

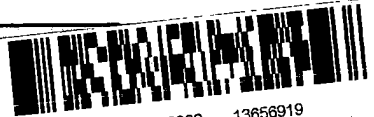
Supreme Court of Pennsylvania

Court of Common Pleas

BUCKS County

For Prothonotary Use Only:

Docket No:



Case #: 2024-03151-0000 13656919
Main (Public)
Code: 0 Judge: 41
Rcpt: 2024-25-00289 5/17/2024 8:53:03 AM

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☒ Declaration of Taking

Lead Plaintiff's Name:
Newtown Bucks County Joint Municipal Authority

Lead Defendant's Name:
42 University Drive, LLC

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits
(check one) ☐ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Jessica L. VanderKam, Esquire ID 208337

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☒ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

STUCKERT AND YATES
BY: Jessica L. VanderKam, Esquire
Attorney I.D. #208337
2 North State Street
Newtown, PA 18940
215.968.4700

Attorney for Condemnor, Newtown
Bucks County Joint Municipal Authority

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CIVIL DIVISION**

IN RE: CONDEMNATION OF LAND
IN NEWTOWN TOWNSHIP, BUCKS
COUNTY, PENNSYLVANIA

NEWTOWN BUCKS COUNTY JOINT
MUNICIPAL AUTHORITY,

Condemnor

and

42 UNIVERSITY DRIVE, LLC,

Condemnee

NO. 2024-



Case #: 2024-03151-0000 13656919
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TAX MAP PARCEL NO. No. 29-010-043

EMINENT DOMAIN


NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Bucks County Bar Association
135 East State Street
Doylestown, PA 18901
Phone (215) 348-9413, 1-800-479-8585
www.bucksbar.org
PA Bar Association: www.pabar.org

Respectfully submitted,
STUCKERT AND YATES

By: 
Jessica L. VanderKam, Esquire
Attorney for Plaintiff
Attorney I.D. 208337
2 North State Street
Newtown, PA 18940

STUCKERT AND YATES
BY: Jessica L. VanderKam, Esquire
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**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
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TAX MAP PARCEL NO. No. 29-010-043

EMINENT DOMAIN

DECLARATION OF TAKING

THE NEWTOWN BUCKS COUNTY JOINT MUNICIPAL AUTHORITY DECLARES:

1. The Condemnor is the Newtown Bucks County Joint Municipal Authority (the "Authority"), a sewer authority organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal office at 15 South Congress Street, Newtown, Bucks County, Pennsylvania 18940.
2. Condemnee is 42 University Drive, LLC, a Limited Liability Company with an address of 120 Pheasant Run, Newtown, Bucks County, Pennsylvania 18940.

3. Condemnee is the record owner of that certain property located in Newtown Township, Bucks County, Pennsylvania, identified as Tax Map Parcel Number 29-010-043 (hereinafter the "Property").

4. This Declaration of Taking is authorized by the Municipality Authorities Act, 53 P.S.5601 *et. seq.*, as amended, pursuant to Section 5607 of the Municipality Authorities Act, Title 53 Purdon's Pennsylvania Consolidated Statutes, Part V, Subpart A, Chapter 56, Section 5607, as amended, the Authority is vested with the necessary power and authority to acquire, by purchase or eminent domain, real property to furnish sewers, sewer systems or parts thereof, and sewage treatment works; and pursuant to Section 5615 of the Municipality Authorities Act, Title 53 Purdon's Pennsylvania Consolidated Statutes, Part V, Subpart A, Chapter 56, Section 5615, as amended, the Authority is authorized to acquire by purchase or eminent domain proceedings either the fee or the rights, title, interest or easement in such lands as the Authority deems necessary to furnish sewers, sewer systems or parts thereof, and sewage treatment works.

5. The taking described herein is authorized by a Resolution passed by the Newtown Bucks County Joint Municipal Authority by the Board at a meeting of such Board held on April 9, 2024, after due and proper consideration of the contents thereof by the Board. A copy of the Resolution is attached hereto as Exhibit A and incorporated herein. The record of such Resolution may be examined at the offices of the Condemnor.

