

07-1202-CD
In Re: Rt. 879 Section A01 R/W

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 0879, SECTION A01 R/W, IN
THE TOWNSHIPS OF LAWRENCE
AND GOSHEN

NO. 2007-1202-CO

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 Chapter 3, Section 302 of the Eminent Domain Code, 26 Pa. C. S. § 302, 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

FILED

JUL 30 2007
William A. Shaw
Prothonotary/Clerk of Courts

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 January 30, 2007, titled "Drawings Authorizing

Acquisition of Right-of-Way for State Route 0879, Section A01 R/W in Clearfield County", a copy of which plan was filed in the County Recorder's Office as Instrument Number 200709527 on June 8, 2007.

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, a drainage easement, a slope easement, an aerial easement, 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 WaySection, 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, a drainage easement, a slope easement, an aerial easement, 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 WaySection

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



ROW OFFICE PROJ. NO.	020145
COUNTY	Clearfield
S.R. - SECTION	0879-A01
MUNICIPALITY	Lawrence & Goshen Twp.

*TYPE OF TAKE	
PT-	Partial Take
TT-	Total Take

**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	*Type of Take	Name, Property Interest of Condemnees, Mailing Address, and Location of Condemned Property	Attached Exhibit Number (if any)	**Type of Description	Plan (if any) Recorded in
3	1700267000	PT	<p>Thomas R. Irwin and Marilyn Joan Irwin, his wife, 55 Darius Lane Port Matilda, PA 16870-9310</p> <p>Larry E. Irwin and Melody L. Irwin, his wife, 510 Barnstable Road Carlisle, PA 17015-9413</p> <p>Christopher Brinton PO Box 32 Barrington, MA 01230-0032 Individually and as Attorney in Fact for: John. I. Brinton, Margaret Brinton Collinson, Richard B. Brinton, and William F. Brinton, Jr.</p> <p>As Their Interests May Appear</p> <p>Location of Condemned Property: Instrument Number 200107807 Instrument Number 200007452 Instrument Number 200007451 Deed Book 1930, Page 548</p>		R	Instrument Number 200709527 Sheets 20, 21 & 22

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.

IN RE: CONDEMNATION BY THE
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DEPARTMENT OF TRANSPORTATION,
OF RIGHT OF WAY FOR STATE
ROUTE 0879, SECTION A01 R/W,
IN THE TOWNSHIPS OF LAWRENCE AND GOSHEN

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
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PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION, OF
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STATE ROUTE 0879,
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IN THE TOWNSHIPS OF LAWRENCE
AND GOSHEN

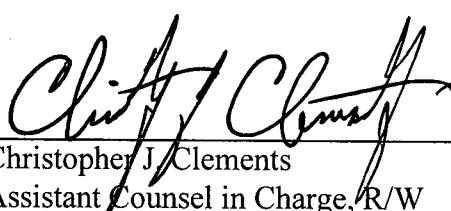
NO.

EMINENT DOMAIN PROCEEDING
IN REM

PRAECIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY OF SAID COURT:

Please enter the appearance of Walter F. Cameron, Jr., Assistant Counsel in Charge, 1209 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222-1210 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

Walter F. Cameron, Jr.
Assistant Counsel in Charge

Dated: 7.23.07

IN THE COURT OF COMMON PLEAS OF
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OF RIGHT OF WAY FOR
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IN THE TOWNSHIPS OF LAWRENCE AND GOSHEN

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

William A. Shaw
Prothonotary/Clerk of Courts

JUL 30 2007
D E L

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: CONDEMNATION BY THE
COMMONWEALTH OF
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TRANSPORTATION, OF THE RIGHT-
OF-WAY FOR STATE ROUTE 0879,
SECTION A01 R/W, IN THE
TOWNSHIPS OF LAWRENCE AND
GOSHEN

NO. 1202 - CD TERM, 2007

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 July 30, 2007, was recorded in the
office of the Recorder of Deeds of the above county in Instrument No. 200712360

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

FILED No CC
OCT 11 2007
OCT 15 2007
⑥

William A. Shaw
Prothonotary/Clerk of Courts

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



ROW OFFICE PROJ. NO.	020145
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S.R. - SECTION	0879-A01
MUNICIPALITY	Lawrence & Goshen Twp.

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: NO. 1202-CD TERM, 2007
: :
: :
: :
: : EMINENT DOMAIN PROCEEDING
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PROOF OF SERVICE

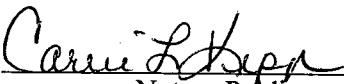
COMMONWEALTH OF PENNSYLVANIA :
: :
COUNTY OF CLEARFIELD : : SS:

FILED *acc Comm of PA*
0/12/00 cm
OCT 29 2007
LSH
William A. Shaw
Prothonotary/Clerk of Courts

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 August 8, 2007, notice of the filing of the declaration of taking in the above matter was served on the condemnees affected thereby in compliance with Chapter 3, Section 305, of the Eminent Domain Code. Schedules of the condemnees, mortgagees of record, and lienholders of record notified are attached hereto and made part hereof.


Michael Hnat, District Right-of-Way
Administrator

Sworn to and subscribed before me


Carrie L. Kipp
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA	
Notarial Seal	
Carrie L. Kipp, Notary Public	
Lawrence Twp., Clearfield County	
My Commission Expires March 15, 2011	
Member, Pennsylvania Association of Notaries	

Attachments: RW-437, Schedule of Property Condemned

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas R. Irwin
55 Darius Lane
Port Matilda, PA 16870

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Thomas R. Irwin

Agent
 Addressee

B. Received by (Printed Name)

Thomas R. Irwin

C. Date of Delivery

8/14/07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 4234 0873

PS Form 3811, February 2004

Domestic Return Receipt

CLK-SR879

102595-02-M-154

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Larry E. & Melody L. Irwin
510 Barnstable Road
Carlisle, PA 17015

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Larry Irwin

Agent
 Addressee

B. Received by (Printed Name)

Larry Irwin

C. Date of Delivery

8/14

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 4234 1559

PS Form 3811, February 2004

Domestic Return Receipt

CLK-SR879

102595-02-M-154

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Will Brunton
20 Rome Rd.
Mt. Vernon, Maine 04357

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Will Brunton

Agent
 Addressee

B. Received by (Printed Name)

Will Brunton

C. Date of Delivery

8/16/07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 4234 1542

PS Form 3811, February 2004

Domestic Return Receipt

CLK-SR879

102595-02-M-154

2. Article Number
(Transfer from service label)

7006 0100 0003 4234 1535

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

COMMONWEALTH OF PENNSYLVANIA
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