

Public Utility Commission

(see 66 P.S. 1181)

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ANTONIO FERRANTE,
Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant

: Damage Claim No. 3703022
:
: Out of P.U.C. Complaint Docketed
: No. C18981
: NO C / K
: Ordered Dated: October 15, 1974 as
: modified July 23, 1975
:
: Numbered Paragraph thereof (7) on
: page 20 thereof.

1. Name and address of Plaintiff is ANTONIO FERRANTE, address unknown.
2. Of the entire 26,604 square feet, more or less, of Plaintiff's property 11,632 square feet were appropriated and the above-named Defendant was ordered to pay therefor, in the above-designated Order of Your Honorable Commission.
3. The Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records, to discover the address of the owner of the subject property.
4. The Commonwealth of Pennsylvania, Department of Transportation, will, upon Petition to Deposit Estimated Just Compensation into the Court of Common Pleas of Lawrence County, post the subject property with notice and publish the notice.

WHEREFORE, Defendant respectfully requests Your Honorable Commission to schedule a hearing upon this claim, or to refer the matter to the Court of Common Pleas of Lawrence County, as provided in Section 411 of the Public Utility Law, 66 P.S. 1181.

DOCKETED
COMPLAINT DOCKET

Dated:

DEC 16 1975

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Timothy W. Pawol
TIMOTHY W. PAWOL
Assistant Attorney General

RECORD
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held March 9, 1976
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Complaint Docket No. 18981 - Pennsylvania Public Utility Commission v.
Department of Highways of the Commonwealth of Pennsylvania, The
Baltimore and Ohio Railroad Company, Township of Wayne and County of
Lawrence.

D. C. 1 - Antonio Ferrante
v.
Department of Transportation of
the Commonwealth of Pennsylvania

O R D E R

BY THE COMMISSION:

On December 10, 1975, the Commonwealth of Pennsylvania,
Pennsylvania Department of Transportation, filed the subject petition
with the Commission which requests the Commission schedule hearing on
the above captioned property damage claim or, in the alternative, to
submit the determination of amount of damages due the plaintiff to the
Court of Common Pleas of Lawrence County.

The Commission, by order issued October 15, 1974 as modified
July 23, 1975, appropriated the property interests involved herein and
directed Commonwealth of Pennsylvania, Pennsylvania Department of
Transportation to pay the plaintiff for the taking of the 11,632 square
feet more or less.

Section 411(a) of the Public Utility Law, Act of May 28, 1937,
P.L. 1053 as amended (66 P.S. §1181(a)) provides in pertinent part:

RECORD
FOLDER

DOCKETED
COMPLAINT DOCKET

MAR 17 1976



- a. The compensation for damages which the the owners of adjacent property taken, injured or destroyed may sustain in the construction, relocation, protection, or abolition of any crossing under the provisions of this Act, shall after due notice of hearing, be ascertained and determined by the Commission. . . Any party to the proceeding dissatisfied with the determination of the Commission may appeal therefrom, as provided in Section 1101 of this Act, and for this purpose is hereby authorized to sue the Commonwealth: Provided, however, that the Commission may . . . upon application of any party in interest, submit to the Court of Common Pleas of the County wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation (Emphasis supplied).

Accordingly, this Commission finds that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's instant petition should be granted and that the within property damage claim should be referred to the Court of Common Pleas of Lawrence County. We further find that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's petition notes the Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records, to discover the address of the owner of the subject property. The Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order; THEREFORE,


IT IS ORDERED:

1. That the petition filed by Commonwealth of Pennsylvania, Pennsylvania Department of Transportation on December 10, 1975 at C. 18981, D. C. 1 be granted.
2. That the determination of the property damages due the plaintiff Antonio Ferrante be submitted to the Court of Common Pleas of Lawrence County, said property interests having been appropriated by and as more fully set forth in this Commission's order of October 15, 1974 as modified July 23, 1975.

3. That the Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order.

BY THE COMMISSION,

m...


