

01-978-CD
IN-RE: CONDEMNATION - CITY OF DUBOIS

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 228, IN
THE CITY OF DUBOIS

NO. 2001-978-CO

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 20 2001
2001-978-CO
William A. Shaw
Prothonotary
80.-
2 chrs to Comm.

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 Instrument No. 200107339 at Map File No. 2309 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 required channel 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, Gary C. Fawver, P.E., Chief, Right of Way & Utilities Division, 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 required channel easement are hereby condemned from the property identified on the attached Schedule of Property Condemned, as indicated on the plans referenced in paragraph 7 above.



Gary C. Fawver, P.E., Chief, Right of Way &
Utilities Division

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 228,
IN THE CITY OF DUBOIS

DECLARATION OF TAKING

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

RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED

(Declaration of Taking)



REMIS Proj. No.	020043
County	Clearfield
Fed. Proj. No.	Q12-0049-127
Municipality	City of DuBois
Route-Sec.	0219-228

***TYPE OF DESCRIPTION**

- D- Deed Description
P- Plan lodged for recording with Notice of Condemnation
R- Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	*Type of Description	Plan (if any) Recorded in
70	17000820000	<p>The Erickson Corporation (A Pennsylvania Corporation) CEO: Don H. Erickson III P. O. Box 257 DuBois, PA 15801</p> <p>LOCATION OF CONDEMNED PROPERTY Deed Book 857 Page 484</p>		R	<p>Clearfield County Instrument No. 200107339 Map File No. 2309 Sheet 41</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 228, IN THE CITY OF
DUBOIS

NO.

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: June 13, 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 228,
IN THE
CITY OF DUBOIS

PRAECIPE TO ENTER APPEARANCE

Filed, _____, 20
_____ A.M. _____ P.M.

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
0219, SECTION 228, IN THE CITY OF DUBOIS

NO. 2001-978-CD

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 20, 2001, was recorded in the office of the Recorder of Deeds of the above county in Instrument No. 200109396.

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 Hnat
Michael Hnat
District Right of Way Administrator
Engineering District No. 2-0

FILED

JUN 27 2001
013112/01
William A. Shaw
Prothonotary

2 c. and to P. Hnat

ERB

RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



REMIS Proj. No.	020043
County	Clearfield
Fed. Proj. No.	Q12-0049-127
Municipality	City of DuBois
Route-Sec.	0219-228

***TYPE OF DESCRIPTION**

- D- Deed Description
 P- Plan lodged for recording with Notice of Condemnation
 R- Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	*Type of Description	Plan (if any) Recorded in
70	17000820000	<p>The Erickson Corporation (A Pennsylvania Corporation) CEO: Don H. Erickson III P. O. Box 257 DuBois, PA 15801</p> <p>LOCATION OF CONDEMNED PROPERTY Deed Book 857 Page 484</p>		R	<p>Clearfield County Instrument No. 200107339 Map File No. 2309 Sheet 41</p>

FILED

JUN 27 2001

William A. Shaw
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 228, IN THE TOWNSHIP OF
SANDY AND CITY OF DUBOIS

NO. 2001-978-CD

EMINENT DOMAIN PROCEEDING IN REM

PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

:SS

COUNTY OF CLEARFIELD

:

Michael 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 25, 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.

A handwritten signature in black ink, appearing to be "Michael Hnat", is written over a horizontal line.

District Right-of-Way Administrator

Sworn to and subscribed before me

A handwritten signature in black ink, appearing to be "Gary J. Bojalad", is written over a horizontal line.

Notary Public

My Commission Expires: January 5, 2004

Notarial Seal
Gary J. Bojalad, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Jan. 5, 2004

FILED

JUL 02 2001

William A. Shaw
Prothonotary

RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED
 (Declaration of Taking)



REMIS Proj. No.	020043
County	Clearfield
Fed. Proj. No.	Q12-0049-127
Municipality	City of DuBois
Route-Sec.	0219-228

*TYPE OF DESCRIPTION	
D-	Deed Description
P-	Plan lodged for recording with Notice of Condemnation
R-	Plan now recorded in Recorder's Office

Parcel No.	Claim Number	Name, Mailing Address, Property Interest of Condemnees, and Location of Condemned Property	Attached Exhibit Number (if any)	*Type of Description	Plan (if any) Recorded in
70	17000820000	<p>The Erickson Corporation (A Pennsylvania Corporation) CEO: Don H. Erickson III P. O. Box 257 DuBois, PA 15801</p> <p>LOCATION OF CONDEMNED PROPERTY Deed Book 857 Page 484</p>		R	<p>Clearfield County Instrument No. 200107339 Map File No. 2309 Sheet 41</p>

FILED
3:29
JUL 02 2001

William A. Shaw
Prothonotary

2CC - Nebel
Lynn
Er
KEL