

DOCKET NO. ROAD #7

YEAR NUMBER ACTION

87-1-ROAD

TWP OF PIKE, CLEARFIELD COUNTY, PA

VERSUS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RE: PIKE TOWNSHIP : No. 87-1-Road
ORDINANCE #41 :
ROUTE T-214 :
: Type of Pleading:
: Schedule of Costs
: Filed on Behalf of:
: Board of View
: Chairman of Board of View
: William C. Kriner, Esquire
: Supreme Court No.: 15559
: KRINER, KOERBER & KIRK
: 110 North Second St.
: P.O. Box 1320
: Clearfield, PA 16830
: (814) 765-9611

FILED

MAR 30 1988

RAY WITHEROW
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RE: PIKE TOWNSHIP :
ORDINANCE #41 : No. 87-1-Road
ROUTE T-214 :
:

BOARD OF VIEW SCHEDULE OF COSTS TO BE PAID BY CLEARFIELD COUNTY

Payable to: Evo J. Facchine
407 Patterson Street
DuBois, PA 15801
1 day @ \$75.00 per day \$ 75.00
30 miles @ \$.20 per mile 6.00
Total \$ 81.00

Payable to: Roland Bechtel
10 South Third Street
DuBois, PA 15801
1 day @ \$75.00 per day \$ 75.00
30 miles @ \$.20 per mile 6.00
Total \$ 81.00

Payable to: William C. Kriner, Esquire
P.O. Box 1320
Clearfield, PA 16830
2 days @ \$75.00 per day \$150.00
40 miles @ \$.20 per mile 8.00
52 copies @ \$.15 per copy 7.80
Postage 3.37
Telephone .70
Total \$169.87

IN THE COURT OF COMMON PLEAS
OF
CLEARFIELD COUNTY, PA

IN RE:

PIKE TOWNSHIP ORDINANCE
41, ROUTE T-214

No. 87-1-Road

KRINER, KOERBER AND KIRK

ATTORNEYS-AT-LAW
110 NORTH SECOND STREET

P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

2 Get Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
COURT OF QUARTER SESSIONS

Re: PIKE TOWNSHIP :
ORDINANCE #41 : No. 87-1-Road

STIPULATION AND ORDER

NOW COME the parties to the above captioned action by their attorneys and stipulate to the following:

1. The Exceptions to Pike Township Ordinance #41 filed by Fred Long on March 6, 1987 are withdrawn.

2. The Petition for Appointment of Viewers filed by Fred Long on March 6, 1987 is withdrawn.

3. In exchange for the Withdrawal of the aforementioned Exceptions and Petition of Fred Long, Pike Township agrees to limit its operations on Township Route T-214 to the following:

(a) The Township will have the right to place a ditch the length of the road starting at the base of the existing bank with said ditch being no more than eight inches deep and two feet wide;

(b) The Township has the right to trim the bushes and cut the trees to their roots and to mow, all within the right of way areas designated in Section Five of Pike Township Ordinance #41;

(c) The Township will not disturb the dirt comprising the existing banks.

4. Pike Township will pay to Fred Long the sum of Five Hundred (\$500.00) Dollars less one-half of the costs of the Board of View ($\$331.87 \div 2 = \165.94), in the event the costs of the Board of View are not paid by Clearfield County.

5. The sum to be paid to Fred Long will be deposited in the Court created Joint Bank Account in the Curwensville State Bank titled in the names of Fred Long and Mary Jane Long.

6. Fred Long and the Traveler's Indemnity Company are released from maintaining the surety bond for costs, Bond No. 170-099G1608 filed with the Clearfield County Prothonotary.

7. It is agreed that the foregoing Stipulation shall be submitted to the Court for entry of the Order attached hereto.

GATES & SEAMAN

By 
Andrew P. Gates

AMMERMAN & AMMERMAN

By 
Frederic J. Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
COURT OF QUARTER SESSIONS

Re: PIKE TOWNSHIP :
ORDINANCE #41 : No. 87-1-Road

ORDER

AND NOW, this 17 day of March, 1988, upon stipulation of counsel for all parties, it is the Order of this Court that:

1. The Exceptions to Pike Township Ordinance #41 filed by Fred Long on March 6, 1987 are withdrawn and otherwise dismissed.

