

02-1436-CD  
In Re; Lawrence Twp Stanley B Owens

02

02-1436-CD  
IN RE: LAWRENCE TOWNSHIP, STANLEY B. OWENS

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

IN RE: CONDEMNATION BY  
LAWRENCE TOWNSHIP OF AN  
EASEMENT ON PROPERTY OWNED  
BY STANLEY B. OWENS, KNOWN AS  
CLEARFIELD COUNTY ASSESSMENT  
MAP NUMBER 123-L8-39

No. 02 - 1436 - CD

Type of Pleading:

**DECLARATION OF TAKING**

Filed on behalf of:  
Lawrence Township

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

211 1/2 E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED**

SEP 18 2002

01/31/21 atty Naddeo

William A. Shaw  
Prothonotary

pd 80.00

noce

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

IN RE: CONDEMNATION BY \*  
LAWRENCE TOWNSHIP OF AN \*  
EASEMENT ON PROPERTY OWNED \* No. 02 - - CD  
BY STANLEY B. OWENS, KNOWN AS \*  
CLEARFIELD COUNTY ASSESSMENT \*  
MAP NUMBER 123-L8-39 \*

**DECLARATION OF TAKING**

NOW COMES, Lawrence Township, Clearfield County, Pennsylvania, and files the following Declaration of Taking:

1. The Condemnor is Lawrence Township, a second class township with its offices at P.O. Box 508, George Street, Clearfield, Pennsylvania 16830.

2. This condemnation is authorized by Section 3401-3407 of the Second Class Township Code, 53 P.S. 68401-68407, as amended and supplemented.

3. This Declaration of Taking was authorized by resolution duly passed by Lawrence Township at a regular meeting held on September 3, 2002. The record thereof, including a copy of the Resolution, may be examined at the office of the Township at P.O. Box 508, George Street, Clearfield, Pennsylvania, 16830, during regular business hours.

4. The purpose of this condemnation is to acquire an easement for the purposes of the Township's rehabilitation and extension of its sewer system and related facilities.

5. The property condemned are shown on plats thereof annexed to this Declaration of Taking as a part hereof, which property is identified by the following plat number, assessment number and owner(s) as known to the Township.

<u>Plat Number</u>	<u>Map Number</u>	<u>Owner(s)</u>
8HREC14 & 8HREC14A	123-L8-39	Stanley B. Owens

Copies of the Plats annexed hereto are also being lodged for record concurrent with the filing herewith in the Office of the Recorder of Deeds of Clearfield County in accordance with Section 404 of the Eminent Domain Code, Act of June 22, 1964, Sp. Sess., P.L. 84, Art I Section 404, as amended, Act of December 5, 1969, P.L. 316, Section 1 and Act of December 29, 1971, P.L. 636, No. 169 Section 2, 26 P.S. Section 1-404.

6. The nature of the title acquired in and to property described in Paragraph 5 hereof is a permanent, exclusive and sufficient easement, right-of-way, rights, and privileges for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing sewage facilities over, under, across, upon and through the easement area as shown on the Plat, with the temporary right during construction to use an additional area of the surface of the property also shown on the Plat to construct and install within the permanent easement area the facilities to be

constructed with rights to do all things necessary, convenient and required to carry out the construction within the permanent easement area.

7. The construction plans of the Township showing the facilities to be constructed and installed as well as the condemned property may be inspected at the office of the Township at P.O. Box 508, George Street, Clearfield, PA 16830, during regular business hours.

8. Just compensation for this condemnation is secured by the Bond of the Township, without surety, in accordance with Section 403 of the Eminent Domain Code, 26 P.S. Section 1-403(a) which is being filed contemporaneously herewith.

