

08-637-CD  
In Re: Route 0879, Sec. A02 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 A02 R/W,  
IN THE TOWNSHIP OF LAWRENCE

NO. 2008-637-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 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 pa \$95.00  
01/145um 2cc Comm of PA  
APR 8 2008  
(m)  
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 March 5, 2008, titled "Drawings Authorizing Acquisition of Right-of-Way for State Route 0879 Section A02 R/W in Clearfield County, also T-580," a copy of which plan was filed in the County Recorder's Office as Instrument # 200803843 on March 20, 2008.

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, excepting and reserving therefrom on Parcel 8 easements to the Clearfield Municipal Authority, also or formerly known as the Lawrence Township Wolf Run Industrial Park Authority, as evidenced by a deed dated October 23, 1989, and recorded in Deed Book 1310 at Page 063, and a temporary construction easement.

9. In the event there are recoverable minerals (including gas and oil) within the areas hereby condemned, 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, Mark J. Chappell, P. E., Acting 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, excepting and reserving therefrom on Parcel 8 easements to the Clearfield Municipal Authority, also or formerly known as the Lawrence Township Wolf Run Industrial Park Authority, 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.



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Mark J. Chappell, P. E.  
Acting Chief, Utilities and Right-of-Way

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

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COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
OF RIGHT OF WAY FOR  
STATE ROUTE 0879, SECTION A02 R/W,  
IN THE TOWNSHIP OF LAWRENCE

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DECLARATION OF TAKING

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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

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IN THE TOWNSHIP OF LAWRENCE

NO.

EMINENT DOMAIN PROCEEDING  
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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: 4.4.08

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

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STATE ROUTE 0879, SECTION A02 R/W,  
IN THE TOWNSHIP OF LAWRENCE

PRÆCIPTE 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

RW-437 (7/07)

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



|                      |                   |
|----------------------|-------------------|
| ROW OFFICE PROJ. NO. | 020165            |
| COUNTY               | Clearfield        |
| S.R. - SECTION       | SR 0879-A02       |
| MUNICIPALITY         | Lawrence Township |

**\*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  |
|------------|--------------|---------------|---|----------------------------------|-----------------------|--|
| 8          | 1700295000   | PT            | <p>Jeannine M. Swisher, owner<br/>   P.O. Box 55<br/>   Clearfield, PA 16830</p> <p>Location of Condemned Property:</p> <p>DB 1856 PG 397<br/>   DB 1737 PG 184</p> |                                  | R                     | <p>Clearfield Co.<br/>   Recorder of<br/>   Deeds<br/>   Inst.<br/>   #200803843<br/>   Sheet 29</p> |

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OF-WAY FOR STATE ROUTE 0879,  
SECTION A 02 R/W, IN THE  
TOWNSHIP OF LAWRENCE

NO. 637 CD TERM, 2008

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 April 18, 2008, was recorded in the office of the  
Recorder of Deeds of the above county in Inst. # 200804816, 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.

**FILED**

APR 08 2008

01/2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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Conn.

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

BY Cindy L. Witherow  
tcl District Right of Way Administrator  
Engineering District No. 2-0

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



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|----------------------|-------------------|
| ROW OFFICE PROJ. NO. | 020165            |
| COUNTY               | Clearfield        |
| S.R. - SECTION       | SR 0879-A02       |
| MUNICIPALITY         | Lawrence Township |

| <b>*TYPE OF TAKE</b> |              |
|----------------------|--------------|
| PT-                  | Partial Take |
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| D-                           | Deed Description                                      |
| P-                           | Plan lodged for recording with Notice of Condemnation |
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