2. The Petition for Appointment of Viewers filed by Fred Long on March 6, 1987 is withdrawn and otherwise dismissed.

3. In exchange for the Withdrawal of the aforementioned Exceptions and Petition of Fred Long, Pike Township will limit its operations on Township Route T-214 to the following:

(a) The Township will have the right to place a ditch the length of the road starting at the base of the existing bank with said ditch being no more than eight inches deep and two feet wide;

(b) The Township has the right to trim the bushes and cut the trees to their roots and to mow, all within the right of way areas designed in Section Five of Pike Township Ordinance #41;

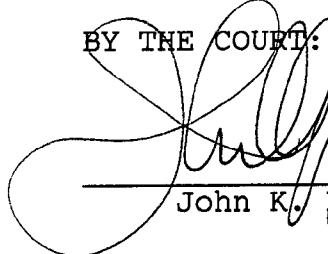
(c) The Township will not disturb the dirt comprising the existing banks.

4. Pike Township will pay to Fred Long the sum of Five Hundred (\$500.00) Dollars less one-half of the costs of the Board of View ($\$331.87 \div 2 = \165.94), in the event the costs of the Board of View are not paid by Clearfield County.

5. The sums to be paid to Fred Long will be deposited in the Court created Joint Bank Account in the Curwensville State Bank titled in the names of Fred Long and Mary Jane Long.

6. Fred Long and the Traveler's Indemnity Company are released from maintaining the surety bond for costs, Bond No. 170-099G1608 filed with the Clearfield County Prothonotary.

BY THE COURT:



John K. Reilly, Jr.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
COURT OF QUARTER SESSIONS
NO. 87-1-Road

Re: PIKE TOWNSHIP
ORDINANCE #41

STIPULATION AND ORDER

Mar 21 1988
2:00 PM
RAY WITHEFORD
PROTHONOTARY

3/22/88
1st Atty Gen

LAW OFFICES
GATES & SEAMAN
MARINO BUILDING
P.O. BOX 846
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
COURT OF QUARTER SESSIONS

Re: Pike Township Bond No. 170-900G1608
Ordinance #41
87-1-ROAD
EXCEPTIONS OF FRED LONG

SURETY BOND FOR COSTS

KNOW ALL MEN BY THESE PRESENTS, THAT I, FRED LONG, Exceptant, and the Travelers Indemnity Company, Surety, are held and firmly bound unto the Clerk of the Court of Quarter Sessions, Clearfield County, Pennsylvania in the sum of \$1,000.00, to be paid to the Clerk of the Court of Quarter Sessions, Clearfield County, Pennsylvania; to which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals.

Dated the 17th day of March , 1987.

WHEREAS, the Exceptant filed exceptions to Pike Township Ordinance #41 in the Court of Common Pleas for the county of Clearfield, Court of Quarter Sessions, to No. 87-1-ROAD, along with a Petition for Appointment of Viewers pursuant to 53 P.S. §66102(c), praying inter alia, that (1) a panel of Viewers be appointed from the County Board of Viewers to review said Ordinance and the Exceptions thereto, and (2) the Court suspend the effect and enforcement of said Ordinance pending the Courts review

of the finding and recommendations of Viewers, which said prayer was duly granted by the said Court on the entering of the security in the above-mentioned sum.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH, THAT if the exceptions are dismissed, the Exceptant shall pay to Pike Township all legal costs they have incurred in these proceedings, then this obligation to be void, otherwise it is to remain in full force and virtue.

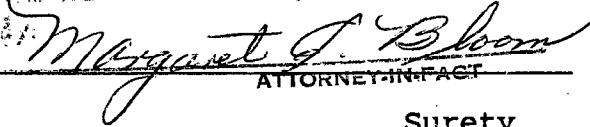


Fred Long

(SEAL)

Exceptant

THE TRAVELER'S INDEMNITY COMPANY
The Travelers Indemnity Company

By: 

Margaret J. Bloom
ATTORNEY-IN-FACT

Surety

The Travelers Indemnity Company

Hartford, Connecticut

If necessary, validation of this power of attorney is available at (203) 277-7839. Collect calls will be accepted.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That THE TRAVELERS INDEMNITY COMPANY, a corporation of the State of Connecticut, does hereby make, constitute and appoint