6. The purpose of the condemnation is to acquire property, specifically Tax Map Parcel No. 29-010-043, for the public purpose and usage in connection with the development, improvement and operation of a public sewer system and related facilities, to wit, the development, erection and construction of Wastewater Treatment Facilities.

7. Pursuant to the Resolution, the Authority hereby appropriates and condemns the Property as is more particularly described and set forth in the Legal Description attached hereto and incorporated herein as Exhibit B.

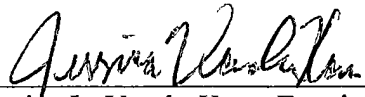
8. A notice of the Condemnation and description of the Property is being filed on this date in the Office of the Recorder of Deeds of Bucks County, in accordance with Section 304 of the Eminent Domain Code, Act of May 4, 2006, P.L. 112, 26 Pa.C.S.A. §304.

9. The title acquired is fee simple and absolute.

10. The plan showing the condemned Property may be inspected at the Authority's principal office.

11. Just compensation for the Property condemned is secured by the Authority's bond, without surety, pursuant to Section 303 of the Eminent Domain Code, 26 Pa.C.S.A. §303. The Bond is attached hereto and incorporated herein as Exhibit C.

Respectfully Submitted,
STUCKERT AND YATES

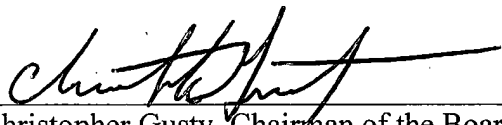
By: 
Jessica L. VanderKam, Esquire
Attorney I.D. 208337
2 North State Street
Newtown, PA 18940
215.968.4700

Date: 5/17/2024

VERIFICATION

I, Christopher Gusty, hereby acknowledge that I am the Chairman of the Board of Directors of the Newtown Bucks County Joint Municipal Authority, Condemnor in this action; that I have read the foregoing Declaration of Taking; and that the facts stated therein are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: 5/14/24


Christopher Gusty, Chairman of the Board
of Directors, Newtown Bucks County
Joint Municipal Authority

STUCKERT AND YATES
BY: Jessica L. VanderKam, Esquire
Attorney I.D. #208337
2 North State Street
Newtown, PA 18940
215.968.4700

Attorney for Condemnor, Newtown
Bucks County Joint Municipal Authority

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CIVIL DIVISION**


IN RE: CONDEMNATION OF LAND IN NEWTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA	NO. 2024-
NEWTOWN BUCKS COUNTY JOINT MUNICIPAL AUTHORITY, Condemnor	
and	TAX MAP PARCEL NO. No. 29-010-043
42 UNIVERSITY DRIVE, LLC, Condemnee	EMINENT DOMAIN

ENTRY OF APPEARANCE

Kindly enter the appearance of Jessica L. VanderKam, Esquire, on behalf of the
Condemnor; Newtown Bucks County Joint Municipal Authority.

Respectfully Submitted,
STUCKERT AND YATES

By:



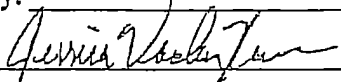
Jessica L. VanderKam, Esquire
Attorney I.D. 208337
2 North State Street
Newtown, PA 18940
215.968.4700

Date: 05/17/2024

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Jessica L. VanderKam, Esquire

Signature: 

Name: Jessica L. VanderKam, Esquire

Attorney No. (if applicable): 208337

EXHIBIT A

NEWTOWN, BUCKS COUNTY, JOINT MUNICIPAL AUTHORITY
RESOLUTION NO. 24-01

WHEREAS, the members of the Newtown, Bucks County, Joint Municipal Authority (the "Authority") have determined that development of a wastewater treatment plant, sewer collection system and related facilities ("Wastewater Treatment Facilities") is needed within the area serviced by the Authority; and

WHEREAS, the development, erection and construction of Wastewater Treatment Facilities will require the acquisition of certain real property, situate in Newtown Township, Bucks County, owned by 42 University Drive, LLC ("Property Owner"); and

