

03-1788-CD
IN RE: COMMONWEALTH OF PENNSYLVANIA

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 TOWNSHIP OF SANDY

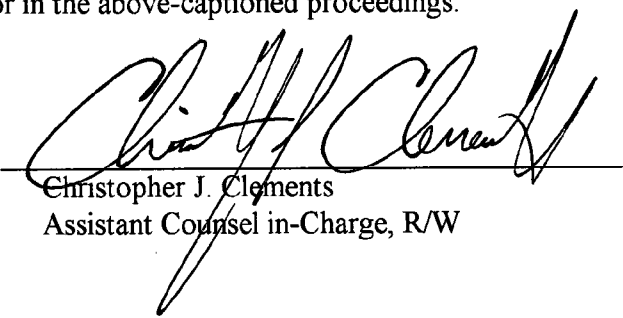
NO. 03-1788-CD

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 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

FILED

DEC 03 2003

William A. Shaw
Prothonotary/Clerk of Courts

Dated: 10 Nov-03

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
THE TOWNSHIP OF SANDY

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

FILED
DEC 03 2003
2cc
Dff

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
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PENNSYLVANIA, DEPARTMENT
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ROUTE 0219, SECTION 229, IN
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FILED

DEC 03 2003

William A. Shaw
Prothonotary/Clerk of Courts

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 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 at Instrument Number 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.

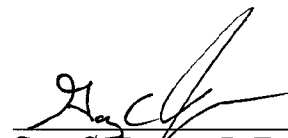
8. The nature of the title hereby condemned is easements for transportation purposes, and temporary construction easements.

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, easements for transportation purposes and temporary construction easements are hereby condemned from the properties 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 TOWNSHIP OF SANDY

DECLARATION OF TAKING

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

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



SCHEDULE OF PROPERTY CONDEMNED

(Declaration of Taking)

Page 1 of 1

REMIS Proj. No.	020094
County	Clearfield
Fed. Proj. No.	Q92-1134-101
Municipality	Sandy Township
Route-Sec.	SR 0219 Sec 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
34	17001980000	R. Edward Ferrero and R. Leo Ferraro, as tenants in common, 1101 10 th Avenue, Brockway, PA 15824 Location of Property: DB 697 Pg. 291		R	Clearfield County Recorder of Deeds Office, Instrument Number 200314816, Sheets 21 to 25 and 29.
43	17002070000	R. Leo Ferrero, Mary Ann Ferraro, and Lisa Marie Zocco, tenants in common, 1452 McCullough Avenue, Brockway, PA 15824-1821 Location of Property: DB 1974 Pg. 289		R	Clearfield County Recorder of Deeds Office, Instrument Number 200314816, Sheets 23, 24, and 29.

FILED 2cc Pff
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DEC 03 2003 Comm. pd 85.00

William A. Shaw
Prothonotary/Clerk of Courts

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-OF-WAY FOR STATE
ROUTE 0219, SECTION 229, IN
THE TOWNSHIP OF SANDY

NO. ^{03-1788-CD} 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. #2003 21902, 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. 2-0

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DEC 16 2003

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



SCHEDULE OF PROPERTY CONDEMNED

(Declaration of Taking)

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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 : NO. 1788-CD TERM, 2003
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION, OF THE :
RIGHT-OF-WAY FOR STATE :
ROUTE 2019, SECTION 229 : EMINENT DOMAIN PROCEEDING
IN THE TOWNSHIP OF SANDY : IN REM

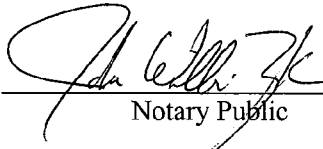
PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF Clearfield :

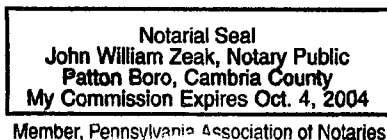
Michael Hnat, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before 12-09-03, notice of the filing of the declaration of taking in the above matter 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: 10-4-04



FILED
DEC 16 2003
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE : NO. 1788-CD TERM, 2003
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION, OF THE :
RIGHT-OF-WAY FOR STATE :
ROUTE 0219, SECTION 229 : EMINENT DOMAIN PROCEEDING
IN THE TOWNSHIP OF SANDY : IN REM

AFFIDAVIT OF SERVICE OF
NOTICE OF FILING OF DECLARATION OF TAKING

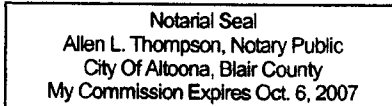
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

J. William Zeak, being duly sworn according to law, deposes and says that

1. He is an agent of Department of Transportation, Commonwealth of Pennsylvania, and that
2. On , Notice of the Filing of the Declaration of Taking in the above matter was mailed by certified mail, in compliance with Article IV, Section 405, of the Eminent Domain Code, Act of June 22, 1964, P.L. 84, as amended, to , condemnees.
3. Said Notice was returned by the Post Office on or about marked . The envelope in which the said Notice was mailed and the Post Office Sender's Receipt and Return Card are attached hereto.
4. On December 9, 2003, Notice of the said Declaration of Taking was served on the said condemnee(s) by handing a copy of said Notice to Linda McFall, at the Law and Finance Building of Ferraro, SR 219,

DuBois, PA.

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association Of Notaries

Sworn to and Subscribed before me

Notary Public
My Commission Expires: Oct 6 2007

FERRARO, FERRARO, Zecco Claim 17002070000

Affiant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE	:	NO. 1788-CD	TERM, 2003
COMMONWEALTH OF	:		
PENNSYLVANIA, DEPARTMENT OF	:		
TRANSPORTATION, OF THE	:		
RIGHT-OF-WAY FOR STATE	:		
ROUTE 0219, SECTION 229	:	EMINENT DOMAIN PROCEEDING	
IN THE TOWNSHIP OF SANDY	:	IN REM	

AFFIDAVIT OF SERVICE OF
NOTICE OF FILING OF DECLARATION OF TAKING

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

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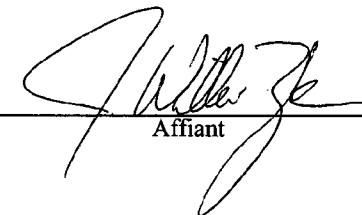
FERRARO, FERRARO CLAW # 17001980000

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Allen L. Thompson, Notary Public
City Of Altoona, Blair County
My Commission Expires Oct. 6, 2007

Member, Pennsylvania Association Of Notaries
Sworn to and Subscribed before me


Notary Public
My Commission Expires: Oct 6 2007


Affiant

William A. Shaw
Prothonotary/Clerk of Courts

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CLERK OF COURTS