

02-1439-CD
In Re: Lawrence Twp John D. Rodkey



02-1439-JD *John + Julius Rooney*
IN RE: LAWRENCE TOWNSHIP

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
EASEMENT ON PROPERTY OWNED
BY JOHN DAVID RODKEY AND
JOYCE E. RODKEY, KNOWN AS
CLEARFIELD COUNTY ASSESSMENT
MAP NUMBER 123-K8-37

No. 02 - 1439 - 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 16 2002

013.121 atty Naddeo
William A. Shaw
Prothonotary pd 80.00

no cc

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 JOHN DAVID RODKEY AND *
JOYCE E. RODKEY, KNOWN AS *
CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-K8-37 *

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>
8HREC18	123-K8-37	John David Rodkey & Joyce E. Rodkey

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.

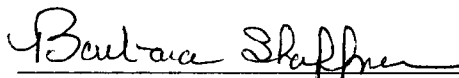
7. The construction plans of the Township showing the facilities to be constructed and installed as well as the condemned property may be inspected at the office of the Township at P.O. Box 508, George Street, Clearfield, PA 16830, during regular business hours.

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:

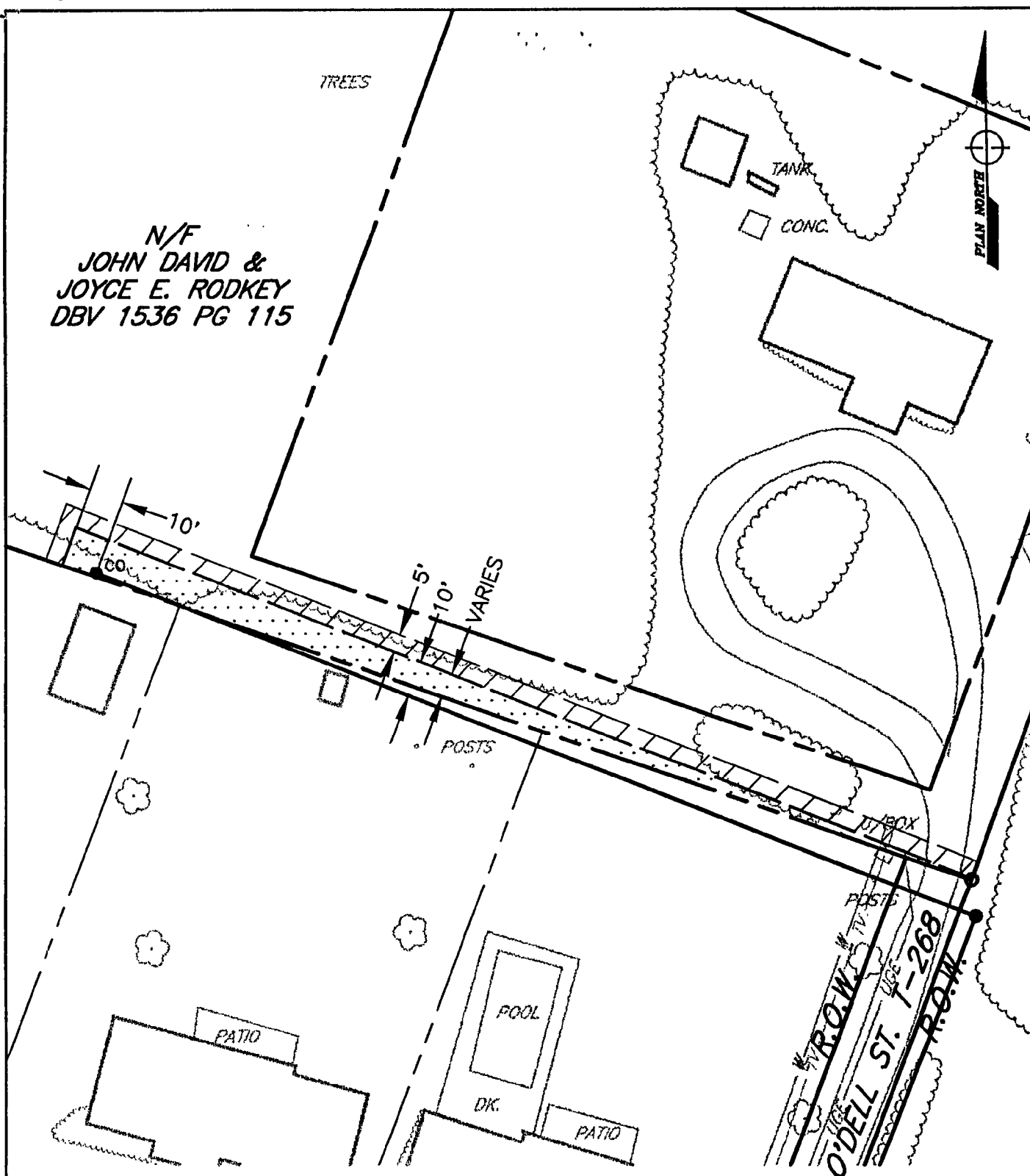
LAWRENCE TOWNSHIP

By:


Barbara Shaffner, Secretary


William D. Lawhead, Chairman

"Seal"






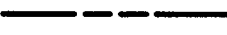

PROPOSED EASEMENT AREA = ± 1673 S.F.
 TEMPORARY EASEMENT AREA = ± 1475 S.F.
 EASEMENT LENGTH = ± 278 L.F.

