



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

August 6, 2024

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Docket No. A-2020-3022688

Dear Secretary Chiavetta,

Enclosed for filing please find the Department's *Petition to Transfer Jurisdiction* in the above-captioned matter.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,


Anthony A. Czuchnicki
Assistant Counsel

Encls.

Cc: Parties of Record
Mark J. Chappell, P. E., Utilities and Right of Way Section
Cody Young, Right of Way Section
Jack Clark, Right of Way Section
Kevin Pollino, R/W Administrator, District 10-0
File

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Pennsylvania Department of Transportation for approval to alter the public crossings (DOT 051 674 J) and (DOT 149 033 D) by removal and replacement of the existing bridge structure where SR 0068 crosses, above grade the tracks of Bessemer & Lake Erie Railroad Company, Buffalo & Pittsburgh Railroad Inc., and CSX Transportation Inc., located in Butler and Summit Townships, Butler County, and allocation of costs incident thereto. :

Docket No.: A-2020-3022688

Electronically Filed

PETITION OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
TO TRANSFER JURISDICTION TO
THE COURT OF COMMON PLEAS OF BUTLER COUNTY

COMES NOW, the Commonwealth of Pennsylvania, Department of Transportation, by its attorney, Anthony A. Czuchnicki, Assistant Counsel, and in its Petition to Transfer Jurisdiction to the Court of Common Pleas of Butler County respectfully represents:

1. The name and address of your Petitioner is the Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.
2. The name and address of counsel for the Petitioner is Anthony A. Czuchnicki, Assistant Counsel, Office of Chief Counsel, Department of Transportation of the Commonwealth of Pennsylvania, P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212.
3. By Order adopted and entered June 13, 2024, in the proceeding docketed at Application Docket No. A-2020-3022688, your Honorable Commission approved the Application of the Pennsylvania Department of Transportation for approval to alter the public crossings (DOT 051 674 J) and (DOT 149 033 D) by removal and replacement of the existing bridge where SR 0068 crosses, above grade, the tracks of Bessemer & Lake Erie Railroad Company, Buffalo & Pittsburgh Railroad Inc., and CSX Transportation Inc., located in Butler and Summit Township, Butler County. (Exhibit "A")

4. By the aforesaid Order, your Honorable Commission directed, at paragraphs 2 through 6, that certain property be appropriated for the purpose of the aforesaid project, pursuant to Section 2702 of the Public Utility Code. 66 Pa.C.S. §2702.

5. The aforesaid project necessitated the appropriation of property within Butler and Summit Townships, Butler County, as filed with the Recorder of Deeds of Butler County on August 26, 2022, Instrument Number 2022-08260018410, and supplemented with revised plan sheets on April 29, 2024, Instrument Number 2024-04290005873. (Department ClaimNo. 1000889000).

6. The Department has determined that the just compensation for the property appropriation is \$119,400.00 which, as of the date of this Petition, has not been accepted by the Railway.

7. The name and address of the Railway is:

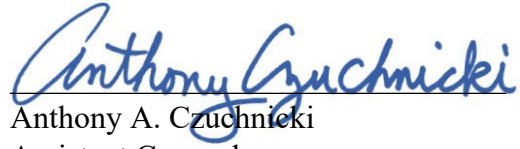
CSX Transportation, Inc.
c/o CT Corporation System
600 North Second Street, Suite 401
Harrisburg, PA 17101

8. A true and correct copy of this claim for property damage pursuant to Section 2704 of the Public Utility Code was duly served upon the Railway. 66 Pa.C.S. § 2704.

WHEREFORE, your Petitioner, Commonwealth of Pennsylvania, Department of Transportation requests your Honorable Commission, pursuant to 66 Pa.C.S. Section 2704, refer this matter to the Court of Common Pleas of Butler County, for the filing of a Petition to deposit the estimated just compensation amount into court pursuant to the Eminent Domain Code, 26 Pa.C.S.A § 307.

Date: August 6, 2024

Respectfully submitted,



Anthony A. Czuchnicki

Assistant Counsel

ID No. 312620

Commonwealth of Pennsylvania

Department of Transportation

Office of Chief Counsel

"Exhibit- A"

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held June 13, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Docket Number:
A-2020-3022688

Application of the Pennsylvania Department of Transportation for approval to alter the public crossings (DOT 051 674 J) and (DOT 149 033 D) by removal and replacement of the existing bridge structure where SR 0068 crosses, above grade the tracks of Bessemer & Lake Erie Railroad Company, Buffalo & Pittsburgh Railroad Inc., and CSX Transportation Inc., located in Butler and Summit Townships, Butler County, and the allocation of costs incident thereto.

ORDER

BY THE COMMISSION:

On November 2, 2020, the Pennsylvania Department of Transportation (Department) filed an application for approval to alter the public crossings (DOT 051 674 J) and (DOT 149 033 D) by removal and replacement of the existing highway bridge structure.

By Secretarial Letter dated March 12, 2021, the Commission approved the application to remove and replace the existing highway bridge structure.

Paragraph No. 3 of the Commission’s Secretarial Letter dated March 12, 2021, directed the Department, if necessary, to submit for approval the right-of-way plans and the metes and bounds descriptions for any railroad property for the Commission to appropriate.

The Department submitted final right-of-way plans to the Commission for approval and all parties of record for review. The plans were received on February 28, 2024, and consist of thirty-seven (37) sheets.

On March 19, 2024, Canadian National Railway Company, the owner of Bessemer & Lake Erie Railroad Company, objected to the right-of-way plans submitted by the Department.

On May 6, 2024, the Department filed revised right-of-way plans to the Commission for approval and all parties of record for review. The revised right-of-way plans addressed the Canadian National Railway Company objections, changing required right-of-way in fee simple to required right-of-way easement for highway purposes.

The revised right-of-way plans consist of (7) sheets and will amend and replace sheets 1, 10, 11, 12, 14, 31, and 32 of the original plans submitted on February 28, 2024.

The Department has submitted final right-of-way plans to the Commission for approval and all parties of record for review. The plans were received February 28, 2024, and May 6, 2024, and are entitled: “COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR STATE ROUTE 0068 SECTION 253 R/W IN BUTLER COUNTY” and consists of thirty-seven (37) sheets.

The Department avers that each party to the proceeding was served a copy of the plans for review. None of the parties has advised this Commission that it objects to approval of the plans.

The metes and bounds descriptions required for the property appropriations associated with the said right-of-way plans were submitted to the Commission on February 28, 2024, and May 6, 2024, and are defined herein by this Order.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

The record having been certified to this Commission, we issue this Order pursuant to Section 335(a) of the Public Utility Code (66 Pa. C.S. §335(a)) and find that the appropriation of railroad property is necessary and proper for the service, accommodation, convenience or safety of the public; **THEREFORE**,

IT IS ORDERED:

1. That the right-of-way plans submitted by the Pennsylvania Department of Transportation on February 28, 2024, and May 6, 2024, consisting of thirty-seven (37) sheets, and identified as “COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR STATE ROUTE 0068 SECTION 253 R/W IN BUTLER COUNTY,” which plans are hereby approved and made part hereof.

2. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 2 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

CT CORPORATION SYSTEM
600 NORTH SECOND STREET, SUITE 401
HARRISBURG, PENNSYLVANIA 17101

ALL THOSE CERTAIN tracts of land situated in Butler and Summit Townships, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 3
Required Right-of-Way (Easement for Highway Purposes)

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right sixteen feet (16) from centerline of State Route 0068 measured at right angle at station 120+90; thence southerly along easterly property line thirty feet (30) to a point, said point being forty feet (40) right from centerline of State Route 0068 measured at right angle at station 120+73; thence southerly along the easterly property line two hundred twenty three feet (223) to a point, said point being one hundred sixty one feet (161) right from centerline of State Route 0068 measured at right angle at station 118+89; thence southwesterly along southerly required right-of-way line eighty eight feet (88) to a point, said point being one hundred thirty five feet (135.00) right from centerline of State Route 0068 measured at right angle at station 118+10.00; thence northwesterly westerly required right-of-way line eighty two and seventy seven hundredth feet (82.77) to a

point, said point being sixty feet (60.00) right from centerline of State Route 0068 measured at right angle at station 117+75.00; thence northwesterly fifty seven feet (57) to a point, said point being three feet (3) right from centerline of State Route 0068 measured at right angle at station 117+75.00; thence northeasterly three hundred sixteen feet (316) to place of beginning.

Containing 0.73 acres (32,014 square feet)

TRACT No. 4

Required Right-of-Way (Easement for Highway Purposes)

Beginning at a point, said point being along the westerly legal right-of-way line of State Route 0068, left fifty seven feet (57) from centerline of State Route 0068 measured at right angle at station 118+30.00; thence northerly fifty seven feet (57) to a point, said point being ninety five feet (95.00) left from centerline of State Route 0068 measured at right angle at station 118+75.00; thence northeasterly forty six and ninety one hundredth feet (46.91) to a point, said point being ninety five feet (95.00) left from centerline of State Route 0068 measured at right angle at station 119+25.00; thence southeasterly twenty feet (20) to a point, said point being seventy five feet (75) left from centerline of State Route 0068 measured at right angle at station 119+25.00; thence southwesterly thirty five feet (35) to a point, said point being seventy six feet (76) left from centerline of State Route 0068 measured at right angle at station 118+88; thence southeasterly twenty feet (20) to a point, said point being fifty six feet (56) left from centerline of State Route 0068 measured at right angle at station 118+88; thence southwesterly fifty six feet (56) to place of beginning.

Containing 0.05 acres (2,004 square feet)

TRACT No. 5

Required Right-of-Way (Easement for Highway Purposes)

Beginning at a point, said point being along the westerly legal right-of-way line of State Route 0068, left ninety three feet (93) from centerline of State Route 0068 measured at right angle at station 121+00.00, thence northwesterly eighty and seventy two hundredth feet (80.72) to a point, said point being one hundred seventy feet (170.00) left from centerline of State Route 0068 measured at right angle at station 121+25.00; thence northeasterly thirty seven feet (37) to a point, said point being one hundred sixty eight feet (168) left from centerline of State Route 0068 measured at right angle at station 121+62; thence southeasterly along easterly

property line seventy nine feet (79) to a point, said point being ninety feet (90) left from centerline of State Route 0068 measured at right angle at station 121+46; thence southwesterly forty six feet (46) to place of beginning.

Containing 0.08 acres (3,270 square feet)

The above three (3) tracts of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as required right-of-way (easement for highway purposes) and designated and delineated as part of Parcel No. 15 on Sheets No. 11, 12, 14, 31 and 32 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in the Baltimore and Ohio Railroad Company, a Maryland Corporation; and Manufacturers Hanover Trust Company, a New York Corporation; and D.B. Herterich, as Trustees Under B&O's Refunding and General Mortgage Dated December 1, 1915, as Supplemented and amended & Allegheny & Western Railroad Company, a corporation organized and existing under the laws of the State Of Pennsylvania, successors of: the Cheat Haven Railroad Company, a Pennsylvania Corporation, dated December 31, 1980 and recorded August 19, 1982 in Deed Book 1152, Page 935, in Butler County Courthouse; C.H. McCauley and J.A., his wife, dated January 19, 1903 and recorded January 27, 1903 in Deed Book 216, Page 113, in Butler County Courthouse.

3. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 3 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

CT CORPORATION SYSTEM
600 NORTH SECOND STREET, SUITE 401
HARRISBURG, PENNSYLVANIA 17101

ALL THOSE CERTAIN tracts of land situated Butler and Summit Townships, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 7
(Required Channel Easement)

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right three feet (3.00) from centerline of State Route 0068 measured at right angle at station 115+00.00; thence southeasterly ninety seven feet (97.00) to a point, said point being one hundred (100.00) right from centerline of State Route 0068 measured at right angle at station 115+00.00; thence southwesterly fifty feet (50.00) to a point, said point being one hundred feet (100.00) right from centerline of State Route 0068 measured at right angle at station 114+50.00; thence northwesterly ninety seven feet (97.00) to a point, said point being three feet (3.00) right from centerline of State Route 0068 measured at right angle at station 114+50.00; thence northeasterly fifty feet (50.00) to place of beginning.

Containing 0.11 acres (4,850 square feet)

The above tract of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as required channel easement and designated and delineated as part of Parcel No. 15 on Sheets No. 11, 12, 14, 31 and 32 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in the Baltimore and Ohio Railroad Company, a Maryland corporation; and Manufacturers Hanover Trust Company, a New York Corporation; and D.B. Herterich, as trustees under B&O's Refunding and General Mortgage Dated December 1, 1915, as supplemented and amended & Allegheny & Western Railroad Company, a Corporation Organized and existing under the laws of the State of Pennsylvania, successors of: the Cheat Haven Railroad Company, a Pennsylvania corporation, dated December 31, 1980 and recorded August 19, 1982 in Deed Book 1152, Page 935, in Butler County Courthouse; C.H. McCauley and J.A., his wife, dated January 19, 1903 and recorded January 27, 1903 in Deed Book 216, Page 113, in Butler County Courthouse.

4. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 4 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

CT CORPORATION SYSTEM
600 NORTH SECOND STREET, SUITE 401
HARRISBURG, PENNSYLVANIA 17101

ALL THOSE CERTAIN tracts of land situated Butler and Summit Townships, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 8
(Legal Right-of-Way converted to Aerial Easement)

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right three feet (3) from centerline of State Route 0068 measured at right angle at station 113+32; thence westerly along southerly property line forty one feet (41) to a point, said point being twenty seven feet (27) left from centerline of State Route 0068 measured at right angle at station 113+04; thence northerly along westerly property line fifty six feet (56) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at right angle at station 113+51; thence northeasterly along westerly legal right-of-way line four hundred seventy nine feet (479) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at right angle at station 118+30.00; thence southerly along northerly property line eighty one feet (81) to a point, said point being three feet (3) right from centerline of State Route 0068 measured at right

angle at station 117+75; thence southwesterly four hundred forty three feet (443) to place of beginning.

Containing 0.66 acres (28,794 square feet)

The above tract of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as legal right-of-way converted to aerial easement and designated and delineated as part of Parcel No. 15 on Sheets No. 11, 12, 14, 31 and 32 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in The Baltimore And Ohio Railroad Company, a Maryland Corporation; and Manufacturers Hanover Trust Company, a New York Corporation; and D.B. Herterich, as Trustees under B&O's Refunding and General Mortgage dated December 1, 1915, as Supplemented and amended & Allegheny & Western Railroad Company, a Corporation organized and existing under the Laws of the state of Pennsylvania, successors of: the Cheat Haven Railroad Company, a Pennsylvania corporation, dated December 31, 1980 and recorded August 19, 1982 in Deed Book 1152, Page 935, in Butler County Courthouse; C.H. McCauley and J.A., his wife, dated January 19, 1903 and recorded January 27, 1903 in Deed Book 216, Page 113, in Butler County Courthouse.

5. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order and, that Paragraph No. 5 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

CT CORPORATION SYSTEM
600 NORTH SECOND STREET, SUITE 401
HARRISBURG, PENNSYLVANIA 17101

ALL THOSE CERTAIN tracts of land situated Butler and Summit Townships, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 6
(Required Aerial Easement)

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right three feet (3) from centerline of State Route 0068 measured at right angle at station 113+32; thence northeasterly four hundred forty three feet (443) to a point, said point being three feet (3) right from centerline of State Route 0068 measured at right angle at station 117+75.00; thence southeasterly fifty seven feet (57) to a point, said point being sixty feet (60.00) right from centerline of State Route 0068 measured at a right angle at station 117+75.00; thence southwesterly three hundred eighty nine feet (389) to a point, said point being sixty feet (60) right from centerline of State Route 0068 measured at a right angle station 113+86; thence westerly along southerly property line seventy nine feet (79) to the place of beginning.

Containing 0.54 acres (23,705 square feet)

The above tract of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as required aerial easement and designated and delineated as part of Parcel No. 15 on Sheets No. 11, 12, 14, 31 and 32 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in the Baltimore And Ohio Railroad Company, a Maryland Corporation; and Manufacturers Hanover Trust Company, a New York Corporation; and D.B. Herterich, as Trustees under B&O's Refunding and General Mortgage dated December 1, 1915, as supplemented and amended & Allegheny & Western Railroad Company, a Corporation Organized and existing under the laws of the state of Pennsylvania, successors of: the Cheat Haven Railroad Company, a Pennsylvania Corporation, dated December 31, 1980 and recorded August 19, 1982 in Deed Book 1152, Page 935, in Butler County Courthouse; C.H. McCauley and J.A., his wife, dated January 19, 1903 and recorded January 27, 1903 in Deed Book 216, Page 113, in Butler County Courthouse.

6. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated temporarily, for the use during the construction period only, in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 6 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

CT CORPORATION SYSTEM
600 NORTH SECOND STREET, SUITE 401
HARRISBURG, PENNSYLVANIA 17101

ALL THOSE CERTAIN tracts of land situated Butler and Summit Townships, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 1
(Temporary Construction Easement)

Beginning at a point, said point being along the easterly required aerial easement line of Parcel 15 right sixty feet (60.00) from centerline of State Route 0068 measured at right angle at station 117+75.00; thence easterly eighty two and seventy six hundredth feet (82.76) to a point, said point being one hundred thirty five feet (135.00) right from centerline of State Route 0068 measured at right angle at station 118+10.00; thence northeasterly eighty eight feet (88) to a point, said point being one hundred sixty one feet (161) right from centerline of State Route 0068 measured at right angle at station 118+89; thence southerly along the easterly property line one hundred twenty one feet (121) to a point, said point being two hundred thirty one feet (231) right from centerline of State Route 0068 measured at right angle at station 117+96; thence southwesterly one hundred ninety nine feet (199) to a point, said point being two hundred feet (200.00) right from centerline of

State Route 0068 measured at right angle at station 116+00.00; thence southwesterly eighty one feet (81) to a point, said point being two hundred feet (200) right from centerline of State Route 0068 measured at right angle at station 115+19; thence westerly along southerly property line one hundred ninety three feet (193) to a point, said point being sixty feet (60) right from centerline of State Route 0068 measured at right angle at station

113+86; thence northeasterly three hundred eighty-nine feet (389) to place of beginning.

Containing 1.28 acres (55,842 square feet)

TRACT No. 2
(Temporary Construction Easement)

Beginning at a point, said point being along the westerly legal right-of-way line of SR 0068, left fifty seven feet (57) from centerline of State Route 0068 measured at right angle at station 113+51; thence northerly along westerly property line twenty five feet (25) to a point, said point being seventy one feet (71) left from centerline of State Route 0068 measured at right angle at station 113+72; thence northeasterly along westerly property line one hundred sixty eight feet (168) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at right angle at station 115+39; thence northwesterly along westerly property line one hundred eighty five feet (185) to a point, said point being two hundred feet (200) left from centerline of State Route 0068 measured at right angle at station 116+57; thence northeasterly sixty eight feet (68) to a point, said point being two hundred feet (200.00) left from centerline of State Route 0068 measured at right angle at station 117+25.00; thence southeasterly one hundred one and ninety eight hundredth feet (101.98) to a point, said point being one hundred feet (100.00) left from centerline of State Route 0068 measured at right angle at station 117+45.00; thence northeasterly one hundred fourteen and seventy three hundredth feet (114.73) to a point, said point being eighty five feet (85.00) left from centerline of State Route 0068 measured at right angle at station 118+60.00; thence northerly seventy four and eighty five hundredths feet (74.85) to a point, said point being one hundred thirty five feet (135.00) left from centerline of State Route 0068 measured at right angle at station 119+20.00; thence northwesterly forty five feet (45.00) to a point, said point being one hundred eighty feet (180.00) left from centerline of State Route 0068 measured at a right angle at station 119+20; thence northwesterly sixty seven and twenty eight hundredths feet (67.28) to a point, said point being two hundred forty five feet (245.00) left

