

00-2-RD  
BECCARIA TOWNSHIP, RELOCATION OF ROAD NO. T-533

**AGREEMENT**  
(Executed in Duplicate)

00-02-RD

This Agreement made this 19<sup>th</sup> day of November, 1999 by and between the Board of Supervisors of BECCARIA TOWNSHIP, of R.D.1, Box 51, Fallentimber, Pennsylvania 16639, party of the first part;

AND

RICHARD W. HEGARTY and LYNDE C. HEGARTY, his wife of 1140 Main Street, P.O. Box 377, Coalport, Pennsylvania 16627 and BARBARA H. HACK and BERTRAM HACK, her husband of 3503 B Bahia Blance W., Laguna Hills, California, 92653, ELEANOR JANE UEHLING and ROBERT UEHLING of 4818 Sherwood Road, Madison, Wisconsin 53711, COUNTY NATIONAL BANK & RICHARD W. HEGARTY, CO-TRUSTEES, of the L. Covert Hegarty Estate of Box 42, Clearfield, PA 16830, DAVID A. HEGARTY and FAITH M. HEGARTY, his wife of Main Street, Box 377, Coalport, PA 16627, DANIEL W. HEGARTY and NANETTE M. HEGARTY, his wife of 251 Hickory St., Box 377, Coalport, PA 16627, and BRENDA HEGARTY GABRIELSON and ERIK S. GABRIELSON, her husband of 118 Good Avenue, Patton, PA 16668, parties of the second part.

This Agreement is entered into by virtue of the authority granted by §67311 of the Second Class Township Code, 53 P.S. §67311 which reads in pertinent part:

When the Board of Supervisors relocates or vacates any part of any public road under its supervision and can agree with the property owners affected by the relocation or vacation, it may relocate or vacate the public road without the formality of a view.

The parties intend this Agreement to have the force and effect of a relocation agreement under 53 P.S. §67311.

**FILED**

NOW THEREFORE, intending to be legally bound hereby, the parties agree as follows:

AUG 3 0 2000

a. The facts regarding the relocation are as follows:

William A. Shaw  
Prothonotary

1. The road being the subject of this Agreement is Beccaria Township Road No. 533 ("T-533").
2. As a part of surface mining conducted by it, Bender Coal Company relocated a portion of T-533.
3. The portion of T-533 which was removed by Bender Coal Company's mining is shown on a Record Plan, Plan View and Profile, Township Road No. T-533 Relocation of Hess & Fisher Engineers, Inc. dated July 17, 1997 ("Relocation Plan") annexed hereto as Exhibit "A" and incorporated herein by reference.
4. The portion of T-533 removed by the mining is identified as "abandoned" on the Relocation Plan.
5. T-533 as relocated by the mining is also shown on the Relocation Plan as "As Built Township Road, 40' right-of-way." A boundary description of relocated T-533 prepared by Hess & Fisher Engineers, Inc. is annexed hereto as Exhibit "B" and incorporated herein by reference.
6. The course and location of T-533 prior to relocation was across, over, and on two parcels located in Beccaria Township.
7. The first parcel shown generally on the Relocation Plan as property of Richard W. Hegarty was owned at the time of relocation and has continued to be owned by Richard W. Hegarty.
8. This parcel is identified by Clearfield County Assessment Map No. 101-I17-11 and is more fully described in that deed dated May 25, 1942 to Richard W. Hegarty recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book Volume 353, page 413.
9. The second parcel shown generally on the Relocation Plan as owned by

“Samuel Hegarty heirs” is identified by Clearfield County Assessment Map No. 101-H18-67.

