Strong, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CONDEMNATION OF REAL ESTATE  
RICHARD H. LEWIS, AL.

VS.

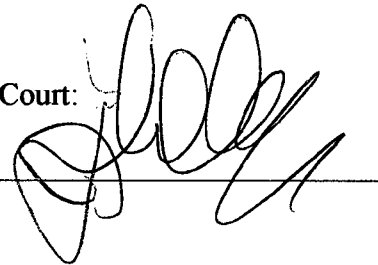
DUBOIS AREA SCHOOL DISTRICT

:  
:  
:  
: CIVIL ACTION  
:  
: NO. 01-948-CD

ORDER

And Now, this 13<sup>th</sup> day of September, 2001, upon presentation of the  
within Motion for Continuance, Attorney Strong's brief shall be due on the 15<sup>th</sup> day of  
October, 2001 and oral argument is scheduled for the 24<sup>th</sup> day of October, 2001  
at the Clearfield County Court House, Court Room No. 1, Clearfield, Pennsylvania  
16830. at 2:30 P.M.

By the Court:



**FILED**

SEP 13 2001

William A. Shaw  
Prothonotary

SEP 13 2001  
William A. Shaw  
Prothonotary  
2001  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL  
ESTATE: Richard H. Lewis and Shirley N.  
Lewis,

Plaintiffs-Condemnees

VS.

DUBOIS AREA SCHOOL DISTRICT,

Defendant-Condemnor

CIVIL DIVISION

NO. 2001-948CD

**PRAECIPE TO WITHDRAW  
PRELIMINARY OBJECTIONS**

EMINENT DOMAIN PROCEEDING

IN REM

FILED ON BEHALF OF: Richard H. Lewis  
and Shirley N. Lewis

COUNSEL IN RECORD FOR THIS  
PARTY:

William P. Bresnahan, Esquire  
Pa. ID No. 00119  
William P. Bresnahan II, Esquire  
Pa. ID No. 85543  
HOLLINSHEAD, MENDELSON,  
BRESNAHAN & NIXON, P.C.  
2901 Grant Building  
310 Grant Street  
Pittsburgh, PA 15219  
(412) 355-7070  
Firm No. 628

**FILED** *no cc*  
JUN 29 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION OF REAL  
ESTATE: Richard H. Lewis and Shirley N.  
Lewis,

CIVIL DIVISION

NO. 2001-948CD

Plaintiffs-Condemnees

VS.


DUBOIS AREA SCHOOL DISTRICT,

Defendant-Condemnor

**PRAECIPE TO WITHDRAW PRELIMINARY OBJECTIONS**

AND NOW COMES Richard H. Lewis and Shirley N. Lewis, by and through their attorneys, Hollinshead, Mendelson, Bresnahan & Nixon, P.C. and William P. Bresnahan, Esquire, and files this Praecipe to Withdraw Condemnees' Preliminary Objections.

DATE: June 27, 2006

  
William P. Bresnahan  
Hollinshead, Mendelson, Bresnahan &  
Nixon, P.C., attorneys for Richard H. Lewis  
and Shirley N. Lewis

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

IN RE: CONDEMNATION OF REAL  
ESTATE OF RICHARD H. LEWIS &  
SHIRLEY N. LEWIS

Condemnees

vs.

DUBOIS AREA SCHOOL DISTRICT,  
Defendant/Condemnor:

NO. 2001 – 948 C.D.

TYPE OF PLEADING:

Stipulation & Order for Settlement

Filed on behalf of: DuBois Area  
School District, Condemnor and  
Richard H. Lewis & Shirley N.  
Lewis, Condemnees

Counsel of record for Condemnor –  
R. EDWARD FERRARO, ESQ.  
Supreme Court No. 05880

FERRARO, KRUK & FERRARO, LLP  
Attorneys at Law  
690 Main Street  
Brockway, PA 15824  
814/268-2202 – phone  
814/265-8740 – fax

Counsel of record for Condemnees  
William P. Bresnahan  
Supreme Court No. 00119

HOLLINSHEAD, MENDELSON,  
BRESNAHAN & NIXON, P.C.  
Attorneys at Law  
2901 Grant Building  
310 Grant Street  
Pittsburgh, PA 15219  
412/355-7070 – phone  
412/281-6099 – fax

**FILED**

SEP 18 2006  
013:10:10  
William A. Shaw  
Prothonotary/Clerk of Courts

4 CENT TO ATTY. FERRARO  
FOR SER

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

IN RE: CONDEMNATION OF REAL  
ESTATE OF RICHARD H. LEWIS &  
SHIRLEY N. LEWIS

Condemnees

vs.

