

08-638-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. 2008-638-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 Pd \$95.00
0/1:45cm 2CC Comm of PA
APR 8 2008
(LW)
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 "Drawing 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 15 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 15 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.



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

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

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
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.

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: 4.4.08

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

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

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

<u>*TYPE OF TAKE</u>
PT- Partial Take
TT- Total Take

<u>**TYPE OF DESCRIPTION</u>
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
15	1700288000	PT	R&A Associates, Inc.(a Pennsylvania Corporation) Robert E. Brown, President P.O. Box 57 Clearfield, PA 16830 Location of Condemned Property: DB 627 PG 222		R	Clearfield Co. Recorder of Deeds Inst. #200803843 Sheet 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 0879,
SECTION A 02 R/W, IN THE
TOWNSHIP OF LAWRENCE

NO. 638 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 8, 2008, was recorded in the office of the
Recorder of Deeds of the above county in Inst # 200804819, 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

for BY Cindy K. Wetheras
District Right of Way Administrator
Engineering District No. 2-0

FILED

APR 08 2008
0/2:05/2
William A. Shaw
Prothonotary/Clerk of Courts
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OK

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

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FILED

APR 08 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

IN RE: CONDEMNATION BY THE : NO. 638-CD TERM, 2008
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
TRANSPORTATION, OF THE :
RIGHT-OF-WAY FOR STATE :
ROUTE 0879, SECTION A02 : EMINENT DOMAIN PROCEEDING
IN THE TOWNSHIP OF LAWRENCE : IN REM

PROOF OF SERVICE


COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF CLEARFIELD :

FILED

APR 25 2008

0/9:45/w
William A. Shaw
Prothonotary/Clerk of Courts
2 sent to Atty

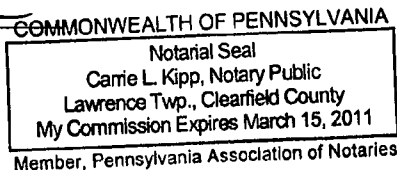
MICHAEL HNAT, being duly sworn according to law, deposes and says that he is District Right-of-Way Administrator of Engineering District 2-0, Department of Transportation, Commonwealth of Pennsylvania, and that on or before APRIL 10, 2008, notice of the filing of the declaration of taking in the above 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


Notary Public

My Commission Expires:



Attachments: RW-437, Schedule of Property Condemned
RW-432ML, Schedule of Mortgagees and Lienholders

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
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****TYPE OF DESCRIPTION**

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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
15	1700288000	PT	R&A Associates, Inc.(a Pennsylvania Corporation) Robert E. Brown, President P.O. Box 57 Clearfield, PA 16830 Location of Condemned Property: DB 627 PG 222		R	Clearfield Co. Recorder of Deeds Inst. #200803843 Sheet 28 of 31

RW-432ML (7/07)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
SCHEDULE OF MORTGAGEES & LIENHOLDERS



ROW OFFICE PROJ. NO.	020165
ROW OFFICE DT NO.	2016501
COUNTY	Clearfield
S.R. – SECTION	SR 0879-A02
MUNICIPALITY	Lawrence Township

Parcel No.	Claim Number	Name and Mailing Address of Mortgagee and/or Lienholder
15	1700288000	NONE

FILED

APR 25 2009

William A. Shaw
Prothonotary/Clerk of Courts