from centerline of State Route 0068 measured at right angle at station 119+40.00; thence northerly one hundred forty nine and sixteen hundredths feet (149.16) to a point, said point being three hundred forty feet (340.00) left from centerline of State Route 0068 measured at a right angle at station 120+55.00; thence northeasterly seventy five and sixty six feet (75.66) to a point, said point being three hundred fifty feet (350.00) left from centerline of State Route 0068 measured at a right angle at station 121+30.00; thence easterly fifty four and eight hundredths feet (54.08) to a point, said point being three hundred five feet (305.00) left from centerline of State Route 0068 measured at a right angle at station 121+60.00; thence southeasterly sixty five and nineteen hundredths feet (65.19) to a point, said point being two hundred forty feet (240.00) left from centerline of State Route 0068 measured at a right angle at station 121+55.00; thence southeasterly seventy six and sixteen hundredths feet (76.16) to a point, said point being one hundred seventy feet (170.00) left from centerline of State Route 0068 measured at a right angle at station 121+25.00; thence southeasterly eighty one feet (81) to a point, said point being ninety three feet (93) left of centerline of State Route 0068 measured at a right angle at station 121+00.00; thence westerly along westerly legal right-of-way line eight feet (8) to a point, said point being ninety four feet (94) left from centerline of State Route 0068 measured at right angle at station 120+93; thence southeasterly along westerly legal right-of-way line thirty feet (30) to a point, said point being sixty four feet (64) left from centerline of State Route 0068 measured at right angle at station 120+91; thence southwesterly along northerly legal right-of-way line seventy one feet (71) to a point, said point being along the westerly legal right-of-way line of SR 0068, left sixty eight feet (68) from centerline of State Route 0068 measured at right angle at station 120+20.00; thence northerly one hundred twenty three feet (123) to a point, said point being one hundred seventy feet (170.00) left from centerline of State Route 0068 measured at right angle at station 120+90.00; thence northwesterly eighty five feet and nine hundredths feet (85.09) to a point, said point being two hundred forty four feet (244.00) left from centerline of State Route 0068 measured at a right angle at station 121+32.00; thence northwesterly fifty eight and fifty two hundredths feet (58.52) to a point, said point being three hundred feet (300.00) left from centerline of State Route 0068 measured at a right angle at station 121+15.00; thence southwesterly forty feet (40.00) to a point, said point being three hundred feet left (300.00) from centerline of State Route 0068 measured at a right angle at station 120+75.00; thence southerly one hundred sixty and fifty nine hundredths feet (160.59) to a point, said point being two hundred ten feet (210.00) left from centerline of State Route 0068 measured at a right angle at station 119+42.00; thence southeasterly twenty nine and seventy

two hundredths feet (29.72) to a point, said point being one hundred eighty one feet (181.00) left from centerline of State Route 0068 measured at a right angle at station 119+35.00; thence easterly seventy four and forty eight hundredths feet (74.48) to a point, said point being one hundred fifteen feet (115.00) left from centerline of State Route 0068 measured at a right angle at station 119+70.00; thence easterly sixty eight feet (68) to a point, said point being sixty eight feet (68) left from centerline of State Route 0068 measured at a right angle at station 120+20.00; thence southwesterly ninety five feet (95) to a point, said point being seventy five feet (75) left from centerline of State Route 0068 measured at a right angle at station 119+25.00; thence northwesterly twenty feet (20) to a point, said point being ninety five feet (95.00) left from centerline of State Route 0068 measured at a right angle at station 119+25.00; thence southwesterly forty six and ninety one hundredths feet (46.91) to a point, said point being ninety five (95.00) left from centerline of State Route 0068 measured at a right angle at station 118+75.00; thence southerly fifty seven feet (57) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at a right angle at station 118+30.00; thence southwesterly four hundred seventy nine feet (479) to place of beginning.

Containing 1.16 acres (50,679 square feet)

The above two (2) tracts of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as temporary construction easement and designated and delineated as part of Parcel No. 15 on Sheets No. 11, 12, 14, 31 and 32 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in the Baltimore and Ohio Railroad Company, a Maryland corporation; and Manufacturers Hanover Trust Company, a New York corporation; and D.B. Herterich, as Trustees under B&O's Refunding and General Mortgage dated December 1, 1915, as supplemented and amended & Allegheny & Western Railroad Company, a corporation organized and existing under the laws of the state of Pennsylvania, successors of: the Cheat Haven Railroad Company, a Pennsylvania corporation, dated December 31, 1980 and recorded August 19, 1982 in Deed Book 1152, Page 935, in Butler County Courthouse; C.H. McCauley and J.A., his wife, dated January 19, 1903 and recorded January 27, 1903 in Deed Book 216, Page 113, in Butler County Courthouse.

7. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 7 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

BESSEMER AND LAKE ERIE RAILROAD COMPANY
(CANADIAN NATIONAL RAILWAY COMPANY)
17641 SOUTH ASHLAND AVENUE
HOMWOOD, IL 17641

ALL THOSE CERTAIN tracts of land situated in Butler Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 7
Required Right-of-Way (Easement for Highway Purposes)

Beginning at a point, said point being along the westerly legal right-of-way line of State Route 0068, left fifty seven feet (57) from centerline of State Route 0068 measured at a right angle at station 110+38; thence northwesterly along westerly legal right-of-way line twenty four feet (24) to a point, said point being eighty one feet (81) left from centerline of State Route 0068 measured at a right angle at station 110+38; thence easterly along westerly property line ten feet (10) to a point, said point being seventy three feet (73) left from centerline of State Route 0068 measured at a right angle at station 110+45; thence southeasterly seventeen feet (17) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at a right angle at station 110+50.00; thence southwesterly along westerly legal right-of-way line twelve feet (12) to place of beginning.

Containing 0.004 acres (184 square feet)

TRACT No. 8

Required Right-of-Way (Easement for Highway Purposes)

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right three feet (3) from centerline of State Route 0068 measured at a right angle at station 110+00.00; thence southerly fifty five feet (55) to a point, said point being forty feet (40.00) right from centerline of State Route 0068 measured at a right angle at station 109+60.00; thence southwesterly sixty three and twenty five hundredth feet (63.25) to a point, said point being sixty feet (60.00) right from centerline of State Route 0068 measured at a right angle at station 109+00.00; thence southwesterly one hundred ninety one and thirty two hundredth feet (191.32) to a point, said point being sixty feet (60.00) right from centerline of State Route 0068 measured at a right angle at station 107+00.00; thence southwesterly one hundred forty two and seventy five hundredth feet (142.75) to a point, said point being fifty five feet (55.00) right from centerline of State Route 0068 measured at a right angle at station 105+50.00; thence southerly forty nine feet (49) to a point, said point being fifty eight feet (58) right from centerline of State Route 0068 measured at a right angle at station 104+98; thence northerly along westerly property line thirty four feet (34) to a point, said point being forty three feet (43) right from centerline of State Route 0068 measured at a right angle at station 105+31; thence northwesterly along westerly property line twenty five feet (25) to a point, said point being twenty six feet (26) right from centerline of State Route 0068 measured at a right angle at station 105+49; thence northeasterly along legal right-of-way line four hundred twenty five feet (425) to a point, said point being three feet (3) right from centerline of State Route 0068 measured at a right angle at station 109+78; thence northeasterly along legal right-of-way line twenty two feet (22) to a point to place of beginning.