C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: March 9, 1976

ORDER ENTERED: MAR 10 1976

RECEIVED
Public Utility Commission

ORIGINAL

RECORD
FOLDER

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FRANK AND LEONA ITALINO	:	Damage Claim No. 3703020
Plaintiffs:	:	
vs.	:	Out of P.U.C. Complaint Docket
	:	No. C.18981 <i>D.C. 2</i>
COMMONWEALTH OF PENNSYLVANIA	:	Order Dated: October 15, 1974
DEPARTMENT OF TRANSPORTATION,	:	As Modified July 23, 1975
Defendant:	:	
	:	Numbered Paragraph thereof (5)
	:	on page 24 thereof.

DOCKETED
COMPLAINT DOCKET
DEC 16 1975

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1. The names and address of Plaintiffs are:

Frank and Leona Italino, address unknown.

2. The entire 12,388 square feet, more or less, of

Plaintiffs' property was appropriated and the above-named Defendant was ordered to pay therefor, in the above-designed Order of Your Honorable Commission.

3. The Commonwealth of Pennsylvania, Department of

Transportation is unable, after diligent search of public records and tax records, to discover the address of the owner of the subject property.

4. The Commonwealth of Pennsylvania, Department of

Transportation, will, upon Petition to Deposit Estimated Just Compensation into the Court of Common Pleas of Lawrence County, post the subject property with notice and publish the notice.

WHEREFORE, Defendant respectfully requests Your Honorable

Commission to schedule a hearing upon this claim, or to refer the matter to the Court of Common Pleas of Lawrence County, as provided in Section 411 of the Public Utility Law, 66 P.S. 1181.

Dated:

Timothy W. Pawol
Timothy W. Pawol
Assistant Attorney General

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held March 9, 1976
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Complaint Docket No. 18981 - Pennsylvania Public Utility Commission v.
Department of Highways of the Commonwealth of Pennsylvania, The
Baltimore and Ohio Railroad Company, Township of Wayne and County of
Lawrence.

D. C. 2 - Frank and Leona Italino
v.
Department of Transportation of
the Commonwealth of Pennsylvania

O R D E R

BY THE COMMISSION:

On December 10, 1975, the Commonwealth of Pennsylvania, Pennsylvania
Department of Transportation, filed the subject petition with the Commission
which requests the Commission schedule hearing on the above captioned
property damage claim or, in the alternative, to submit the determination
of amount of damages due the plaintiffs to the Court of Common Pleas of
Lawrence County.

The Commission, by order issued October 15, 1974 as modified
July 23, 1975, appropriated the property interests involved herein and
directed Commonwealth of Pennsylvania, Pennsylvania Department of
Transportation to pay the plaintiffs for the taking of the 12,388 square
feet more or less.

Section 411(a) of the Public Utility Law, Act of May 28, 1937,
P.L. 1053 as amended (66 P.S. §1181(a)) provides in pertinent part:

RECORD
FOLDER

DOCKETED
COMPLAINT DOCKET

MAR 17 1976

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- a. The compensation for damages which the the owners of adjacent property taken, injured or destroyed may sustain in the construction, relocation, protection, or abolition of any crossing under the provisions of this Act, shall after due notice of hearing, be ascertained and determined by the Commission. . . Any party to the proceeding dissatisfied with the determination of the Commission may appeal therefrom, as provided in Section 1101 of this Act, and for this purpose is hereby authorized to sue the Commonwealth: Provided, however, that the Commission may . . . upon application of any party in interest, submit to the Court of Common Pleas of the County wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation (Emphasis supplied).

Accordingly, this Commission finds that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's instant petition should be granted and that the within property damage claim should be referred to the Court of Common Pleas of Lawrence County. We further find that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation notes the Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records, to discover the address of the owner of the subject property. The Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order; THEREFORE,

IT IS ORDERED:

1. That the petition filed by Commonwealth of Pennsylvania, Pennsylvania Department of Transportation on December 10, 1975 at C. 18981, D. C. 2 be granted.

2. That the determination of the property damages due the plaintiffs Frank and Leona Italino be submitted to the Court of Common Pleas of Lawrence County, said property interests having been appropriated by and as more fully set forth in this Commission's order of October 15, 1974 as modified July 23, 1975.

3. That the Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order.

BY THE COMMISSION,

C. J. McElwee
C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: March 9, 1976

ORDER ENTERED: MAR 15 1976

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held March 9, 1976
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Complaint Docket No. 18981 - Pennsylvania Public Utility Commission v.
Department of Highways of the Commonwealth of Pennsylvania, The
Baltimore and Ohio Railroad Company, Township of Wayne and County of
Lawrence.