No. 2001 – 948 C. D.

DUBOIS AREA SCHOOL DISTRICT,  
Defendant/Condemnor:

**STIPULATION and ORDER**

**AND NOW**, this 18<sup>th</sup> day of September, 2006, the parties hereto having reached an agreement for the full settlement of the above captioned matter, and desiring that the Court approve the settlement and termination of the within case, the parties herewith stipulate as follows:

1. The Preliminary Objections filed by the Condemnees in the within matter are hereby withdrawn, subject to the terms and conditions of the within Stipulation and Order.

2. The Defendant/Condemnor will amend the Declaration of Taking so as to correct the area condemned in accordance with the Topographic Survey of Alexander & Associates, Inc. dated January 24, 2006, a copy of which is attached hereto, and the area condemned contains 82,715 square feet or 1.899 acres as set forth therein. The description of the said property is incorporated by reference to that said Survey and made a part hereof.

3. The effective date of the taking herein is pursuant to the Declaration of Taking which was filed on June 15, 2001.

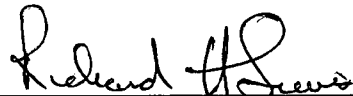
4. In consideration of the land being taken by the said condemnation, the DuBois Area School District agrees to pay to the Condemnees the total sum of THREE HUNDRED EIGHTY TWO THOUSAND FIVE HUNDRED and no/100ths (\$382,500.00) DOLLARS as just compensation for the land taken, each party acknowledging that they have had Appraisals done on their behalf and that the amount being paid is fair and reasonable under all of the circumstances.

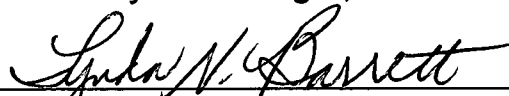
5. Any and all other objections raised by the Condemnees to the within proceeding are hereby withdrawn or waived by Condemnees, and the parties request that your Honorable Court approve said settlement and that the within case be marked as **SETTLED AND ENDED**.

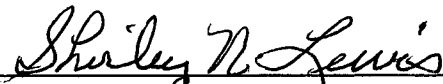
DUBOIS AREA SCHOOL DISTRICT –  
CONDEMNOR

RICHARD H. LEWIS & SHIRLEY  
J. LEWIS - CONDEMNEES

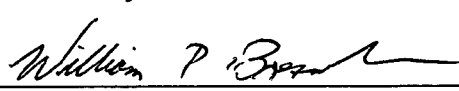
  
Lloyd McCreight, President

  
Richard H. Lewis

  
Linda Barrett, Secretary

  
Shirley J. Lewis

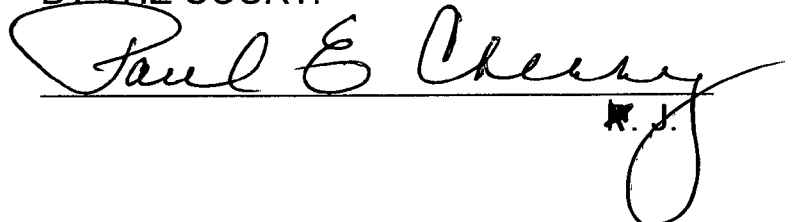
  
R. Edward Ferraro, Esq.  
Attorney for Condemnor

  
William P. Bresnahan, Esq.  
Attorney for Condemnees

**ORDER OF COURT**

**AND NOW**, this 18<sup>th</sup> day of September 2006, the Court having reviewed the above Stipulation as executed by the parties, it is herewith **ORDERED AND DECREED** that the said Stipulation is hereby **APPROVED**, and that the said record shall be marked as **SETTLED AND ENDED**.