Containing 0.44 acres (19,221 square feet)

The above two (2) tracts of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as required right-of-way (easement for highway purposes) and designated and delineated as part of Parcel No. 23 on sheets No. 11, 14 and 35 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page

9 on April 29, 2024, is a portion of real estate which became legally vested in Pittsburgh Bessemer and Lake Erie Railroad Company, successors of: George Reiber heirs (Henry Reiber, single, George L. Reiber, single, Edward Reiber, single, Mary L. Reiber, single, Anna M. Reiber, single, Elizabeth Reiber, single, Ida F. Reiber, single, William F. Miller and Caroline Miller (Nee Reiber), his Wife, all of Butler County Pennsylvania, and Wilhelmina Meiser (Nee Reiber), widow of Detroit, Michigan, heirs of George Reiber deceased), dated April 27, 1907 and recorded April 30, 1907 in Deed Book 252, Page 35, in Butler County Courthouse; Ira McJunkin Trust (Ira McJunkin and Ira McJunkin Trustee, of the Borough of Butler County of Butler State of Pennsylvania), dated June 21, 1906 and recorded June 25, 1906 in Deed Book 244, Page 37, in Butler County Courthouse; Ira McJunkin Et Al (Ira McJunkin, single man, of Butler, Pa, Ira McJunkin Trustee for W.A. Stover, A.E. Butler and Nellie Butler, his wife, George N. Burkhalter and Nina Burkhalter, his wife, W.A. Stover and Jennie Stover, his wife), dated December 7, 1910 and recorded December 28, 1910 in Deed Book 286, Page 83, in Butler County Courthouse; Ira Mcjunkin Trustee Et Al (Ira Mcjunkin, single, of Butler, Butler County, Pennsylvania, Ira Mcjunkin, Trustee for W.A. Stover, A.E. Butler and George Burkhalter, and W. A. Stover and Jennie Stover, his wife, George N. Burkhalter and Nina Burkhalter, his wife, all of Butler, Butler County, Pennsylvania, and A.E. Butler and Nellie Butler, his wife, of Bruin, Butler County, Pennsylvania), dated August 22, 1911 and recorded September 9, 1911 in Deed Book 290, Page 206, in Butler County Courthouse; Sarah C. McClure, dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 479, in Butler County Courthouse; Charles E. Flaudran Et Ux (Charles E. Flaudran And Rebecca B. Flaudran his wife of the City of St Paul Ramsey County Minnesota), dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 481, in Butler County Courthouse; George Reiber, based on unrecorded Condemnation of Right-Of-Way on September 1888 from George Reiber to W.P. & S.C.R.R. Co. Allegheny and Western Railway Company, a corporation of the Commonwealth of Pennsylvania, dated August 31, 1948 and recorded November 16, 1948 in Deed Book 578, Page 317, in Butler County Courthouse; Allegheny and Western Railway Company, a Corporation of the Commonwealth of Pennsylvania, dated February 20, 1957 and recorded April 5, 1957 in Deed Book 697, Page 149, in Butler County Courthouse.

8. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 8 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

BESSEMER AND LAKE ERIE RAILROAD COMPANY
(CANADIAN NATIONAL RAILWAY COMPANY)
17641 SOUTH ASHLAND AVENUE
HOMWOOD, IL 17641

ALL THOSE CERTAIN tracts of land situated in Butler Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 4
Required Drainage Easement

Beginning at a point, said point being along the southerly property line, left fifty feet (50.00) from centerline of State Route 0068 measured at a right angle at station 110+44; thence easterly one hundred twenty one feet (121) to a point, said point being forty four feet (44) right from centerline of State Route 0068 measured at a right angle at station 111+21; thence southerly along the easterly property line twenty eight feet (28) to a point, said point being fifty six feet (56) right from centerline of State Route 0068 measured at a right angle at station 110+96; thence westerly one hundred ten feet (110) to a point, said point being thirty feet (30.00) left from centerline of State Route 0068 measured at a right angle at station 110+28; thence northerly twenty six feet (26) to place of beginning.

Containing 0.07 acres (3,036 square feet)

TRACT No. 5
Required Drainage Easement

Beginning at a point, said point being along the westerly legal right-of-way line of State Route 0068, left fifty seven feet (57) left from centerline of State Route 0068 measured at a right angle at station 112+55; thence southeasterly seventy two feet (72) to a point, said point being thirteen feet (13) right from centerline of State Route 0068 measured at a right angle at station 112+37; thence southerly along easterly property line forty seven feet (47) to a point, said point being forty one feet (41) right from centerline of State Route 0068 measured at a right angle at station 112+00; thence westerly one hundred four feet (104) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at a right angle at station 112+35.00; thence northeasterly along westerly legal right-of-way line twenty feet (20) to point of beginning.

Containing 0.05 acres (2,035 square feet)

The above two (2) tracts of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as required drainage easement and designated and delineated as part of Parcel No. 23 on sheets No. 11, 14 and 35 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in Pittsburgh Bessemer and Lake Erie Railroad Company, successors of: George Reiber heirs (Henry Reiber, single, George L. Reiber, single, Edward Reiber, single, Mary L. Reiber, single, Anna M. Reiber, single, Elizabeth Reiber, single, Ida F. Reiber, single, William F. Miller and Caroline Miller (Nee (Reiber), his Wife, all of Butler County Pennsylvania, and Wilhelmina Meiser (Nee Reiber), widow of Detroit, Michigan, heirs of George Reiber deceased), dated April 27, 1907 and recorded April 30, 1907 in Deed Book 252, Page 35, in Butler County Courthouse; Ira McJunkin Trust (Ira McJunkin and Ira McJunkin Trustee, of the Borough of Butler County of Butler State of Pennsylvania), dated June 21, 1906 and recorded June 25, 1906 in Deed Book 244, Page 37, in Butler County Courthouse; Ira McJunkin Et Al (Ira McJunkin, single man, of Butler, Pa, Ira McJunkin Trustee for W.A. Stover, A.E. Butler and Nellie Butler, his wife, George N. Burkhalter And Nina Burkhalter, his Wife, W.A. Stover and Jennie Stover, his wife), dated December 7, 1910 and recorded December

