

03-1787-CD
II, RE: COMMONWEALTH OF PENNSYLVANIA, etal.

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 229, IN
THE CITY OF DUBOIS

NO. 03-1787-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.

FILED

DEC 03 2003

William A. Shaw
Prothonotary

4. The within condemnation has been authorized by a plan signed by the Secretary of Transportation on July 18, 2003, titled "Drawings Authorizing Acquisition of Right-of-Way for State Route 0219, Section 229 R/W in Clearfield County", a copy of which plan was filed in the County Recorder's Office as Instrument No. 200314816 on August 19, 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.

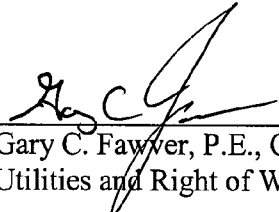
8. The nature of the title hereby condemned is fee simple and a temporary construction easement.

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, 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 and a temporary construction 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
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 0219, SECTION 229,
IN THE CITY OF DUBOIS

DECLARATION OF TAKING

Christopher J. Clements
Assistant Counsel in-Charge, R/W
Supreme Court ID No. 44699

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.	020076
County	Clearfield
Fed. Proj. No.	33E-X022-118
Municipality	City of DuBois
Route-Sec.	SR 219, Section 229

***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
5	17001390000	<p>Joseph F. Schalk and Barbara J. Schalk, husband and wife 60 Lincoln Drive DuBois, PA 15801-3420 Owners</p> <p>Janet Heid, single 414 West DuBois Avenue DuBois, PA 15801-2713 Equitable Owner (Purchasing under an Installment Land Contract)</p> <p>As her interest may appear</p> <p>Location of Property: DB 1290, Page 216</p>		R	Clearfield County Recorder of Deeds Office, Instrument Number 200314816, Sheets 18 and 28

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 229, IN THE CITY OF DUBOIS

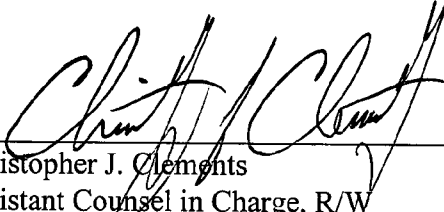
EMINENT DOMAIN PROCEEDING
IN REM

NO.

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 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: 6 Nov. '03

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

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IN RE: CONDEMNATION BY THE
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DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 0219, SECTION 229,

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
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PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE RIGHT-
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SECTION 229, IN THE CITY OF
DUBOIS

NO. 03-1787-GD TERM, 20


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 12/03/03, was recorded in the office of the
Recorder of Deeds of the above county in Inst. # 200321903, 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 
District Right of Way Administrator
Engineering District No.

FILED

DEC 16 2003

William A. Shaw
Prothonotary/Clerk of Courts

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 03 2003

Attest.

William H. Shaw
Prothonotary/
Clerk of Courts

RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED

(Declaration of Taking)



REMIS Proj. No.	020076
County	Clearfield.
Fed. Proj. No.	33E-X022-118
Municipality	City of DuBois
Route-Sec.	SR 219, Section 229

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FILED

DEC 16 2003

William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

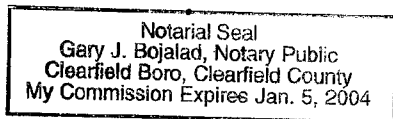
IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF THE
RIGHT-OF-WAY FOR STATE
ROUTE 2019, SECTION 229
IN THE TOWNSHIP OF SANDY

: NO. 1787-CD TERM, 2003
:
:
:
:
: EMINENT DOMAIN PROCEEDING
: IN REM

PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF CLEARFIELD :

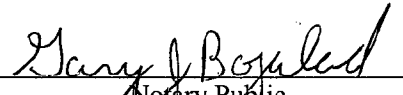
Michael Hnat, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before 12-13-03, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Article IV, Section 405, of the Eminent Domain Code, Act June 22, 1964, P.L. 84, as amended. A schedule of the condemnees so notified is attached hereto and made part hereof.





District Right-of-Way Administrator

Sworn to and subscribed before me



Notary Public

My Commission Expires: 1/5/2004

FILED

DEC 30 2003

William A. Shaw
Prothonotary/Clerk of Courts

RW437 (10/99)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PROPERTY CONDEMNED

(Declaration of Taking)



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William A. Shaw
Prothonotary/Clerk of Courts

FILED
NO
DEC 30 2003
cc