

03-1459-CD  
TN RE: STATE ROUTE 322, SECTION A&3, et al

FILED

SEP 29 2003

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY  
THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT  
OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0322, SECTION A03,  
IN THE TOWNSHIP OF DECATUR

NO. 03-1459-CD

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.

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on July 19, 2002, titled "Drawings Authorizing Acquisition of Right-of-Way for State Route 0322 Section A03 R/W in Clearfield County in Centre County and State Route 0322 Section C08 R/W in Centre County also State Route 3044 Section C08 R/W in Centre County," a copy of which plan was filed in the County Recorder's Office in Instrument Number 200301712 on February 5, 2003. The aforesaid plan was revised and reauthorized by signature of the Secretary of Transportation on August 25, 2003, a copy of which plan was filed in the aforesaid County Recorder's Office in Instrument Number 200316200 on September 8, 2003.

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.

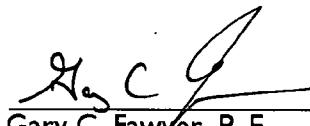
9. In the event there are recoverable minerals (including gas and oil) within the areas, if any, hereby condemned in fee simple, the mineral rights (including rights to gas and oil) in those areas are hereby excepted and reserved from this condemnation, provided, however, that the right of support of 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 of the Utilities and Right-of-Way Section 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 is 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, Utilities and Right-of-Way Section

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 0322, SECTION A03,  
IN THE TOWNSHIP OF DECATUR

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DECLARATION OF TAKING

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Christopher J. Clements  
Assistant Counsel in Charge, R/W  
ID Number 44699

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

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

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OF RIGHT-OF-WAY FOR  
STATE ROUTE 0322, SECTION A03,  
IN THE TOWNSHIP OF DECATUR

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 Pennsylvania State Office Building, 300 Liberty Avenue, Pittsburgh PA 15222, and  
Christopher J. Clements, Assistant Counsel in Charge, R/W, 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.



\_\_\_\_\_  
Christopher J. Clements  
Assistant Counsel in Charge, R/W

Michael J. Creighton  
Assistant Counsel in Charge

Dated: 22 Sept. 03

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY  
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DEPARTMENT OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0322, SECTION A03,  
IN THE TOWNSHIP OF DECATUR

PRAECEIPE TO ENTER APPEARANCE

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

\_\_\_\_ A.M.      \_\_\_\_ P.M.

Commonwealth of Pennsylvania  
Department of Transportation

Office of Chief Counsel  
P. O. Box 8212  
Harrisburg PA 17105-8212  
Telephone Number (717) 787-3128

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

REMIS Proj. No.	020059
County	Clearfield
Fed. Proj. No.	100% State
Municipality	Decatur Township
Route-Sec.	0322-A03

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



PENNDOT

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
2	17001840000	<p>Harpster of Philipsburg, Inc.  Douglas W. Harpster, Secretary  408 Airport Road  PO Box 429  Philipsburg, PA 16866</p> <p>Location: Instrument No. 199911985</p>	R	Clearfield County Inst. #200301712 Sheet 31	
	17001840010	<p>Tri-Mount, Inc., d/b/a NAPA Auto Parts, Tenant  David S. Edmiston, President  903 North Front Street  Philipsburg, PA 16866</p> <p>As Their Interest May Appear</p>			

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY  
THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT  
OF TRANSPORTATION,  
OF RIGHT-OF-WAY FOR  
STATE ROUTE 0322, SECTION A03,  
IN THE TOWNSHIP OF DECATUR

NO. 1459-CD TERM, 2003

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 September 29, 2003, was recorded in the office of the Recorder of Deeds of the above county in Inst. No. 200317583. 1 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 Shaw

District Right-of-Way Administrator

Engineering District 2-0

FILED

OCT 06 2003

0/3:10/1

William A. Shaw  
Prothonotary/Clerk of Courts

2 c Encl to Penn  
Dow

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF TRANSPORTATION**  
**SCHEDULE OF PROPERTY CONDEMNED**  
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IN RE: CONDEMNATION BY THE  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, OF  
THE RIGHT-OF-WAY FOR STATE ROUTE  
0322, SECTION A03, IN THE TOWNSHIP OF  
DECATUR