28, 1910 in Deed Book 286, Page 83, in Butler County Courthouse; Ira Mcjunkin Trustee Et Al (Ira Mcjunkin, single, of Butler, Butler County, Pennsylvania, Ira Mcjunkin, Trustee for W.A. Stover, A.E. Butler and George Burkhalter, and W. A. Stover and Jennie Stover, his wife, George N. Burkhalter and Nina Burkhalter, his wife, all of Butler, Butler County, Pennsylvania, and A.E. Butler and Nellie Butler, his wife, of Bruin, Butler County, Pennsylvania), dated August 22, 1911 and recorded September 9, 1911 in Deed Book 290, Page 206, in Butler County Courthouse; Sarah C. McClure, dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 479, in Butler County Courthouse; Charles E. Flaudran Et Ux (Charles E. Flaudran And Rebecca B. Flaudran his wife of the City of St Paul Ramsey County Minnesota), dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 481, in Butler County Courthouse; George Reiber, based on unrecorded Condemnation of Right-Of-Way on September 1888 from George Reiber to W.P. & S.C.R.R. Co. Allegheny and Western Railway Company, a corporation of the Commonwealth of Pennsylvania, dated August 31, 1948 and recorded November 16, 1948 in Deed Book 578, Page 317, in Butler County Courthouse; Allegheny and Western Railway Company, a Corporation of the Commonwealth of Pennsylvania, dated February 20, 1957 and recorded April 5, 1957 in Deed Book 697, Page 149, in Butler County Courthouse.

9. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 9 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

BESSEMER AND LAKE ERIE RAILROAD COMPANY
(CANADIAN NATIONAL RAILWAY COMPANY)
17641 SOUTH ASHLAND AVENUE
HOMEWOOD, IL 17641

ALL THOSE CERTAIN tracts of land situated in Butler Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 6
Legal Right-of-Way Converted to Aerial Easement

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right three feet (3) from centerline of State Route 0068 measured at a right angle at station 110+00.00; thence northerly seventy eight feet (78) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at a right angle at station 110+50.00; thence northeasterly along the westerly legal right-of-way line three hundred one feet (301) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 measured at a right angle at station 113+51; thence southerly along the easterly property line fifty six feet (56) to a point, said point being twenty seven feet (27) left from centerline of State Route 0068 measured at a right angle at station 113+04; thence westerly along easterly property line eight feet (8) to a point, said point being thirty three

feet (33) left from centerline of State Route 0068 measured at a right angle at station 112+98; thence southerly along easterly property line sixty feet (60) to a point, said point being three feet (3) right from centerline of State Route 0068 measured at a right angle at station 112+50; thence southwesterly along easterly legal right-of-way line of State Route 0068 two hundred fifty feet (250) to place of beginning.

Containing 0.38 acres (16,393 square feet)

The above tract of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as legal right-of-way converted to aerial easement and designated and delineated as part of Parcel No. 23 on sheets No. 11, 14 and 35 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in Pittsburgh Bessemer and Lake Erie Railroad Company, successors of: George Reiber heirs (Henry Reiber, single, George L. Reiber, single, Edward Reiber, single, Mary L. Reiber, single, Anna M. Reiber, single, Elizabeth Reiber, single, Ida F. Reiber, single, William F. Miller and Caroline Miller (Nee (Reiber), his Wife, all of Butler County Pennsylvania, and Wilhelmina Meiser (Nee Reiber), widow of Detroit, Michigan, heirs of George Reiber deceased), dated April 27, 1907 and recorded April 30, 1907 in Deed Book 252, Page 35, in Butler County Courthouse; Ira McJunkin Trust (Ira McJunkin and Ira McJunkin Trustee, of the Borough of Butler County of Butler State of Pennsylvania), dated June 21, 1906 and recorded June 25, 1906 in Deed Book 244, Page 37, in Butler County Courthouse; Ira McJunkin Et Al (Ira McJunkin, single man, of Butler, Pa, Ira McJunkin Trustee for W.A. Stover, A.E. Butler and Nellie Butler, his wife, George N. Burkhalter And Nina Burkhalter, his Wife, W.A. Stover and Jennie Stover, his wife), dated December 7, 1910 and recorded December 28, 1910 in Deed Book 286, Page 83, in Butler County Courthouse; Ira Mcjunkin Trustee Et Al (Ira Mcjunkin, single, of Butler, Butler County, Pennsylvania, Ira Mcjunkin, Trustee for W.A. Stover, A.E. Butler and George Burkhalter, and W. A. Stover and Jennie Stover, his wife, George N. Burkhalter and Nina Burkhalter, his wife, all of Butler, Butler County, Pennsylvania, and A.E. Butler and Nellie Butler, his wife, of Bruin, Butler County, Pennsylvania), dated August 22, 1911 and recorded September 9, 1911 in Deed Book 290, Page 206, in Butler County Courthouse; Sarah C. McClure, dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 479, in Butler County Courthouse; Charles E. Flaudran Et Ux (Charles E. Flaudran And Rebecca B.

Flandran his wife of the City of St Paul Ramsey County Minnesota), dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 481, in Butler County Courthouse; George Reiber, based on unrecorded Condemnation of Right-Of-Way on September 1888 from George Reiber to W.P. & S.C.R.R. Co. Allegheny and Western Railway Company, a corporation of the Commonwealth of Pennsylvania, dated August 31, 1948 and recorded November 16, 1948 in Deed Book 578, Page 317, in Butler County Courthouse; Allegheny and Western Railway Company, a Corporation of the Commonwealth of Pennsylvania, dated February 20, 1957 and recorded April 5, 1957 in Deed Book 697, Page 149, in Butler County Courthouse.

10. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated as for the purpose of improvement in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No.10 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

BESSEMER AND LAKE ERIE RAILROAD COMPANY
(CANADIAN NATIONAL RAILWAY COMPANY)
17641 SOUTH ASHLAND AVENUE
HOMWOOD, IL 17641

ALL THOSE CERTAIN tracts of land situated in Butler Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 3
Required Aerial Easement

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right three feet (3) from centerline of State Route 0068 measured at a right angle at station 110+00; thence northeasterly two hundred fifty feet (250) to a point, said point being three feet (3) right from centerline of State Route 0068 measured at a right angle at station 112+50; thence southerly along the easterly property line ninety five feet (95) to a point, said point being sixty feet (60) right from centerline of State Route 0068 measured at a right angle at station 111+75; thence south westerly seven feet (7) to a point, said point being sixty feet (60) right from centerline of State Route 0068 and measured at a right angle at station 111+68; thence westerly along the easterly property line thirty six feet (36) to a point, said point being thirty three feet (33) right from centerline of State Route 0068 and measured at a right

angle at station 111+45; thence southerly along the easterly property line sixty four feet (64) to a point, said point being sixty feet (60) right from centerline of State Route 0068 and measured at a right angle at station 110+87; thence southwesterly one hundred eighty seven feet (187) to a point, said point being sixty feet (60.00) right from centerline of State Route 0068 and measured at a right angle at station 109+00.00; thence northerly sixty three and twenty five hundredth feet (63.25) to a point, said point being forty feet (40.00) right from centerline of State Route 0068 and measured at a right angle at station 109+60.00; thence northerly fifty four feet (54) to place of beginning.

