

DOCKET NO. \_\_\_\_\_

YEAR	NUMBER	ACTION
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		81-5-Road
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IN RE: LAWRENCE TOWNSHIP, RELOCATION OF A PORTION OF TOWNSHIP ROAD T-519.

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VERSUS

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL ACTION)

IN RE:

Lawrence Township, Relocation  
of a portion of Township Road  
T-519

114

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5 - Road.

NO. 81 - ~~109~~ - ~~2~~

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PETITION OF THE BOARD OF SUPERVISORS OF  
LAWRENCE TOWNSHIP, CLEARFIELD COUNTY FOR  
RELOCATION OF PORTION OF TOWNSHIP ROAD T-519

TO THE HONORABLE JOHN K. REILLY, JR., PRESIDENT JUDGE:

The Board of Supervisors of Lawrence Township,  
Clearfield County, Pennsylvania, respectfully represent as  
follows:

1. That your petitioners are the duly elected Board of Supervisors of Lawrence Township, Clearfield County, Pennsylvania.
2. That at the present time there exists in Lawrence Township a certain township road known as T-519, a portion of which lies on and is bounded on both sides by lands of Duane L. Berry.
3. That the subject of this petition is the vacation of Eight Hundred Seventy (870) feet of the existing Township Road T-519 from a point sixteen hundred (1600) feet North of the bridge crossing Interstate Route 80 at the southernmost boundary of the Berry property, thence in a northerly direction to point of said relocation.
4. That there is attached hereto and made a part of this petition, a Mine Drainage Map prepared and certified

by N. Gary Barger, Registered Professional Engineer, and dated January 7, 1981, upon which map, labelled Exhibit "A" showing that portion of Township Road T-519 which your petitioners propose to vacate being shaded in red and that portion of said Township Road T-519 as relocated being shaded in green.

5. That the entire area of said proposed road vacation and relocation lies solely upon the lands of Duane L. Berry, and that there are no abutting owners or other property owners affected by said vacation and relocation.

6. That the land of Duane L. Berry will be strip mined by McDonald Land & Mining Company, Inc., a Pennsylvania corporation with its principal place of business at P. O. Box 137, Grampian, Pennsylvania.

7. That McDonald Land & Mining Company, Inc. has agreed to construct, on behalf of the Township and in accordance with the Township's specifications and under Township supervision said portion of Township Road T-519 as relocated and further, that the said McDonald Land & Mining Company, Inc. has agreed to construct the same without cost to the Township of Lawrence. A true copy of said agreement being attached hereto, labelled Exhibit "B" and made a part hereof.

8. That said relocation will shorten said Township Road T-519 by about one hundred ten (110) feet and remove a sharp turn from the existing road as presently located, the relocated road to be 760 feet in length.

9. That in the opinion of your petitioners said relocation as proposed as set forth in Exhibit "A" will not create any hazard to the travelling public but will, on the contrary, be beneficial thereto.

10. That the said Duane L. Berry has, by Joinder and Consent attached hereto, joined in the prayer of this petition and consented to the relocation of said portion of Township Road T-519.

WHEREFORE, your petitioners pray your Honorable Court to approve said vacation of approximately eight hundred seventy (870) feet of Township Road T-519 and relocation thereof as set forth in Exhibit "A", all of which is authorized by the Second Class Township Code of the Commonwealth of Pennsylvania, Act of May 1, 1933, P.L. 103, Article XL, § 1115, as amended (53 P.S. § 66115).

Respectfully submitted,

BOARD OF SUPERVISORS OF  
LAWRENCE TOWNSHIP

By

James M. Weis  
Chairman

George D. Clark

W. F. Lewis

COMMONWEALTH OF PENNSYLVANIA) SS  
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared JAMES B. WISOR, WALTER C. HAVERSACK and GEORGE D. CLARK, the Board of Supervisors of Lawrence Township, Clearfield County, Pennsylvania, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are true and correct to the best of their knowledge, information and belief.