ATTEST:

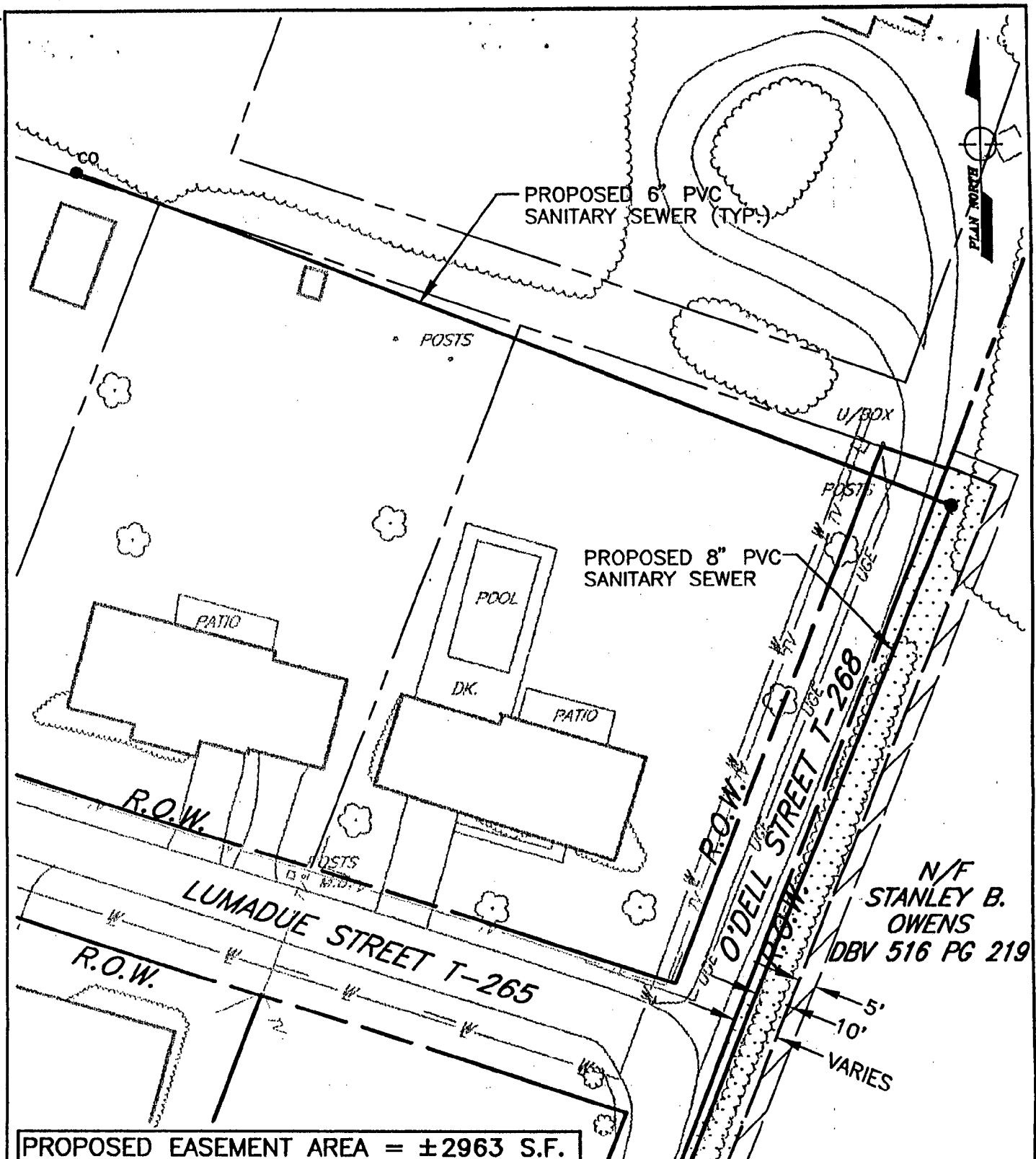
LAWRENCE TOWNSHIP

By:

Barbara Shaffner  
Barbara Shaffner, Secretary

William D. Lawhead  
William D. Lawhead, Chairman

"Seal"



PROPOSED EASEMENT AREA =  $\pm 2963$  S.F.  
 TEMPORARY EASEMENT AREA =  $\pm 1153$  S.F.  
 EASEMENT LENGTH =  $\pm 215$  L.F.