John F. Bellmore, Robert K. Norris, Margaret C. Bloom, Martin K. Collins, Paula G. Beauseigneur, Alice J. Gill, Thomas F. Casey, Jeffrey D. Bellmore, all of Curwensville and Clearfield, Pennsylvania, EACH

its true and lawful Attorney(s)-in-Fact, with full power and authority, for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto, if a seal is required, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof, as follows:

Any and all bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof

and to bind THE TRAVELERS INDEMNITY COMPANY thereby, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Resolutions adopted by the Board of Directors of THE TRAVELERS INDEMNITY COMPANY at a meeting duly called and held on the 1st day of November, 1985 which Resolutions are now in full force and effect:

VOTED: That the Chairman of the Board, the President, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Corporate Secretary or any Department Secretary may appoint attorneys-in-fact or agents with power and authority, as defined or limited in their respective powers of attorney, for and on behalf of the Company to execute and deliver, and affix the seal of the Company thereto, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof and any of said officers may remove any such attorney-in-fact or agent and revoke the power and authority given to him.

VOTED: That any bond, undertaking, recognizance, consent of surety or written obligation in the nature thereof shall be valid and binding upon the Company when signed by the Chairman of the Board, the President, any Executive Vice President, any Senior Vice President, any Vice President or any Second Vice President and duly attested and sealed, if a seal is required, by the Corporate Secretary or any Department Secretary or any Assistant Corporate Secretary or any Assistant Department Secretary, or shall be valid and binding upon the Company when duly executed and sealed, if a seal is required, by a duly authorized attorney-in-fact or agent, pursuant to and within the limits of the authority granted by his or her power of attorney.

This power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of THE TRAVELERS INDEMNITY COMPANY at a meeting duly called and held on the 1st day of November, 1985:

VOTED: That the signature of any officer authorized by Resolutions of this Board and the Company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

This power of attorney revokes that dated November 1, 1985 on behalf of John F. Bellmore, Robert K. Norris, Margaret C. Bloom, Stephen M. Smith Paula G. Beauseigneur, Alice J. Gill, Thomas F. Casey, Jeffrey D. Bellmore

IN WITNESS WHEREOF, THE TRAVELERS INDEMNITY COMPANY has caused these presents to be signed by its proper officer and its corporate seal to be hereunto affixed this 29th day of September 19 86

THE TRAVELERS INDEMNITY COMPANY

By

D.L. Saulo

Secretary, Surety



State of Connecticut, County of Hartford—ss:

On this 29th day of September in the year 1986 before me personally came D. L. Banta to me known, who, being by me duly sworn, doth depose and say: that he resides in the State of Connecticut; that he is Secretary (Surety) of THE TRAVELERS INDEMNITY COMPANY, the corporation described in and which executed the above instrument; that he signed his name thereto by the above quoted authority; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal, and that it was so affixed by authority of his office under the by-laws of said corporation.



Gloria D. Seekins

Notary Public
My commission expires April 1, 1988

CERTIFICATION

I, Paul D. Tubach, Assistant Secretary (Surety) of THE TRAVELERS INDEMNITY COMPANY, certify that the foregoing power of attorney, and the above quoted Resolutions of the Board of Directors of November 1, 1985 have not been abridged or revoked and are now in full force and effect.

Signed and Sealed at Hartford, Connecticut, this 17th day of March 19 87.