James Wilson  
George S. Clark  
W. Howard

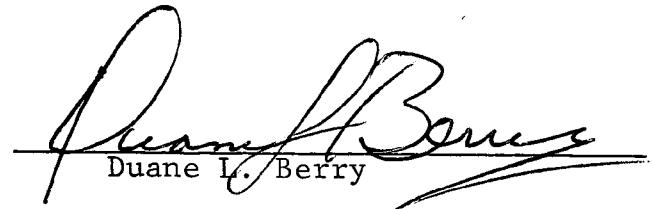
SWORN and SUBSCRIBED before me

this VIOLET MARIE WARGESON, Notary Public, 1981.  
Lawrence Twp., Clearfield County, Pa.  
My Commission Expires July 18, 1985

Leela M. Mayeson

JOINDER AND CONSENT

DUANE L. BERRY does hereby join in the foregoing Petition of the Board of Supervisors of Lawrence Township and consents to the vacation and relocation of Township Road T-519 as therein provided.



Duane L. Berry

COMMONWEALTH OF PENNSYLVANIA)  
COUNTY OF CLEARFIELD ) SS

Before me, the undersigned officer, personally appeared DUANE L. BERRY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this 22 day of June, 1981.



JEANNETTE CHELGREN, NOTARY PUBLIC  
CLEARFIELD, CLEARFIELD CO., PA  
MY COMMISSION EXPIRES DEC. 5, 1981

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL ACTION)

IN RE:  
LAWRENCE TOWNSHIP, RELOCATION : No. 81-2094 -CD  
OF A PORTION OF TOWNSHIP ROAD :  
T-519 :  
:

O R D E R

NOW, this 17 day of Aug, 1981 the  
within Petition with map marked Exhibit "A" and Agreement for  
relocation and vacation of a portion of Township Road T-519  
between McDonald Land and Mining Company, Inc. and the Board of  
Supervisors of the Township of Lawrence marked Exhibit "B"  
attached thereto, having been reviewed by the Court, IT IS ORDERED  
AND DECREED as follows:

1. The relocation of portion of Township  
Road T-519 being approximately 760 feet in  
length as indicated on Exhibit "A" is approved  
subject to:

(a) said relocation being made in  
accordance with the specifications and  
final acceptance by the Board of Super-  
visors of the Township of Lawrence on  
completion thereof;

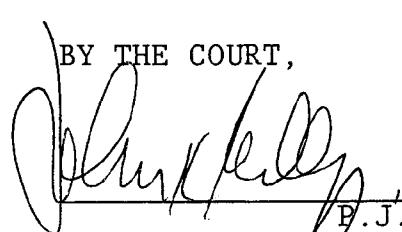
(b) that the entire cost of said  
relocation shall be at the sole cost and  
expense of McDonald Land and Mining  
Company, Inc. and