Containing 0.30 acres (13,146 square feet)

The above tract of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as required aerial easement and designated and delineated as part of Parcel No. 23 on sheets No. 11, 14 and 35 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in Pittsburgh Bessemer and Lake Erie Railroad Company, successors of: George Reiber heirs (Henry Reiber, single, George L. Reiber, single, Edward Reiber, single, Mary L. Reiber, single, Anna M. Reiber, single, Elizabeth Reiber, single, Ida F. Reiber, single, William F. Miller and Caroline Miller (Nee (Reiber), his Wife, all of Butler County Pennsylvania, and Wilhelmina Meiser (Nee Reiber), widow of Detroit, Michigan, heirs of George Reiber deceased), dated April 27, 1907 and recorded April 30, 1907 in Deed Book 252, Page 35, in Butler County Courthouse; Ira McJunkin Trust (Ira McJunkin and Ira McJunkin Trustee, of the Borough of Butler County of Butler State of Pennsylvania), dated June 21, 1906 and recorded June 25, 1906 in Deed Book 244, Page 37, in Butler County Courthouse; Ira McJunkin Et Al (Ira McJunkin, single man, of Butler, Pa, Ira McJunkin Trustee for W.A. Stover, A.E. Butler and Nellie Butler, his wife, George N. Burkhalter And Nina Burkhalter, his Wife, W.A. Stover and Jennie Stover, his wife), dated December 7, 1910 and recorded December 28, 1910 in Deed Book 286, Page 83, in Butler County Courthouse; Ira Mcjunkin Trustee Et Al (Ira Mcjunkin, single, of Butler, Butler County, Pennsylvania, Ira Mcjunkin, Trustee for W.A. Stover, A.E. Butler and George Burkhalter, and W. A. Stover and Jennie Stover, his wife, George N. Burkhalter and Nina Burkhalter, his wife, all of Butler, Butler County, Pennsylvania, and A.E. Butler and Nellie Butler, his wife, of Bruin, Butler County, Pennsylvania), dated August 22, 1911

and recorded September 9, 1911 in Deed Book 290, Page 206, in Butler County Courthouse; Sarah C. McClure, dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 479, in Butler County Courthouse; Charles E. Flaudran Et Ux (Charles E. Flaudran And Rebecca B. Flaudran his wife of the City of St Paul Ramsey County Minnesota), dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 481, in Butler County Courthouse; George Reiber, based on unrecorded Condemnation of Right-Of-Way on September 1888 from George Reiber to W.P. & S.C.R.R. Co. Allegheny and Western Railway Company, a corporation of the Commonwealth of Pennsylvania, dated August 31, 1948 and recorded November 16, 1948 in Deed Book 578, Page 317, in Butler County Courthouse; Allegheny and Western Railway Company, a corporation of the Commonwealth of Pennsylvania, dated February 20, 1957 and recorded April 5, 1957 in Deed Book 697, Page 149, in Butler County Courthouse.

11. That in accordance with the provisions of Section 2702 of the Public Utility Code, 66 Pa. C. S. §2702, the following described properties be and are hereby taken and appropriated temporarily, for the use during the construction period only, in accordance with the right-of-way plans approved in numbered Paragraph 1 of this Order, and that Paragraph No. 11 of this Order shall be recorded by the Recorder of Deeds of Butler County, and shall be indexed under the name of the record owner of said property, grantor(s), and the Pennsylvania Department of Transportation, grantee, at the sole cost and expense of the Pennsylvania Department of Transportation, applicant herein; the above said plans having been recorded by the Pennsylvania Department of Transportation in the Office for the Recording of Deeds of Butler County on August 26, 2022 by Instrument Number 2022-08260018410 and supplemented with revised plan sheets on April 29, 2024 by Instrument Number 2024-04290005873 to which recording reference is made in and of the description of those tracts of land more particularly described in detail below.

BESSEMER AND LAKE ERIE RAILROAD COMPANY
(CANADIAN NATIONAL RAILWAY COMPANY)
17641 SOUTH ASHLAND AVENUE
HOMWOOD, IL 17641

ALL THOSE CERTAIN tracts of land situated in Butler Township, Butler County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

TRACT No. 1
Temporary Construction Easement

Beginning at a point, said point being along the westerly legal right-of-way line of State Route 0068, left fifty seven feet (57) from centerline of State Route 0068 measured at right angle at station 110+50.00; thence westerly seventeen feet (17) to a point, said point being seventy three feet (73) left from centerline of State Route 0068 and measured at a right angle at station 110+45; thence easterly along westerly property line sixteen feet (16) to a point, said point being sixty three feet (63) left from centerline of State Route 0068 and measured at a right angle at station 110+56; thence northerly along westerly property line one hundred eighty (180) to a point, said point being one hundred fifty five (155) left from centerline of State Route 0068 and measured at a right angle at station 112+11; thence northeasterly twenty four feet (24) to a point, said point being one hundred fifty five feet (155.00) left

from centerline of State Route 0068 and measured at a right angle at station 112+35.00; thence northerly one hundred and sixty two hundredth feet (100.62) to a point, said point being two hundred feet (200.00) left from centerline of State Route 0068 and measured at a right angle at station 113+25.00; thence northeasterly three hundred thirty two feet (332) to a point, said point being two hundred feet (200) left from centerline of State Route 0068 and measured at a right angle at station 116+57; thence southeasterly along easterly property line one hundred eighty five feet (185) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 and measured at a right angle at station 115+39; thence southerly one hundred sixty eight feet (168) to a point, said point being seventy one feet (71) left from centerline of State Route 0068 and measured at a right angle at station 113+72; thence southeasterly twenty five feet (25) to a point, said point being fifty seven feet (57) left from centerline of State Route 0068 and measured at a right angle at station 113+51; thence southwesterly along westerly required right-of-way line of State Route 0068 three hundred one feet (301) to place of beginning.