TOTAL PROPOSED EASEMENT AREA =  $\pm 5230$  S.F.  
 TOTAL TEMPORARY EASEMENT AREA =  $\pm 2445$  S.F.  
 TOTAL EASEMENT LENGTH =  $\pm 454$  L.F.

MATCH TO PLAT 8HREC14A

GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.

#### LEGEND

- TEMPORARY EASEMENT
- UTILITY EASEMENT
- PROPOSED SANITARY SEWER AND MANHOLE
- PROPERTY LINE
- RIGHT-OF-WAY LINE

#### NOTES:

1. PROPERTY LINE LOCATIONS WERE COMPILED FROM DEEDS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY.
2. PERMANENT SANITARY SEWER EASEMENT TO BE 20'-0" WIDE UNLESS OTHERWISE NOTED.
3. TEMPORARY CONSTRUCTION EASEMENT TO BE 5'-0" WIDE UNLESS OTHERWISE NOTED.

**STIFFLER, McGRAW  
& ASSOCIATES, INC.**

*Consulting Engineers  
& Surveyors*

19 North Juniata Street  
 P.O. Box 462  
 Hollidaysburg, PA 16648  
 (814) 696-6280

DRAFT SHOWING  
**SANITARY SEWER EASEMENT**  
 TO BE ACQUIRED BY  
**LAWRENCE TOWNSHIP SUPERVISORS**  
 FROM  
**STANLEY B. OWENS**  
 SITUATE  
**LAWRENCE TOWNSHIP**  
**CLEARFIELD COUNTY, PENNSYLVANIA**

SCALE:

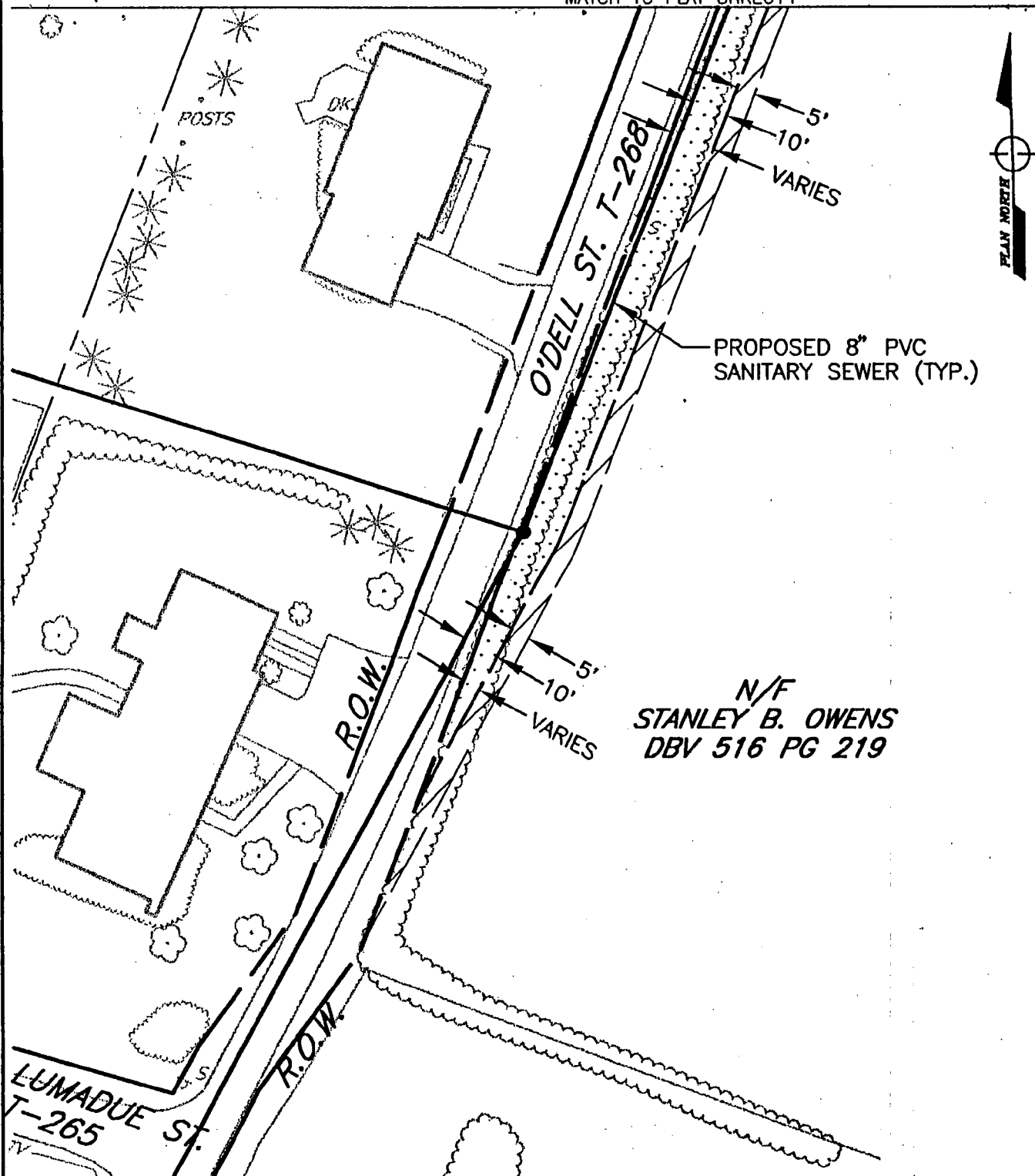
1" = 40'