BY THE COURT:

  
P. E. Cherry

# ***Alexander & Associates Inc.***

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(Land & GPS Surveying Services)  
112 CHURCH STREET  
P.O. BOX 378  
FALLS CREEK, PA 15840  
(814) 371-5578 (V) (814) 371-5850 (F)  
e-mail: [balexander@adelphia.net](mailto:balexander@adelphia.net)

**Date:**  
**January 30, 2006**

**Prepared  
for:  
DuBois Area School District  
JN2785-06**

**Surveyor:** Lional Alexander, P. L. S.

**Client Address:** Mrs. Sharon Kirk, Superintendent  
500 Liberty Boulevard  
DuBois, PA 15801

## ***Suggested Deed Description:***

ALL that certain piece, parcel or tract of land lying and being situate in the Third Ward Section of The City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows to wit:

**BEGINNING** at a drill hole set in the existing concrete sidewalk, said drill hole being the intersection of the eastern Right-of-Way for North Sixth Street (50' R/W) with the northern Right-of-Way for East DuBois Avenue (50' R/W) (S.R.255), and being the southwest corner of the herein described parcel,

**THENCE;** N 21 degrees 21 minutes 00 seconds E along the eastern Right-of-Way for North Sixth Street (50' R/W) a distance of 114.97 feet to an existing ¾" iron pin,

THENCE; S 66 degrees 37 minutes 45 seconds E along lands now or formerly Richard H. & Shirley N. Lewis (Deed Book 537 Page 228, dated May 2, 1968) a distance of 114.97 feet to an existing 5/8" rebar,

THENCE; N 21 degrees 17 minutes 50 seconds E along lands now or formerly Richard H. & Shirley N. Lewis (Deed Book 537 Page 228, dated May 2, 1968), Lorraine Johnson (Deed Book 459 Page 198, dated May 14, 1957), and The Pennsylvania State University (Deed Book 1773 Page 385, dated July 17, 1996) (Parcel No. 2) a distance of 243.69 feet to an existing 1" iron pipe,

THENCE; S 69 degrees 29 minutes 00 seconds E along lands now or formerly The Pennsylvania State University (Deed Book 1773 Page 385, dated July 17, 1996) (Parcel No. 1) a distance of 35.32 feet to an existing 1" iron pipe,

THENCE; N 21 degrees 03 minutes 15 seconds E along lands now or formerly The Pennsylvania State University (Deed Book 1773 Page 385, dated July 17, 1996) (Parcel No. 1) a distance of 71.56 feet to an existing 3" iron pipe, and being the northwest corner of the herein described parcel,

THENCE; S 55 degrees 07 minutes 00 seconds E along lands now or formerly The DuBois Area School District (Deed Book 486 Page 363, dated August 26, 1960) a distance of 149.20 feet to an existing concrete monument, and being the northeast corner of the herein described parcel,

THENCE; S 23 degrees 47 minutes 00 seconds W along lands now or formerly The DuBois Area School District (Deed Book 486 Page 363, dated August 26, 1960) and along the western line of the "School Mall Road" (100' R/W) (DuBois City Council Bill No. 1339, dated May 22, 1978) (Ordinance No. 1272) a distance of 401.49 feet to a drill hole set in a concrete sidewalk, and being the southeast corner of the herein described parcel,

THENCE; N 66 degrees 43 minutes 00 seconds W along the northern Right-of-Way for East DuBois Avenue (50' R/W) (S.R. 255) a distance of 277.79 feet to the place of beginning.

Containing 82,715 square feet or 1.899 Acres.

Together with a two (2) story frame dwelling and a two (2) story concrete block building.

Being subject to any utility easements or Rights-of-Way that may be of record.

Being parcel number 5420 on the City of DuBois Assessment Map Number 17.

Being a portion of lands conveyed to Richard H. & Shirley N. Lewis by The Estate of Hollis L. Lewis, dated October 13, 1994 and recorded in Deed Book 1647 Page 336

**BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of January 27, 2006, is referenced as JN2785-06, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.**

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**Lional Alexander**  
**Professional Land Surveyor**  
**SU-22887-E**