D. C. 3 - Andrea and Margareta Tomei
v.
Department of Transportation of
the Commonwealth of Pennsylvania

O R D E R

BY THE COMMISSION:

On December 11, 1975, the Commonwealth of Pennsylvania, Pennsylvania Department of Transportation, filed the subject petition with the Commission which requests the Commission schedule hearing on the above captioned property damage claim or, in the alternative, to submit the determination of amount of damages due the plaintiffs to the Court of Common Pleas of Lawrence County.

The Commission, by order issued October 15, 1974 as modified July 23, 1975, appropriated the property interests involved herein and directed Commonwealth of Pennsylvania, Pennsylvania Department of Transportation to pay the plaintiffs for the taking of the 1,589 square feet more or less.

Section 411(a) of the Public Utility Law, Act of May 28, 1937, P.L. 1053 as amended (66 P.S. §1181(a)) provides in pertinent part:

RECORD
FOLDER

DOCKETED
COMPLAINT DOCKET

MAR 17 1976

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- a. The compensation for damages which the the owners of adjacent property taken, injured or destroyed may sustain in the construction, relocation, protection, or abolition of any crossing under the provisions of this Act, shall after due notice of hearing, be ascertained and determined by the Commission. . . Any party to the proceeding dissatisfied with the determination of the Commission may appeal therefrom, as provided in Section 1101 of this Act, and for this purpose is hereby authorized to sue the Commonwealth: Provided, however, that the Commission may . . . upon application of any party in interest, submit to the Court of Common Pleas of the County wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation (Emphasis supplied).

Accordingly, this Commission finds that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's instant petition should be granted and that the within property damage claim should be referred to the Court of Common Pleas of Lawrence County. We further find that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's petition notes the Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records to discover the address of the owner of the subject property. The Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order; THEREFORE,

IT IS ORDERED:

1. That the petition filed by Commonwealth of Pennsylvania, Pennsylvania Department of Transportation on December 11, 1975 at C. 18981, D. C. 3 be granted.
2. That the determination of the property damages due the plaintiffs Andrea and Margareta Tomei be submitted to the Court of Common Pleas of Lawrence County, said property interests having been appropriated by and as more fully set forth in this Commission's order of October 15, 1974 as modified July 23, 1975.

3. That the Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order.

BY THE COMMISSION,

G. J. McElwee
G. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: March 9, 1976

ORDER ENTERED:
MAR 15 1976

CLAIM FOR PROPERTY DAMAGE UNDER THE PUBLIC UTILITY LAW

(See 66 P.S. 1181)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FELLIPIO ABBATEMUCO,
Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
Defendant

DOCKETED
COMPLAINT DOCKET
DEC 19 1975

RECORD
FOLDER

: Damage Claim No. 3703018
:
: Out of PUC Complaint Docket No. C18981
:
: Order Dated: October 15, 1974 *D.C.*
: as Modified July 23, 1975 *4*
:
: Numbered Paragraph thereof on (4)
: page 23 thereof as modified

On pages 4 and 5 thereof in
numbered paragraphs thereof, 4, 5, 6
and 7.

1. The name of Plaintiff is FELLIPIO ABBATEMUCO, address unknown.
2. The entire 10,067 square feet, more or less, of Plaintiff's property was appropriated and the above-named Defendant was ordered to pay therefor, in the above-designated Order of Your Honorable Commission.
3. The Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records, to discover the address of the owner of the subject property.
4. The Commonwealth of Pennsylvania, Department of Transportation, will, upon Petition to Deposit Estimated Just Compensation into the Court of Common Pleas of Lawrence County, post the subject property with notice and publish the notice.

WHEREFORE, Defendant respectfully requests Your Honorable Commission to schedule a hearing upon this claim, or to refer the matter to the Court of Common Pleas of Lawrence County, as provided in Section 411 of the Public Utility Law, 66 P.S. 1181.

Dated:

TIMOTHY W. PAWOL
Assistant Attorney General

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held March 9, 1976
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Complaint Docket No. 18981 - Pennsylvania Public Utility Commission v.
Department of Highways of the Commonwealth of Pennsylvania, The
Baltimore and Ohio Railroad Company, Township of Wayne and County of
Lawrence.