DATE:

6/25/02

PLAT NO.

8HREC14



PROPOSED 8" PVC  
SANITARY SEWER (TYP.)

N/F  
STANLEY B. OWENS  
DBV 516 PG 219

### GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.

PROPOSED EASEMENT AREA =  $\pm 2267$  S.F.  
TEMPORARY EASEMENT AREA =  $\pm 1292$  S.F.  
EASEMENT LENGTH =  $\pm 239$  L.F.

TOTAL PROPOSED EASEMENT AREA =  $\pm 5230$  S.F.  
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LAWRENCE TOWNSHIP  
CLEARFIELD COUNTY, PENNSYLVANIA

SCALE:

1"=40'

DATE:

6/25/02

PLAT NO.

8HREC14A

**JAMES A. NADDEO**  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

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

IN RE: CONDEMNATION BY  
LAWRENCE TOWNSHIP OF AN  
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BY STANLEY B. OWENS, KNOWN AS  
CLEARFIELD COUNTY ASSESSMENT  
MAP NUMBER 123-L8-39

No. 02 - 1436 - CD

**FILED**

NOTICE

SEP 16 2002

TO: Stanley B. Owens  
P.O. Box 239  
DuBois, PA 15801

William A. Shaw  
Prothonotary

**You are hereby notified** in accordance with Section 405 of the Pennsylvania Eminent Domain Code, 26 P.S. Section 1-405 that a Declaration of Taking was filed in the Office of the Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania on September 16, 2002, to Docket No. 02-1436 -CD by Lawrence Township, P.O. Box 508, George Street, Clearfield, PA 16830, by which property to which you are the owner(s) as known to the Authority has been condemned.

A true copy of the Declaration of Taking as filed is annexed hereto as Exhibit "A".

The property condemned is shown on a plat thereof annexed hereto as Exhibit "B".

You are further notified that if you wish to challenge the power or the right of Lawrence Township to appropriate the condemned property, the sufficiency of the security, the procedure followed by Lawrence Township or the Declaration of Taking, you are required to file preliminary objections within thirty (30) days after service of this Notice.