NO. 03-1459-CD

EMINENT DOMAIN PROCEEDING IN REM

PROOF OF SERVICE

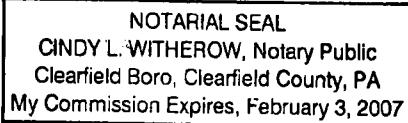
COMMONWEALTH OF PENNSYLVANIA:

:ss

COUNTY OF CLEARFIELD

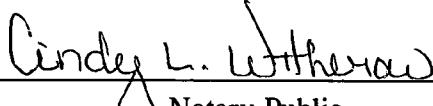
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Michael Hnat, being duly sworn accordance to law, deposes and says that he is District Right-of-Way Administrator of District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before September 30, 2003, notice of the filing 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.



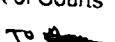
  
Michael Hnat  
District Right-of-Way Administrator

Sworn to and subscribed before me

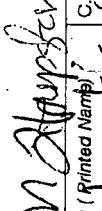
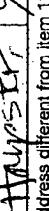
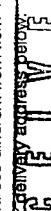
  
\_\_\_\_\_  
Cindy L. Withrow  
Notary Public

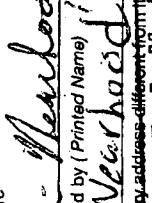
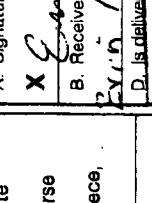
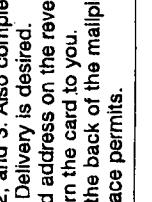
My Commission Expires: February 3, 2007

FILED

OCT 06 2003  
0/3:10/03  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 Cents to   
PENNDOT  


<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>											
<b>For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a></b>											
<b>OFFICIAL BUSINESS</b>											
<table border="1"> <tr> <td>Postage</td> <td>\$ 1.00</td> </tr> <tr> <td>Certified Fee</td> <td>\$ 3.00</td> </tr> <tr> <td>Return Recipient Fee (Endorsement Required)</td> <td>\$ 1.75</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td>\$ .25</td> </tr> <tr> <td colspan="2">           Total Postage &amp; Fees  <b>\$ 4.65</b> </td> </tr> </table>		Postage	\$ 1.00	Certified Fee	\$ 3.00	Return Recipient Fee (Endorsement Required)	\$ 1.75	Restricted Delivery Fee (Endorsement Required)	\$ .25	Total Postage & Fees <b>\$ 4.65</b>	
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Total Postage & Fees <b>\$ 4.65</b>											
<b>Sent To:</b> <i>Hans Peter of Shippensburg</i> <b>Street:</b> <i>100 Main Street</i> <b>Apartment No.:</b> <i>401</i> <b>or PO Box No.:</b> <i>414</i> <b>City/State:</b> <i>Shippensburg, PA 17257</i> <b>Zip/Postal Code:</b> <i>16801</i>											
<small>PS Form 3800, June 2002</small>											

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <input type="checkbox"/> Date of Delivery  OCT 1 2003</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>D. Service Type <input type="checkbox"/> Air Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Insured Mail <input type="checkbox"/> Recipient of Merchandise</p> <p>E. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Harpster of Philipsburg Doug Harpster, Secretary 408 Airport Rd. Philipsburg, PA 16866</p>		<p>2. Article Number  7002 3150 0001 4220 4498</p> <p>PS Form 3811, August 2001 Domestic Return Receipt AD3/475 102595-02-W-1C3</p>	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>1. Article Addressed to:</p> <p>Tri Mount, Inc. d/b/a Napa Auto Parts    David S. Edminster, Pres.    903 North Front St.    Philipsburg, PA. 16866</p> <p>2. Article Number    (Transfer from service label)</p> <p>3811, August 2001</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input checked="" type="checkbox"/> INT'L Registered Mail <input type="checkbox"/> INT'L AIR MAIL  <input type="checkbox"/> Trusted Mail</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>A. Signature  </p> <p>B. Received by (Printed Name)  </p> <p>C. Date of Delivery  </p>		<p>D. Is delivery address different from item 1?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>E. Is delivery address different from item 2?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>F. Agent  <input checked="" type="checkbox"/> Addressee</p>		<p>G. Agent  <input type="checkbox"/> Addressee</p>	