D. C. 4 - Felipio Abbatemuco
v.
Department of Transportation of
the Commonwealth of Pennsylvania

O R D E R

BY THE COMMISSION:

On December 9, 1975, the Commonwealth of Pennsylvania, Pennsylvania Department of Transportation, filed the subject petition with the Commission which requests the Commission schedule hearing on the above captioned property damage claim or, in the alternative, to submit the determination of amount of damages due the plaintiff to the Court of Common Pleas of Lawrence County.

The Commission, by order issued October 15, 1974 as modified July 23, 1975, appropriated the property interests involved herein and directed Commonwealth of Pennsylvania, Pennsylvania Department of Transportation to pay the plaintiff for the taking of the 10,067 square feet more or less.

Section 411(a) of the Public Utility Law, Act of May 28, 1937, P.L. 1053 as amended (66 P.S. §1181(a)) provides in pertinent part:

RECORD
FOLDER

DOCKETED
COMPLAINT DOCKET

MAR 17 1976

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- a. The compensation for damages which the the owners of adjacent property taken, injured or destroyed may sustain in the construction, relocation, protection, or abolition of any crossing under the provisions of this Act, shall after due notice of hearing, be ascertained and determined by the Commission. . . Any party to the proceeding dissatisfied with the determination of the Commission may appeal therefrom, as provided in Section 1101 of this Act, and for this purpose is hereby authorized to sue the Commonwealth: Provided, however, that the Commission may . . . upon application of any party in interest, submit to the Court of Common Pleas of the County wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation (Emphasis supplied).

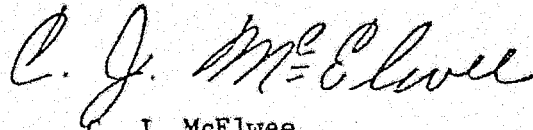
Accordingly, this Commission finds that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's instant petition should be granted and that the within property damage claim should be referred to the Court of Common Pleas of Lawrence County. We further find that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's petition notes the Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records to discover the address of the owner of the subject property. The Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order; THEREFORE,

IT IS ORDERED:

1. That the petition filed by Commonwealth of Pennsylvania, Pennsylvania Department of Transportation on December 9, 1975 at C. 18981, D. C. 4 be granted.
2. That the determination of the property damages due the plaintiff Fellipio Abbatemuco be submitted to the Court of Common Pleas of Lawrence County, said property interests having been appropriated by and as more fully set forth in this Commission's order of October 15, 1974 as modified July 23, 1975.

3. That the Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: March 9, 1976

ORDER ENTERED: MAR 15 1976

(See 66 P.S. 1181)

Secretary's Office
Public Utility Commission

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DONATTO VECHIA,	:	Damage Claim No. 3703021
	:	
Plaintiff	:	Out of P.U.C. Complaint Docketed
vs.	:	NO C 18981 <i>N.C.</i> 5
	:	
COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF TRANSPORTATION,	:	Order Dated: October 15, 1974 as
Defendant	:	modified July 23, 1975
	:	
	:	Numbered Paragraph thereof (6) on
	:	page 25 thereof

1. Name and address of Plaintiff is DONATTO VECHIA, address unknown.

2. Of the entire 12,141 square feet, more or less, of Plaintiff's property 8,738 square feet was appropriated and the above-named Defendant was ordered to pay therefor, in the above-designated Order of Your Honorable Commission.

3. The Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records, to discover the address of the owner of the subject property.

4. The Commonwealth of Pennsylvania, Department of Transportation, will, upon Petition to Deposit Estimated Just Compensation into the Court of Common Pleas of Lawrence County, post the subject property with notice and publish the notice.

5. A true and correct copy of this claim will be sent by certified mail, return receipt requested, to Donatto Vechia, c/o Louie Ferrante, Wampum, Penna. 16157.

WHEREFORE, Defendant respectfully requests Your Honorable Commission to schedule a hearing upon this claim, or to refer the matter

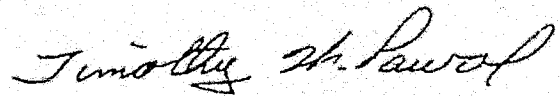
COMPLAINT DOCKET

JAN 15 1976

[Handwritten signature]

[Handwritten initials]

to the Court of Common Pleas of Lawrence County, as provided in Section 411
of the Public Utility Law, 66 P.S. 1181.