**FILED**

SEP 16 2002

0131216 atty  
William A. Shaw  
Prothonotary  
1cc atty

  
James A. Naddeo, Esquire  
Counsel to Lawrence Township

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

IN RE: CONDEMNATION BY \*  
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EXHIBIT M

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8HREC14 & 8HREC14A	123-L8-39	Stanley B. Owens

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ATTEST:

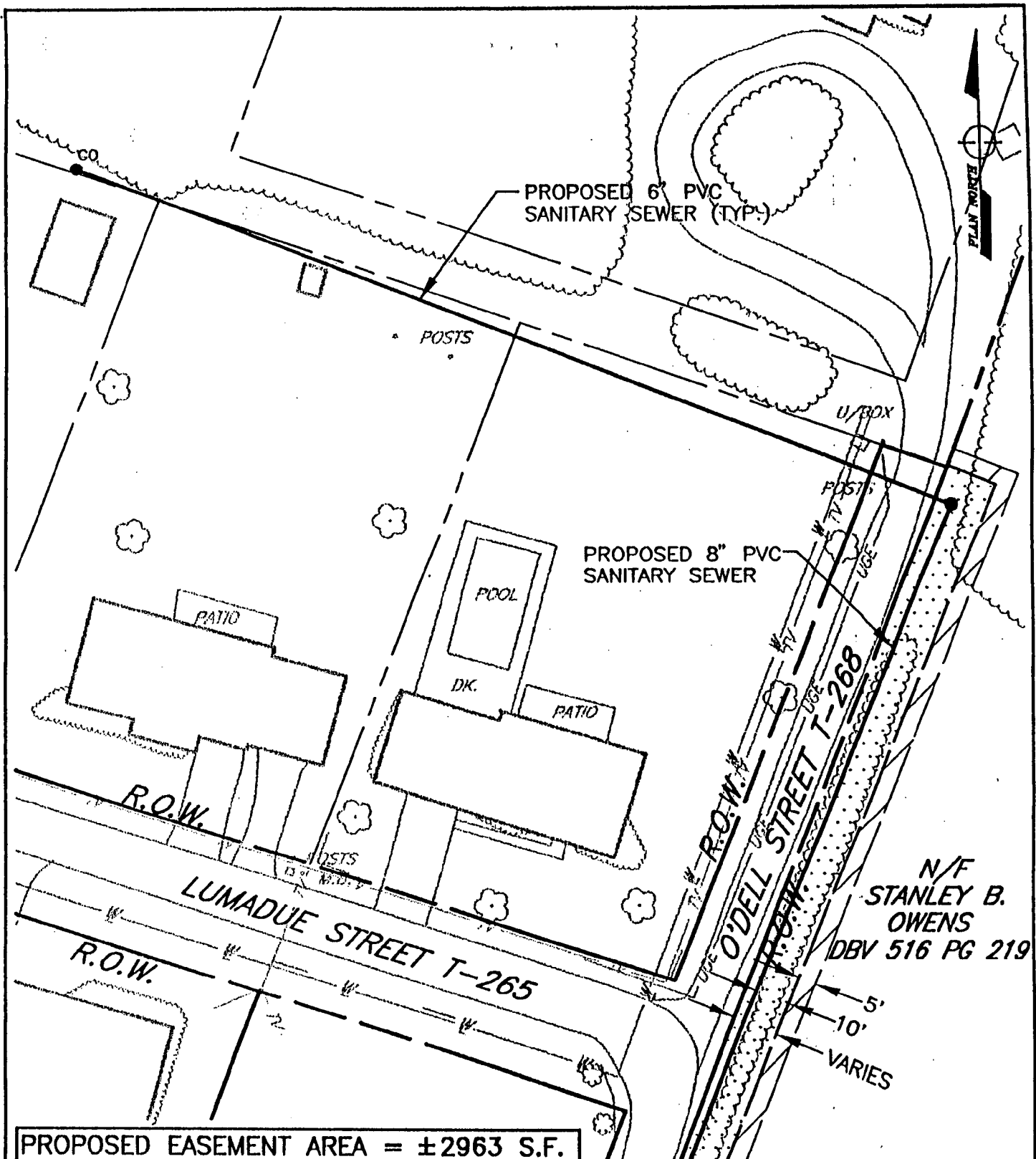
LAWRENCE TOWNSHIP

By:

Barbara Shaffner  
Barbara Shaffner, Secretary

William D. Lawhead  
William D. Lawhead, Chairman

"Seal"



MATCH TO PLAT 8HREC14A

### GRAPHIC SCALE



( IN FEET )

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**STIFFLER, McGRAW  
& ASSOCIATES, INC.**

*Consulting Engineers  
& Surveyors*

19 North Juniata Street  
P.O. Box 402  
Hollidaysburg, PA 16648  
(814) 696-6280

DRAFT SHOWING  
**SANITARY SEWER EASEMENT**  
TO BE ACQUIRED BY  
LAWRENCE TOWNSHIP SUPERVISORS  
FROM  
**STANLEY B. OWENS**  
SITUATE  
LAWRENCE TOWNSHIP  
CLEARFIELD COUNTY, PENNSYLVANIA

EXHIBIT "B"

SCALE:

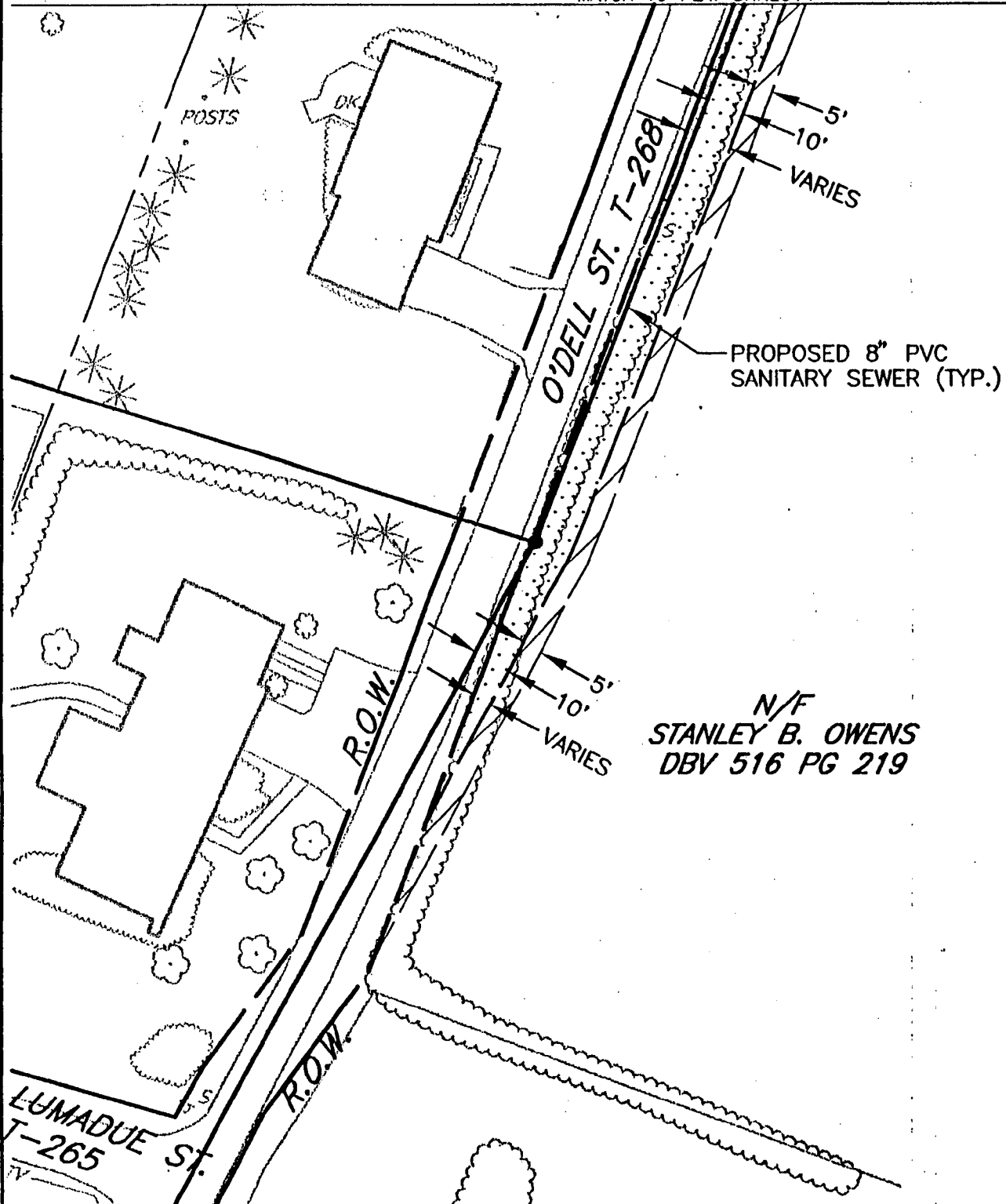
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DATE:

6/25/02

PLAT NO.

8HREC14



N/F  
STANLEY B. OWENS  
DBV 516 PG 219

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**STANLEY B. OWENS**  
SITUATE  
LAWRENCE TOWNSHIP  
CLEARFIELD COUNTY, PENNSYLVANIA

SCALE:

1" = 40'

DATE:

6/25/02

PLAT NO.

8HREC14A

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

IN RE: CONDEMNATION BY \*  
LAWRENCE TOWNSHIP OF AN \*  
EASEMENT ON PROPERTY OWNED \* No. 02 - 1436 - CD  
BY STANLEY B. OWENS, KNOWN AS \*  
CLEARFIELD COUNTY ASSESSMENT \*  
MAP NUMBER 123-L8-39 \*

BOND

KNOW ALL MEN BY THESE PRESENTS, THAT LAWRENCE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, a Second Class Township, with its office at P.O. Box 508, George Street, Clearfield, Pennsylvania 16830, hereafter called "OBLIGOR" is held and firmly bound unto the Commonwealth of Pennsylvania, hereinafter called "OBLIGEE" for the use and benefit of the owner or owners of the property interests condemned, the condition of which shall be that the OBLIGOR shall pay such damages as shall be determined by law.

WHEREAS, Lawrence Township, the OBLIGOR herein, shall pay or cause to be paid such amount of damages as the said owner(s) of the property interest shall be entitled to by reason of such condemnation, after the same shall have been agreed upon or assessed in the manner provided by law, then this obligation shall be void; otherwise, to remain in full force and effect.

**FILED**

SEP 16 2002

0/3/12/120CC

William A. Shaw  
Prothonotary

ATTEST:

LAWRENCE TOWNSHIP

By:

Barbara Shaffner  
Barbara Shaffner, Secretary

William D. Lawhead  
William D. Lawhead, Chairman

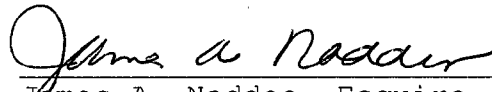
"Seal"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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BY STANLEY B. OWENS, KNOWN AS \*  
CLEARFIELD COUNTY ASSESSMENT \*  
MAP NUMBER 123-L8-39 \*

**MEMORANDUM OF RECORDING**  
**NOTICE OF CONDEMNATION**

In accordance with Section 404 of the Eminent Domain Code, 26 P.S. Section 1-404, now comes Lawrence Township, by its counsel, James A. Naddeo, Esquire, and files this Memorandum that on the 16<sup>th</sup> day of September, 2002, a Notice of this condemnation was recorded with the Recorder of Deeds of Clearfield County and is of the record as Instrument Number 2002 14800.