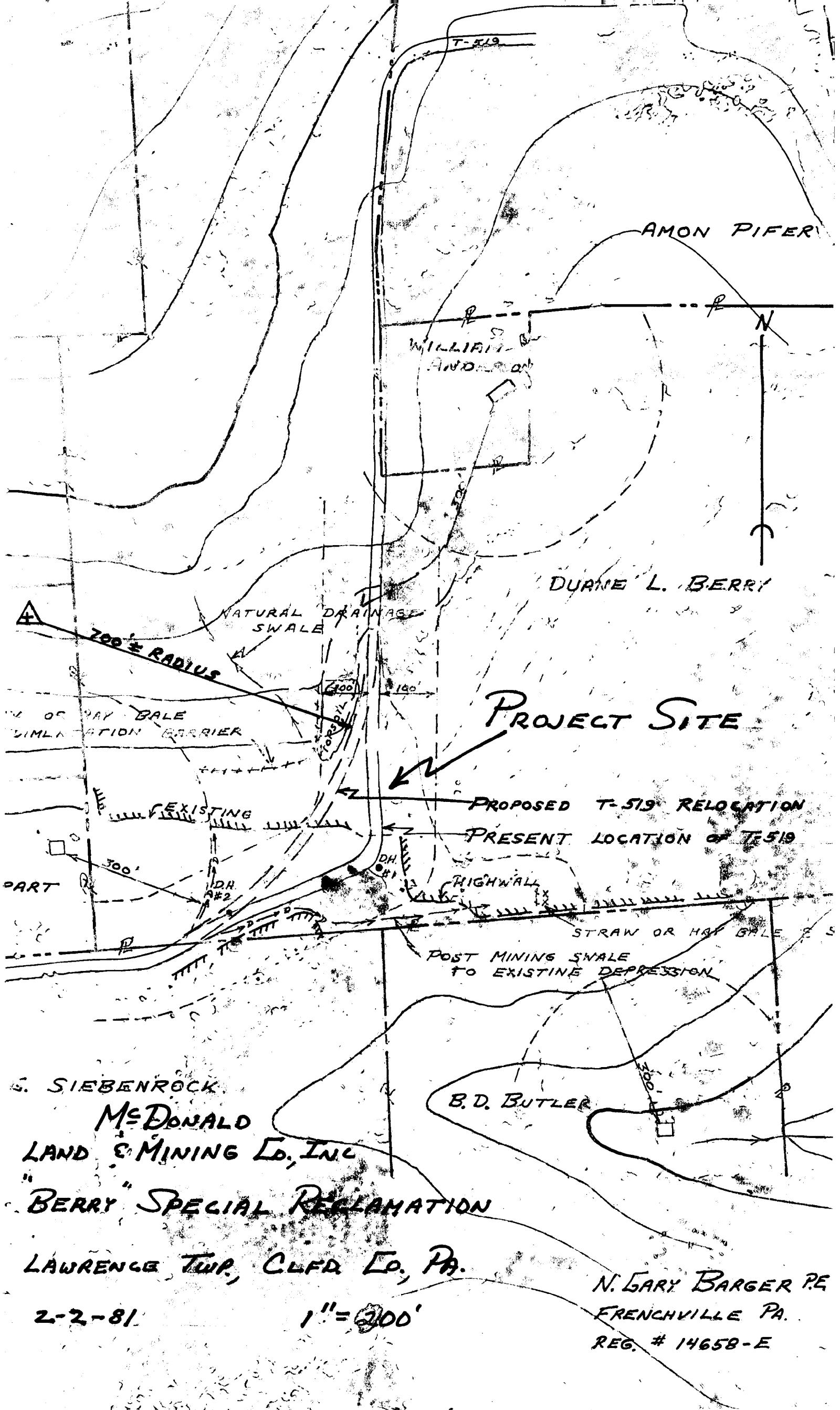
(c) that on final acceptance by the Board of Supervisors of the Township of Lawrence of said relocation the same shall be incorporated into and be a part of the Township Road System.

2. That in the relocation and vacation of the portion of Township Road T-519 as indicated on Exhibit "A", McDonald Land and Mining Company, Inc. shall install and maintain at its sole cost and expense a detour with normal grades providing for continual two-way traffic for the users thereof;

3. That on final acceptance by the Board of Supervisors of the Township of Lawrence of said relocation of Township Road T-519 as indicated on Exhibit "A", that portion of Township Road T-519 proposed to be vacated as indicated on Exhibit "A" shall be vacated in accordance with the Second Class Township Code and shall no longer be a part of the Road System of the Township of Lawrence.

BY THE COURT,

A handwritten signature in black ink, appearing to read "John Kelly", is written over a horizontal line. To the right of the signature, the initials "P.J." are handwritten.