TIMOTHY W. PAWOL
Assistant Attorney General
Commonwealth of Pennsylvania
Department of Transportation
Office of Chief Counsel
Harrisburg, Pa. 17120

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held March 9, 1976
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Complaint Docket No. 18981 - Pennsylvania Public Utility Commission v.
Department of Highways of the Commonwealth of Pennsylvania, The
Baltimore and Ohio Railroad Company, Township of Wayne and County of
Lawrence.

D. C. 5 - Donatta Vechio
v.
Department of Transportation of
the Commonwealth of Pennsylvania

O R D E R

BY THE COMMISSION:

On December 15, 1975, the Commonwealth of Pennsylvania, Pennsylvania Department of Transportation, filed the subject petition with the Commission which requests the Commission schedule hearing on the above captioned property damage claim or, in the alternative, to submit the determination of amount of damages due the plaintiff to the Court of Common Pleas of Lawrence County.

The Commission, by order issued October 15, 1974 as modified July 23, 1975, appropriated the property interests involved herein and directed Commonwealth of Pennsylvania, Pennsylvania Department of Transportation to pay the plaintiff for the taking of the 8,738 square feet more or less.

Section 411(a) of the Public Utility Law, Act of May 28, 1937, P.L. 1053 as amended (66 P.S. §1181(a)) provides in pertinent part:

RECORD
FOLDER

DOCKETED
COMPLAINT DOCKET
MAR 17 1976

- a. The compensation for damages which the the owners of adjacent property taken, injured or destroyed may sustain in the construction, relocation, protection, or abolition of any crossing under the provisions of this Act, shall after due notice of hearing, be ascertained and determined by the Commission. . . Any party to the proceeding dissatisfied with the determination of the Commission may appeal therefrom, as provided in Section 1101 of this Act, and for this purpose is hereby authorized to sue the Commonwealth: Provided, however, that the Commission may . . . upon application of any party in interest, submit to the Court of Common Pleas of the County wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation (Emphasis supplied).

Accordingly, this Commission finds that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's instant petition should be granted and that the within property damage claim should be referred to the Court of Common Pleas of Lawrence County. We further find that Commonwealth of Pennsylvania, Pennsylvania Department of Transportation's petition notes the Commonwealth of Pennsylvania, Department of Transportation is unable, after diligent search of public records and tax records, to discover the address of the owner of the subject property. The Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order; THEREFORE,

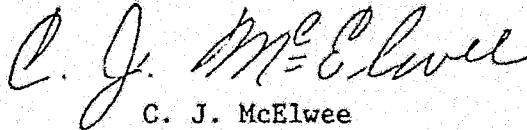
IT IS ORDERED:

1. That the petition filed by Commonwealth of Pennsylvania, Pennsylvania Department of Transportation on December 15, 1975 at C. 18981, D. C. 5 be granted.

2. That the determination of the property damages due the plaintiff Donatta Vechio be submitted to the Court of Common Pleas of Lawrence County, said property interests having been appropriated by and as more fully set forth in this Commission's order of October 15, 1974 as modified July 23, 1975.

3. That the Department of Transportation will, upon referral of the subject property damage claim, petition the Court to deposit the estimated just compensation in the Court of Common Pleas of Lawrence County, and thereafter comply with such notice and publication requirements as the Court shall order.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: March 9, 1976

ORDER ENTERED: MAR 15 1976

CLAIM FOR PROPERTY DAMAGE UNDER THE PUBLIC UTILITY LAW
(See 66 P.S. 1181)

RECEIVED
DEC 9 1975
Sec. Lys. Unit
Public Utility Commission

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAMES MANNING ESTATE
Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Defendant

Damage Claim No. 3703017

:
: Out of P.U.C. Complaint Docket No. 18981
: ^C
: ^{10 C. 6}
: Order Dated: October 15, 1974 as modified
: July 23, 1975
: Numbered Paragraph thereof (3) on page 22
: thereof as modified on pages 3,4, and 5 thereof
: in numbered paragraphs thereof 1,2,3,6, and 7.