  
James A. Naddeo, Esquire  
Counsel to Lawrence Township

**FILED**

SEP 18 2002  
013081 no cc  
William A. Shaw  
Prothonotary *WAS*

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

IN RE: CONDEMNATION BY \*  
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CLEARFIELD COUNTY ASSESSMENT \*  
MAP NUMBER 123-L8-39 \*

No. 02 - 1436 - CD

Type of Pleading:

**AFFIDAVIT**

Filed on behalf of:  
Lawrence Township

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

211 1/2 E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED**

OCT 17 2002

William A. Shaw  
Prothonotary

# AFFIDAVIT OF PROCESS SERVER

(NAME OF COURT)

VS.

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Stanley D Owens

with the (documents)

by serving

NAME

RELATIONSHIP

at ☒ Home 126 1/2 Evergreen St Dubois P. 15801

☐ Business

on 10-10-02 at 5:30 PM

Thereafter copies of the documents were mailed by prepaid, first class mail on

from \_\_\_\_\_ DATE \_\_\_\_\_  
CITY STATE

Manner of Service: ☒ By personally delivering copies to the person/authorized agent of entity being served.

☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.

☐ By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household 18 or older and explaining the general nature of the papers.

☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s).

☐ Unknown at Address ☐ Evading ☐ Moved, Left no Forwarding ☐ Other  
☐ Address Does Not Exist ☐ Service Cancelled by Litigant ☐ Unable to Service in a Timely Fashion

Service Attempts: Service was attempted on ( )

(X) 10-8-02 11:30 AM ( ) \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_  
DATE TIME DATE TIME DATE TIME

Description:

Age 60 Sex M Race W Hgt. 5'10 Wgt. 180 Hair Gray Glasses Y

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on

at \_\_\_\_\_ DATE \_\_\_\_\_  
CITY STATE

State of PA  
County of CLEARFIELD

Sworn to and subscribed before me this  
day of October, 2002

RICHARD A. IRELAND  
District Justice, State of Pennsylvania  
No. 46-3-02, Clearfield County  
Term Expires Jan. 3, 2006

SIGNATURE OF PROCESS SERVER

NOTARY PUBLIC

JAMES A. NADDEO  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

FILED

01/10:48 PM  
OCT 17 2002

WCC

William A. Shaw  
Prothonotary

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

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MAP NUMBER 123-L8-39 \*

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Type of Pleading:

**PRAECIPE TO SETTLE  
AND DISCONTINUE**

Filed on behalf of:  
Lawrence Township

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

211 1/2 E. Locust Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED**

MAR 11 2003

William A. Shaw  
Prothonotary

2

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

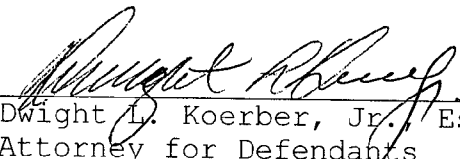
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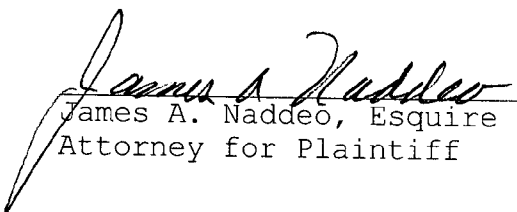
**PRAECIPE TO SETTLE AND DISCONTINUE**

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and discontinued.

  
Dwight L. Koerber, Jr., Esquire  
Attorney for Defendants

  
James A. Naddeo, Esquire  
Attorney for Plaintiff

JAMES A. NADDEO  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
PO. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

MAR 10 1983

Lap over margin

William A. Shaw  
Prothonotary

MAR 11 2003

FILED

01/11/15-2021

NO CC

(m)

2 Disc. to Atty Naddeo  
Copy of Disc. to CIA

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

**In Re: Condemnation by  
Lawrence Township of an  
easement on property owned  
by Stanley B. Owens, known as  
Clearfield County Assessment  
Map Number 123-L8-39**

**No. 2002-01436-CD**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 11, 2003, marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 11th day of March A.D. 2003.

---

William A. Shaw, Prothonotary