AGREEMENT

THIS AGREEMENT made this 15th day of July, 1981, by and between McDONALD LAND & MINING CO., INC., a Pennsylvania corporation with its principal place of business in Grampian, Pennsylvania, party of the first part, hereinafter referred to as "McDONALD"

A N D

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LAWRENCE, Clearfield County, Pennsylvania, a municipal corporation, party of the second part, hereinafter referred to as "LAWRENCE TOWNSHIP".

W I T N E S S E T H:

WHEREAS, McDonald proposes to conduct a strip mine reclamation operation on the property of Duane L. Berry situate in Lawrence Township, Clearfield County, Pennsylvania; and

WHEREAS, there exists upon said property a certain Township Road T-519; and

WHEREAS, for the purpose of efficiently conducting said mining operation upon said premises, it is necessary to relocate a portion of Township Road T-519, being approximately seven hundred sixty (760) feet in length, that portion of said road to be relocated being shaded in green on the Mine Drainage Map prepared by N. Gary Barger, Registered Professional Engineer, dated January 7, 1981, labelled Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, it has been agreed between the parties hereto that Lawrence Township will, upon the agreement of McDonald to pay all costs of said road relocation, including but not limited to the costs of construction, engineering fees, legal fees and Court costs, in accordance with the Second Class Township Code of the Commonwealth of Pennsylvania, petition the Court of Common Pleas of Clearfield County for authorization and approval of said road relocation as proposed;

AND WHEREAS, the only parties affected by this Agreement, other than the travelling public, is the landowner, Duane L. Berry, who has, by Consent attached hereto, labelled Exhibit "B" and made a part hereof, agreed to said relocation of Township Road T-519 upon his premises.

NOW THEREFORE, KNOW YE that the parties hereto do hereby agree as follows:

1. That Lawrence Township shall petition the Court of Common Pleas of Clearfield County for authorization to the vacation and relocation of that portion of Township Road T-519 as herein provided.

2. That upon approval by the Court of said petition, McDonald agrees, at its sole expense, to the construction of that portion of Township Road T-519 to be relocated as herein provided and set forth in Exhibit "A" attached hereto.

3. That the said construction of that relocated portion of Township Road T-519 shall be under the supervision and subject to the specifications of the Board of Supervisors of Lawrence Township.

4. That that portion of Township Road T-519 as relocated shall be constructed in as good a condition or better as that portion of Township Road T-519 which is vacated as a result of said relocation.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have set their hands and seals the day and year first above written.

ATTEST:

McDONALD LAND & MINING CO., INC.

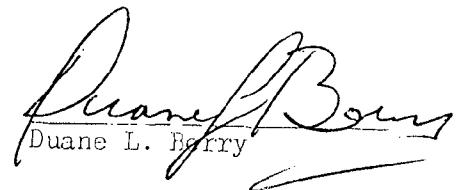
Karen H. McDonald John W. McDonald  
Secretary President

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF LAWRENCE

James D. Wilson  
George O. Clark  
W. J. Davis

JOINDER AND CONSENT

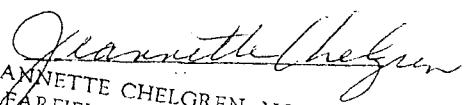
Duane L. Berry does hereby join in the foregoing Petition of the Board of Supervisors of Lawrence Township and consent to the vacation and relocation of Township Road T-519 as therein provided.

  
Duane L. Berry

COMMONWEALTH OF PENNSYLVANIA ( )  
COUNTY OF CLEARFIELD ( ) SS:

Before me, the undersigned officer, personally appeared Duane L. Berry, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therin contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

  
JEANNETTE CHELGREN, NOTARY PUBLIC  
CLEARFIELD, CLEARFIELD CO., PA  
MY COMMISSION EXPIRES DEC. 5, 1981

**BELIN, BELIN & NADDEO**  
15 NORTH FRONT STREET  
P. O. BOX 1  
CLEARFIELD, PA. 16830

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~~81-5-100d~~

81-5-100d

FILED

AUG 17 1981 / 30.00

RAY WITHEROW  
Probationary

2nd Dist Atty