WHEREAS, the real property is more specifically identified as Tax Map Parcel 29-010-043, as described in Instrument Number 2017065393, recorded in the Bucks County Recorder of Deeds Office; and

WHEREAS, in order to erect and construct the Wastewater Treatment Facilities, it will be necessary for the Authority to file a Declaration of Taking to acquire the lands from the Property Owner; and

WHEREAS, the Board has authorized the preparation of a Declaration of Taking with respect to the lands owned by the Property Owner; and

WHEREAS, pursuant to Section 5607 of the Municipality Authorities Act, Title 53, Purdon's Pennsylvania Consolidated Statutes, Part V, Subpart A, Chapter 56, Section 5607, as amended, the Authority is vested with the necessary power and authority to acquire, by purchase or eminent domain, real property to furnish sewers and sewer systems, or parts thereof, and sewage treatment works; and

WHEREAS, pursuant to Section 5615 of the Municipality Authorities Act, Title 53, Purdon's Pennsylvania Consolidated Statutes, Part V, Subpart A, Chapter 56, Section 5615, as amended, the Authority is authorized to acquire by purchase of eminent domain proceedings either the fee or the rights, title, interest or easement in such lands as the Authority deems necessary to furnish sewers, sewer systems or parts thereof, and sewage treatment works.

NOW, THEREFORE, BE IT RESOLVED by the members of the Newtown, Bucks County, Joint Municipal Authority, that it is necessary and proper to acquire the real property specifically identified as Tax Map Parcel 29-010-043 for public purpose and usage in connection with the development, improvement, and operation of a public sewer system and related facilities; to wit, the development, erection and construction Wastewater Treatment Facilities.

1. Under the Authority's right of eminent domain, pursuant to the Municipality Authorities Act, 53 Pa.C.S. §5601 et. seq., the real property specifically identified as Tax Map Parcel 29-010-043 is hereby condemned, appropriated and taken by the Authority for the aforesaid public uses and purposes.

2. The proper officers, agents, or employees of the Authority are hereby authorized and directed to execute all contracts, bonds, and legal pleadings, including a Declaration of Taking, and to do all acts, including the filing of a Declaration of Taking, required in order to effectuate said condemnation, which shall also include, but not be limited to, proceedings to a Board of View hearing and a trial before a jury, if the same is required.

3. The proper officers, agents, or employees of the Authority are hereby authorized and directed to immediately take possession of the real property specifically identified as Tax Map Parcel 29-010-043 for the above-stated purpose.

4. The just compensation for the said real property, thus taken, shall be fixed, determined and paid, as provided by the Eminent Domain Code.

5. The Authority's solicitor is directed to take action necessary to acquire title, ownership of the real property specifically identified as Tax Map Parcel 29-010-043 including, but not limited to, preparation and filing of a Declaration of Taking pursuant to the Eminent Domain Code.

ADOPTED THIS 9th day of April, 2024.

**NEWTOWN, BUCKS COUNTY, JOINT
MUNICIPAL AUTHORITY**

By: [Signature]
Chairman

By: [Signature]
Vice Chairman

By: [Signature]
Treasurer

By: [Signature]
Assistant Secretary/Treasurer

Attest: [Signature]
Secretary

EXHIBIT B

Tax Parcel No. 29-10-43

Described as:

ALL THAT CERTAIN lot or tract or parcel of land, situate in the Township of Newtown, County of Bucks, and State of Pennsylvania, and being bounded and described according to a Condominium Plan for Silver Lake Executive Campus, prepared by Rittler Engineering, Inc., dated February 5, 1998 and last revised December 21, 1998 and recorded in the Office of the Recorder of Deeds in Bucks County in Plan Book 294 page 77, as follows, to wit:

BEGINNING at a point on the Southwesterly side of Silver Lake Road, said point being common to this Unit and Unit No. 2 as shown on said Plan, thence extending along Unit No. 2 the Four following courses and distances, viz (1) South 76 degrees 34 minutes 45 seconds West 164.66 feet crossing an existing roadway, (2) North 76 degrees 38 minutes 34 seconds West 190.90, (3) North 58 degrees 38 minutes 20 seconds West 164.43 feet and (4) North 78 degrees 58 minutes 43 seconds West 520.72 to a point on the Southeasterly side of S.R. 332; thence extending along the same the Five following courses and distances, viz (1) North 08 degrees 34 minutes 04 seconds East 8.71 feet, (2) North 85 degrees 23 minutes 47 seconds West 77.34, (3) North 26 degrees 48 minutes 26 seconds East 268.90, (4) North 35 degrees 18 minutes 51 seconds East 150.33 feet and (5) North 32 degrees 12 minutes 21 seconds East 486.64 to a point; thence extending South 79 degrees 33 minutes 15 seconds East 644.20 to a point of curve on the Southwesterly side of Silver Lake Road; thence extending the Three following courses and distances, viz (1) on the arc of a circle curving to the left having a radius of 756.50 the arc distance of 303.58 feet to a point of tangent, (2) South 28 degrees 32 minutes 45 seconds East 207.34 feet to a point of curve and (3) on the arc of a circle curving to the right having a radius of 676.50 the arc distance of 364.26 feet to the first mentioned place of beginning.

BEING Unit No. 3. As shown on said Plan.

Being the same premises which Newtown Venture I Associates by Deed dated 10/24/2017 and recorded on 10/26/2017 in the Bucks County Recorder of Deeds at Instrument Number 2017065393 conveyed unto 42 University, LLC, in fee.

BEING COUNTY TAX PARCEL #29-010-043

EXHIBIT C

STUCKERT AND YATES
BY: Jessica L. VanderKam, Esquire
Attorney I.D. #208337
2 North State Street
Newtown, PA 18940
215.968.4700

Attorney for Condemnor, Newtown
Bucks County Joint Municipal Authority

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CIVIL DIVISION**

IN RE: CONDEMNATION OF LAND IN NEWTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA NEWTOWN BUCKS COUNTY JOINT MUNICIPAL AUTHORITY, Condemnor and 42 UNIVERSITY DRIVE, LLC, Condemnee	NO. 2024- TAX MAP PARCEL NO. No. 29-010-043 EMINENT DOMAIN
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BOND WITHOUT SURETY

WHEREAS, the NEWTOWN BUCKS COUNTY JOINT MUNICIPAL AUTHORITY, a Sewer Authority organized and existing under the laws of the Commonwealth of Pennsylvania (hereinafter the "Obligor"), desires to file its bond, pursuant to Section 303(a) of the Eminent Domain Code, Act of May 4, 2006, P.L. 112, 26 Pa.C.S.A. §303, as security for the payment of such damages as shall be determined by law or as agreed upon by the parties.

NOW, KNOW BY ALL MEN BY THESE PRESENTS, that the said Obligor is held and firmly bound unto the Commonwealth of Pennsylvania, for the use and benefit of the owner or owners of the property interests condemned as hereinafter noted, for the damages to be paid to the

said owner or owners of such property interests by reason of the condemnation by the Obligor of certain land situate in Newtown Township, Bucks County, Pennsylvania and known as Bucks County Tax Map Parcel No. 29-010-043, and more particularly described in the Declaration of Taking filed herewith, to which payment well and truly to be made, the said Obligor does bind itself, and its successors and assigns, firmly by these presents.

NOW THE CONDITION of this Bond is such that if the Obligor shall pay or cause to be paid to the owner or owners of the property interests condemned the damages shall be determined by law or as agreed upon by the parties, then this obligation shall be void; otherwise, it shall be and remain in full force and effect.

Sealed with the corporate seal and duly executed this 14th day of May, 2024.

**NEWTOWN BUCKS COUNTY JOINT
MUNICIPAL AUTHORITY**

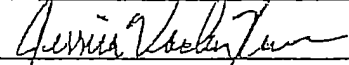
BY: 

Christopher Gusty, Chairman of the Board
of Directors, Newtown Bucks County
Joint Municipal Authority

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Jessica L. VanderKam, Esquire

Signature: 

Name: Jessica L. VanderKam, Esquire

Attorney No. (if applicable): 208337