

Deed of Easement; Form M-950 D2

Purpose

This interactive form provides standard, concise, and easy to use documentation when additional right-of-way will be required for the construction of a proposed access (e.g., to accommodate auxiliary lane(s) consistent with Regulation 441, including section 441.8(j)). This “Deed of Easement” may be used in conjunction with, and as a condition to, issuance of a permit when approved by the District Executive based on special circumstances. See Chapter 3.7, Right-of-way Procedures, for additional information on acquiring Right-of-way for highway purposes.

Preparation

If the applicant has negotiated to purchase the necessary right-of-way from another person, the property should first be conveyed to the applicant and then to PennDOT using this deed form.

No deed may be accepted without documentation and review of the title through a record owner and lien certificate, an abstract of title or title report based on a title search. A bring down/update of the title should be provided within 15 days of the date the permit is to be issued.

Deeds and related documentation should be provided for review as soon as practicable **after** the Right-of-way plan is approved, but well before issuance of the HOP.

Complete the following information on the form:

1. Name and title of individual completing form
2. Name and title of PennDOT representative
3. Enter tax parcel number or street address of acquired parcel
4. County
5. SR, Segment, Offset
6. Municipality
7. Application/Permit Number
8. Applicant/Permittee Name and Address
9. Date (indenture is made)
10. Grantors name and address (the address must include, at a minimum, the municipality and county)
11. Select the appropriate word from the drop down menu
12. Select the appropriate easement description from the drop down menu
13. Select the appropriate easement description from the drop down menu
14. Conveyance document (deed, will, etc.)
15. Name of the Grantor from whom this claimant acquired the property
16. Date of the conveyance instrument
17. Enter "deed book ___, page number ___", or "instrument number ___"
18. Description and size of the area(s) acquired

19. Enter District Office Address

The proper party must execute the deed on behalf of the applicant. See Signature Authority Guide, Appendix F to the Right-of-way Manual. The deed must also be properly notarized.

The executed deed and the title information must be reviewed and accepted by the District Right-of-way Administrator or other District real estate expert prior to: (1) recording, and (2) issuance of the permit.

Recording

Once the complete application package is approved, the deed conveying the Right-of-way to the Department must be separately recorded in the County Recorder's Office where other deeds are recorded. The applicant and PennDOT staff will need to complete their portions of the recording page(s) by following the recording instructions on each form to be recorded. Then, deliver the document(s) to be recorded to the County Courthouse.

Documentation

Each District is responsible for ensuring acquisition of the new Right-of-way is properly documented by the Department for future reference and use by the District.

Prepared By: (1)

Return To: (2)

Site Location: (3)

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



COUNTY	(4)
SR - SEGMENT-OFFSET	(5)
MUNICIPALITY	(6)
APPLICATION/PERMIT NO.	(7)
APPLICANT/PERMITTEE	(8)

DEED OF EASEMENT
(No Monetary Consideration)

(9)

THIS INDENTURE, made this _____ day of _____, 20__, by (10) owner(s) of property affected by the proposed construction or improvement of the above mentioned State Route under the referenced highway occupancy application/permit, (11) heirs, executors, administrators, successors, and/or assigns, hereinafter, whether singular or plural, called the GRANTOR, and the Commonwealth of Pennsylvania, Department of Transportation, hereinafter called the COMMONWEALTH,

WITNESSETH:

WHEREAS the COMMONWEALTH has received an application from the GRANTOR for issuance of a highway occupancy permit for access to the above referenced highway; and

WHEREAS the parties hereto have agreed that, as a condition to issuance of the referenced permit, the GRANTOR will convey to the COMMONWEALTH a (12) and other estate(s) as designated, if any, from the property or portion thereof required by the COMMONWEALTH,

NOW, THEREFORE, in consideration of the benefits to the property of the GRANTOR, the GRANTOR does hereby grant and convey to the COMMONWEALTH a (13) and such other estate(s), if any, as designated on the plot plan attached hereto and made a part hereof and set forth below.

BEING all or a portion of the same property conveyed or devised to the GRANTOR by (14) of (15), dated (16) and recorded in (17), together with the improvements, hereditaments and appurtenances thereto. This conveyance contains (18). And the GRANTOR warrants GENERALLY the property hereby conveyed.

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Reserving, however, to the GRANTOR the right to deep mine minerals and remove gas and oil within the areas hereunder acquired from a minimum depth to be determined by the COMMONWEALTH, from mine shafts or by means of wells located off the right-of-way.

The GRANTOR does further indemnify the COMMONWEALTH, its employees or representatives against any claim, demand or judgment of any type made by any lessee or easement holder of the aforesaid property who is not an Applicant/Permitee under the referenced application/permit and who may be adversely affected by the construction of the improvements to the demised premises or in the State highway right of way pursuant to the referenced application/permit.

Certificate of Residence

I hereby certify the Grantee's precise residence to be:

(19)

Witness my hand this _____ day of _____, _____

Agent for the Commonwealth of Pennsylvania
Department of Transportation

[remainder of page intentionally left blank]



The GRANTOR has executed or caused to be executed these presents, intending to be legally bound thereby.

INDIVIDUALS

ENTITIES*

GRANTOR:

(Name of Entity)

BY: _____

BY: _____

* Use this block for a corporation, partnership, LLC, government entity, school district, church, trust, club, association, POA, attorney-in-fact, executor, administrator or any other entity. See R/W Manual Section 3.06.

INDIVIDUAL

ENTITY

STATE OF PENNSYLVANIA
 COUNTY OF _____
 On this _____ day of _____, 20____,
 before me, _____,
 the undersigned officer, personally appeared _____
 _____,
 _____, known to me
 (or satisfactorily proven) to be the person(s) whose
 name(s) _____ subscribed to the within instrument,
 and acknowledged that _____ executed the
 instrument for the purposes contained in it.
 In witness whereof, I hereto set my hand and official
 seal.
 _____ [Signature]
 _____ [Title]
 [Seal]

STATE OF PENNSYLVANIA
 COUNTY OF _____
 On this _____ day of _____, 20____,
 before me, _____, the undersigned
 officer, personally appeared _____
 _____, who acknowledged _____ self
 to be the _____ [title] of
 _____ [name of entity],
 and that as such _____
 _____ [title], being authorized to do so,
 executed the foregoing instrument for the purposes
 contained in it by signing on behalf of the entity as
 _____ [title].
 In witness whereof, I hereto set my hand and official seal.
 _____ [Signature]
 _____ [Title]
 [Seal]