Containing 1.35 acres (58,799 square feet)

TRACT No. 2
Temporary Construction Easement

Beginning at a point, said point being along the easterly legal right-of-way line of State Route 0068, right sixty feet (60) from centerline of State Route 0068 measured at a right angle at station 110+87; thence southerly along southerly property line sixty six feet (66) to a point, said point being eighty eight feet (88) right from centerline of State Route 0068 and measured at a right angle at station 110+28; thence southerly along southerly property line one hundred feet (100) to a point, said point being one hundred twenty five feet (125) right from centerline of State Route 0068 and measured at a right angle at station 109+35; thence southerly along southerly property line thirty seven feet (37) to a point, said point being one hundred thirty seven feet (137) right from centerline of State Route 0068 and measured at a right angle at station 109+00; thence northwesterly fifty seven feet (57) to a point, said point being eighty feet (80.00) right from centerline of State Route 0068 and measured at a right angle at station 109+00.00; thence southwesterly one hundred eighty eight and ninety seven hundredth feet (188.97) to a point, said point being seventy five feet (75.00) right from centerline of State Route 0068 and measured at a right angle at station 107+00.00; thence southerly one hundred eighty seven and sixty six hundredth feet

(187.66) to a point, said point being seventy feet (70.00) right from centerline of State Route 0068 and measured at a right angle at station 105+00.00; thence southerly thirty five feet (35) to a point, said point being seventy three feet (73) right from centerline of State Route 0068 and measured at a right angle at station 104+63; thence northerly along the westerly property line thirty seven feet (37) to a point, said point being fifty eight feet (58) right from centerline of State Route 0068 and measured at a right angle at station 104+98; thence north easterly forty nine feet (49) to a point, said point being fifty five feet (55.00) right from centerline of State Route 0068 and measured at a right angle at station 105+50.00; thence one hundred forty two and seventy five hundredth feet (142.75) to a point, said point being sixty feet (60.00) right from centerline of State Route 0068 and measured at a right angle at station 107+00.00; thence north easterly one hundred ninety one and thirty two hundredth feet (191.32) to a point, said point being sixty feet (60.00) right from centerline of State Route 0068 and measured at a right angle at station 109+00.00; thence north easterly one hundred eighty seven and two hundredth feet (187.02) to place of beginning.

Containing 0.33 acres (14,317 square feet)

The above two (2) tracts of land shown on the Department's Drawings Authorizing Acquisition of Right-of-Way for State Route 0068, Section 253 R/W, as temporary construction easement and designated and delineated as part of Parcel No. 23 on sheets No. 11, 14 and 35 of said drawings, as recorded in the Butler County Recorder of Deeds Office, Butler County, Pennsylvania, Instrument Number 2024-04290005873 in Map Book No. 67, Page 9 on April 29, 2024, is a portion of real estate which became legally vested in Pittsburgh Bessemer and Lake Erie Railroad Company, successors of: George Reiber heirs (Henry Reiber, single, George L. Reiber, single, Edward Reiber, single, Mary L. Reiber, single, Anna M. Reiber, single, Elizabeth Reiber, single, Ida F. Reiber, single, William F. Miller and Caroline Miller (Nee (Reiber), his Wife, all of Butler County Pennsylvania, and Wilhelmina Meiser (Nee Reiber), widow of Detroit, Michigan, heirs of George Reiber deceased), dated April 27, 1907 and recorded April 30, 1907 in Deed Book 252, Page 35, in Butler County Courthouse; Ira McJunkin Trust (Ira McJunkin and Ira McJunkin Trustee, of the Borough of Butler County of Butler State of Pennsylvania), dated June 21, 1906 and recorded June 25, 1906 in Deed Book 244, Page 37, in Butler County Courthouse; Ira McJunkin Et Al (Ira McJunkin, single man, of Butler, Pa, Ira McJunkin Trustee for W.A. Stover, A.E. Butler and Nellie Butler, his wife, George N. Burkhalter And Nina Burkhalter, his

Wife, W.A. Stover and Jennie Stover, his wife), dated December 7, 1910 and recorded December 28, 1910 in Deed Book 286, Page 83, in Butler County Courthouse; Ira Mcjunkin Trustee Et Al (Ira Mcjunkin, single, of Butler, Butler County, Pennsylvania, Ira Mcjunkin, Trustee for W.A. Stover, A.E. Butler and George Burkhalter, and W. A. Stover and Jennie Stover, his wife, George N. Burkhalter and Nina Burkhalter, his wife, all of Butler, Butler County, Pennsylvania, and A.E. Butler and Nellie Butler, his wife, of Bruin, Butler County, Pennsylvania), dated August 22, 1911 and recorded September 9, 1911 in Deed Book 290, Page 206, in Butler County Courthouse; Sarah C. McClure, dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 479, in Butler County Courthouse; Charles E. Flaudran Et Ux (Charles E. Flaudran And Rebecca B. Flaudran his wife of the City of St Paul Ramsey County Minnesota), dated June 8, 1895 and recorded July 5, 1895 in Deed Book 152, Page 481, in Butler County Courthouse; George Reiber, based on unrecorded Condemnation of Right-Of-Way on September 1888 from George Reiber to W.P. & S.C.R.R. Co. Allegheny and Western Railway Company, a corporation of the Commonwealth of Pennsylvania, dated August 31, 1948 and recorded November 16, 1948 in Deed Book 578, Page 317, in Butler County Courthouse; Allegheny and Western Railway Company, a corporation of the Commonwealth of Pennsylvania, dated February 20, 1957 and recorded April 5, 1957 in Deed Book 697, Page 149, in Butler County Courthouse.

12. That in all other aspects, our Secretarial Letter dated March 12, 2021, remains in full force and effect.

BY THE COMMISSION,


Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: June 13, 2024

ORDERED ENTERED: June 13, 2024

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of the Pennsylvania Department of :
Transportation for approval to alter the public :
crossings (DOT 051 674 J) and (DOT 149 033 D) : Docket No.: A-2020-3022688
by removal and replacement of the existing bridge :
structure where SR 0068 crosses, above grade the :
tracks of Bessemer & Lake Erie Railroad : **Electronically Filed**
Company, Buffalo & Pittsburgh Railroad Inc., and :
CSX Transportation Inc., located in Butler and :
Summit Townships, Butler County, and allocation :
of costs incident thereto. :

CERTIFICATE OF SERVICE

I hereby certify that I have also served a true and correct copy of the Department's Petition to Transfer Jurisdiction to Court of Common Pleas of Butler County upon the following named parties in the manner indicated:

VIA FIRST CLASS MAIL, POSTAGE PREPAID:

(Undeliverable) Gary Baird
Peoples Township LLC
4536 Route 136 Suite 1
Greensburg, PA 15601

(Undeliverable)
Michael Montag
Century Link
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Butler, PA 16001

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Alice Hammond
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Honorable Leslie Osche
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Willie Adams, Chairman
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West Penn Power
501 Hansen Avenue
Butler, PA 16001

Todd McManus
Zito Medial LP
102 South Main Street, 2nd Floor
Coudersport, PA 16915

Respectfully submitted,

Date: August 6, 2024

1st Kevin A. Belle

Kevin A. Belle

Assistant to Anthony A. Czuchnicki

Assistant Counsel

Commonwealth of Pennsylvania

Department of Transportation

P.O. Box 8212

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Telephone No. (717) 787-3128