Paul D. Tubach

Assistant Secretary, Surety

**THE TRAVELERS INDEMNITY COMPANY
HARTFORD, CONNECTICUT**

Statement of Financial Condition—December 31, 1985		LIABILITIES, CAPITAL AND SURPLUS
ASSETS		
United States Government bonds	\$ 879,688,626	Loss and Loss Adjustment expenses 3,704,016,405
Other Public bonds	1,406,386,951	Unearned premiums 730,919,719
All Other bonds	616,738,707	Reserves for taxes 47,536,160
Stocks—Preferred or guaranteed	46,817,818	All other reserves and liabilities 584,882,307
—Common	828,370,714	
Mortgage Loans	332,982,716	Total Liabilities 5,067,354,592
Real Estate	3,926,035	
Cash on hand and in banks	91,524,008	Special Surplus Funds 23,248,400
Short Term Investments	128,777,271	Capital 10,000,000
Financial Options and Futures	4,260,086	Unassigned surplus 1,277,171,426
Other invested assets	10,857,115	
Agents balances or uncollected premiums	1,225,402,744	Total Capital and Surplus 1,310,419,826
Interest accrued	64,020,234	
Federal income taxes recoverable	386,670,621	Total 86,377,774,419
All other assets	351,350,761	
Total	<u>\$6,377,774,419</u>	

The Travelers Indemnity Company as of December 31, 1985.

I, Paul D. Tubach, Assistant Secretary (Surety) of THE TRAVELERS INDEMNITY COMPANY, certify that the foregoing is a true and correct statement of the financial condition of the Company as of December 31, 1985.



Paul D. Tubach

Assistant Secretary, Surety

No. ST-1 - Road Term, 19 _____
the Township Ordinances
Wm Kline - 3-12-87-86

No. _____ Term, 19 _____

No. _____ Term, 19 _____

No. _____ Term, 19 _____

No. _____ Term, 19 _____

No. _____ Term, 19 _____

No. _____ Term, 19 _____

~~2/27/67~~
~~John Williams~~

No. _____ Term, 19 _____

IN RE:

An Ordinance of the Township of
Pike, Clearfield County, Penna.,
for the Widening of Township

Route T-214

Pro by atty

20 00

Pro

40 00

87-1-ROAD

~~FEBRUARY 10, 1987, ORDINANCE~~, filed by Fredric Ammerman, Esq
Be it resolved, and it is hereby resolved, by the
Board of Supervisors of the Township of Pike, a municipal
corporation of the Commonwealth of Pennsylvania, being
situate in the County of Clearfield of said Commonwealth,
Enacted and Ordained this 4th day of February, 1987.
/s/ Board of Supervisors of Pike Township.
Charles D. Walker, Lewis I. Rowles.

~~X FEBRUARY 12, 1987, AFFIDAVIT OF SERVICE~~, filed
I, Fredric J. Ammerman, Esquire, attorney for
Pike Township Supervisors, hereby certify that notice
was given to Mr. and Mrs. Fred Long on February 11, 1987,
of the filing of Pike Township Ordinance #41 concerning
Route T-214 by U.S. Mail, postage prepaid, as evidenced
by the executed return receipt attached hereto.
/s/ Fredric J. Ammerman, Esq.

~~X MARCH 6, 1987, EXCEPTIONAL OF FRED LONG TO PIKE TOWNSHIP
Ordinance #41~~, Andrew P. Gates, Esquire.
One (1) copy Certified to Attorney.

~~X MARCH 6, 1987, PETITION FOR APPOINTMENT OF VIEWERS TO
REVIEW PIKE TOWNSHIP ORDINANCE #41 AND THE EXCEPTIONS
THERETO~~, filed by Anthony S. Guido, Esquire.
One (1) Order Certified to R. Bechtal and E. Facchine
ORDER, filed.

NOW THIS, 10th day of March, 1987, upon consideration
of the Petition of Fred Long, a citizen of Pike Township:
IT IS ORDERED, ADJUDGED AND DECREED that:
a. William C. Kriner,
b. Roland E. Bechtal
c. Evo G. Facchine,
of the County Board of Viewers are hereby appointed to
review Pike Township Ordinance #41 and the exceptions
thereto. In making said review, the aforementioned
Viewers are authorized to view the premises and hold such
hearings as they deem necessary prior to submitting their
written findings and recommendations to the Court.

It is hereby further ORDERED that the effect and en-
forcement of Pike Township Ordinance #41 is hereby suspended
pending further Order of Court upon the condition that
Petitioner post bond in the amount of \$1,000.00 dollars
to indemnify Pike Township for costs incurred. BY THE
COURT: /s/ John K. Reilly, Jr., President Judge.

MARCH 12, 1987, ALL PAPERS GIVEN TO ATTORNEY KRINER, CHAIRMAN OF BOARD OF VIEW.