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 16848
 (814) 696-6280

DRAFT SHOWING
SANITARY SEWER EASEMENT
 TO BE ACQUIRED BY
LAWRENCE TOWNSHIP SUPERVISORS
 FROM
JOHN DAVID & JOYCE E. RODKEY
 SITUATE
LAWRENCE TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA

SCALE:

1"=40'

DATE:

6/25/02

PLAT NO.

8HREC18

• • •

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

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 - 1439 - CD
BY JOHN DAVID RODKEY AND *
JOYCE E. RODKEY, KNOWN AS *
CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-K8-37 *

NOTICE

TO: John David Rodkey
RD3 Box 281A
Clearfield, PA 16830

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. 02-1439-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".

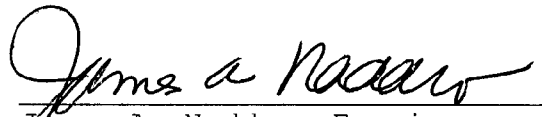
The property condemned is shown on a plat thereof annexed hereto as Exhibit "B".

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 18 2002

0131211cc atty Naddeo
William A. Shaw
Prothonotary


James A. Naddeo, Esquire
Counsel to Lawrence Township

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

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BY JOHN DAVID RODKEY AND *
JOYCE E. RODKEY, KNOWN AS *
CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-K8-37 *

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.

EXHIBIT 11A

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>
8HREC18	123-K8-37	John David Rodkey & Joyce E. Rodkey

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"

REFERENCES

TANAR

CONC

PLAN NORTH

-10.

5.
10.
VARIES

POSTS

~~石印本~~

44-38861-1057

R.O.W. # 72
O'DELL ST. 402
1-268
R.O.

1 inch = 40 ft.

UTILITY EASEMENT

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.

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

TO BE ACQUIRED BY

LAWRENCE TOWNSHIP SUPERVISORS
FROM

JOHN DAVID & JOYCE E. RODKEY

SITUATE

**LAWRENCE TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA**

EXHIBIT 'B'

SCALE:

 $1'' = 40'$

DATE:

6/25/02

PLAT NO.

8HREC18

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

Lap over margin

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MAP NUMBER 123-K8-37 *

NOTICE

TO: Joyce E. Rodkey
RD3 Box 281A
Clearfield, PA 16830

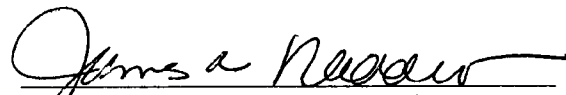
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FILED


James A. Naddeo, Esquire
Counsel to Lawrence Township

SEP 16 2002
0131211cc Atty Naddeo
William A. Shaw
Prothonotary

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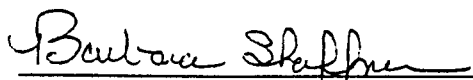
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ATTEST:

LAWRENCE TOWNSHIP

By:


Barbara Shaffner, Secretary


William D. Lawhead, Chairman

"Seal"

JAMES A.
ATTORNEY
211 1/2 EAST
P.O.
CLEARFIELD, PA

Lap over margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JOYCE E. RODKEY, KNOWN AS *
CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-K8-37 *

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 18 2002

013121noc

William A. Shaw
County Clerk

ATTEST:

LAWRENCE TOWNSHIP

By:

Barbara Shaffner
Barbara Shaffner, Secretary

William D. Lawhead
William D. Lawhead, Chairman

"Seal"

FILED

ND CC

01/10/21/6/28/

SEP 17 2002

Handwritten initials

William A. Shaw
Prothonotary

JAMES A. NADDEO

ATTORNEY AT LAW

211 1/2 EAST LOCUST STREET

P.O. BOX 352

CLEARFIELD, PENNSYLVANIA 16830

Lap over margin

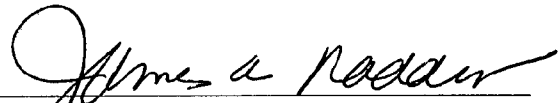
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CLEARFIELD COUNTY ASSESSMENT *
MAP NUMBER 123-K8-37 *

No. 02 - 1439 - CD

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 16th 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 200214801.


James A. Naddeo, Esquire
Counsel to Lawrence Township

FILED

SEP 17 2002

William A. Shaw
Prothonotary

FILED ^{NCC}
OCT 17 2002
OCT 10:48

William A. Shaw
Prothonotary

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

Lap over margin

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MAP NUMBER 123-K8-37 *

No. 02 - 1439 - 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 John R. Rodkey and Joyce Rodkey

with the (documents)

by serving Joyce Rodkey

NAME

wife

RELATIONSHIP

at ☒ Home R.D.3 Box 281A Clearfield Pa 16830

☐ Business

on Oct. 7, 2002

at 5:00 PM

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

from

CITY

STATE

DATE

- 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 ()

() DATE TIME () DATE TIME () DATE TIME

Description:

Age 60 Sex F Race Wh Hgt. 5'6" Wgt. 125 Hair Ba Glasses N

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

at

CITY

STATE

DATE

State of PA
County of CLEARFIELD

Sworn to and subscribed before me this 11
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