1. Name and address of Plaintiff is James Manning Estate, 619 Park Avenue, Ellwood City, Pennsylvania.
2. Of the entire .496 acres, more or less, of Plaintiff's property 0.109 acres was appropriated and the above-named Defendant was ordered to pay therefor, in the above-designated Order of Your Honorable Commission.
3. A true and correct copy of this claim was duly served by certified mail, return receipt requested, at the above-mentioned address.
4. A true and correct copy of this claim was duly served on Clyde L. Douglas, 619 Park Avenue, Ellwood City, Pennsylvania, who is the party paying taxes on the subject property, by certified mail, return receipt requested.

WHEREFORE, Defendant respectfully requests Your Honorable Commission to schedule hearing upon this claim, or to refer the matter to the Court of Common Pleas of Lawrence County, as provided in Section 411 of the Public Utility Law, 66 P.S. 1181.

DATED:

DOCUMENTED
COMPLAINT DOCKET
JAN 27 1976

Timothy W. Pawol
Timothy W. Pawol
Assistant Attorney General

RECORD
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held March 2, 1976
Harrisburg, PA. 17120

COMMISSIONERS PRESENT:

Chairman Carter
Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

C. 18981 - Pennsylvania Public Utility Commission

v.

Department of Highways of the Commonwealth
of Pennsylvania, The Baltimore and Ohio
Railroad Company, Township of Wayne and
County of Lawrence

D. C. 6 -

James Manning Estate

v.

Department of Transportation of
the Commonwealth of Pennsylvania

O R D E R

BY THE COMMISSION:

On January 9, 1976, the Department of Transportation of the Commonwealth of Pennsylvania, filed the subject petition with the Commission which requests the Commission schedule hearing on the above captioned property damage claim or, in the alternative, to submit the determination of amount of damages due the plaintiff to the Court of Common Pleas of Lawrence County.

The Commission, by order issued October 15, 1974, as modified July 23, 1975, appropriated the property interests involved herein and directed Pennsylvania Department of Transportation to pay the plaintiffs for the taking of the .496 acres more or less.

Section 411(a) of the Public Utility Law, Act of May 28, 1937, P.L. 1053 as amended (66 P.S. §1181(a)) provides in pertinent part:

RECEIVED
MARCH 12 1976

LOCATED
COMPLAINT DOCKET
MAR 12 1976
ENTRY No.

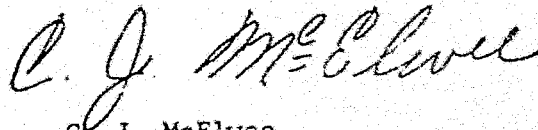
- a. The compensation for damages which the owners of adjacent property taken, injured or destroyed may sustain in the construction, relocation, protection, or abolition of any crossing under the provisions of this Act, shall after due notice of hearing, be ascertained and determined by the Commission. . . Any party to the proceeding dissatisfied with the determination of the Commission may appeal therefrom, as provided in Section 1101 of this Act, and for this purpose is hereby authorized to sue the Commonwealth: Provided, however, that the Commission may . . . upon application of any party in interest, submit to the Court of Common Pleas of the County wherein the property affected is located, the determination of the amount of damages to any property owner due to such condemnation (Emphasis supplied).

Accordingly, this Commission finds that Pennsylvania Department of Transportation's instant petition should be granted and that the within property damage claim should be referred to the Court of Common Pleas of Lawrence County. We further find that Pennsylvania Department of Transportation's petition is in proper form for such referral in conformity with Rule 33.1 in the Commission Rules of Practice and Procedure; THEREFORE,

IT IS ORDERED:

1. That the petition filed by Pennsylvania Department of Transportation on January 9, 1976 at C. 18981, D. C. 6 be granted.
2. That the determination of the property damages due the plaintiffs, James Manning Estate, be submitted to the Court of Common Pleas of Lawrence County, said property interests having been appropriated by and as more fully set forth in this Commission's order of October 15, 1974, as modified July 23, 1975.

BY THE COMMISSION,



C. J. McElwee
Secretary

(SEAL)

ORDER ADOPTED: March 2, 1976

ORDER ENTERED: MAR 11 1976

MAR 12 1976