10. Samuel Hegarty died intestate on April 1, 1895.
11. Parties of the second part constitute all of the surviving descendants and heirs at law of Samuel Hegarty (and their respective heirs) and they presently claim the following undivided fractional interests in and to the second parcel more fully described in paragraph 9 above:

Barbara Hegarty Hack	undivided 9/39 <sup>th</sup> interest
Richard W. Hegarty	undivided 9/39 <sup>th</sup> interest
Eleanor Jane Uehling	undivided 9/39 <sup>th</sup> interest
County National Bank & Richard Hegarty, Co-Trustees of L. Covert Hegarty Estate	undivided 6/39 <sup>th</sup> interest
David A. Hegarty	undivided 2/39 <sup>th</sup> interest
Daniel W. Hegarty	undivided 2/39 <sup>th</sup> interest
Brenda Hegarty Gabrielson	undivided 2/39 <sup>th</sup> interest

12. However, Richard W. Hegarty and Barbara H. Hack are decedents of Samuel Hegarty and are claimants in interest to the property, their interests deriving from the following:

- a. As devisees of the interest of L. C. Hegarty in the Samuel Hegarty Estate under his last Will and Testament on file in the Office of the Register of wills of Clearfield County at Will Book 13, page 358.
- b. By deed from County National Bank, Trustee under the residuary trust of the Last Will and Testament of Allison Hegarty dated May 2, 1995

and recorded in the Office of the Recorder of Deeds of Clearfield County in Deed and Record Book 1674, page 109.

13. T-533 as relocated by Bender Coal Company lies on, over, and across the same two parcels as generally shown on the Relocation Plan.
14. The parties of the second part are the only property owners or claimants in interest affected by the relocation of T-533.

- b. Parties of the second part hereby acknowledge and confirm their agreement to the relocation of T-533 as built and as shown on the Relocation Plan.
- c. Parties of the second part, for their heirs, executors, administrators, successors, and assigns do hereby grant to Beccaria Township the full, free liberty and right at all times hereafter forever, to have and use for Township road purposes a right-of-way 40 feet wide as shown on the Relocation Plan. The area of the right-of-way hereby granted is more fully described on Exhibit "B".
- d. Beccaria Township hereby vacates and grants, conveys, remises, releases and quit claims to the parties of the second part any all of its rights, title, claims, and interests in and to that portion of T-533 relocated.
- e. Parties of the second part hereby authorize the Board of Supervisors of Beccaria Township to present and record this Agreement in the offices of the Recorder of Deeds and Prothonotary of Clearfield County in accordance with 53 P. S. §67311.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals the day and year first above written.

ATTEST

Patsy A. Keith  
Secretary

BECCARIA TOWNSHIP

By: William H. Oshall  
William H. Oshall, Chairman

RICHARD W. HEGARTY  
RICHARD W. HEGARTY

Lynde C. Hegarty  
LYNDE C. HEGARTY

Barbara H. Hack  
BARBARA H. HACK

Bertram Hack  
BERTRAM HACK

Eleanor Jane Uehling  
ELEANOR JANE UEHLING

Robert W. Hegarty  
ROBERT UEHLING

Donald D. Hawley  
COUNTY NATIONAL BANK, Co-Trustee  
of the L. Covert Hegarty Estate

RICHARD W. Hegarty  
RICHARD W. HEGARTY, Co-Trustee  
of the L. Covert Hegarty Estate

DAVID A. Hegarty  
DAVID A. HEGARTY

FAITH M. Hegarty  
FAITH M. HEGARTY

DANIEL W. Hegarty  
DANIEL W. HEGARTY

NANETTE M. Hegarty  
NANETTE M. HEGARTY

BRENDA HEGARTY GABRIELSON  
BRENDA HEGARTY GABRIELSON

ERIK S. GABRIELSON  
ERIK S. GABRIELSON

COMMONWEALTH OF PENNSYLVANIA

: SS.

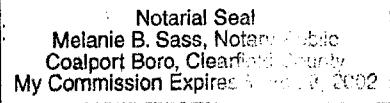
COUNTY OF CLEARFIELD

On this, the 4<sup>th</sup> day of October, 1999, before me, the undersigned authority personally appeared RICHARD W. HEGARTY and LYNDE C. HEGARTY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing Agreement and acknowledged that they executed the same for the purposes therein contained.

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

Melanie B. Sass  
Notary Public

My Commission Expires:



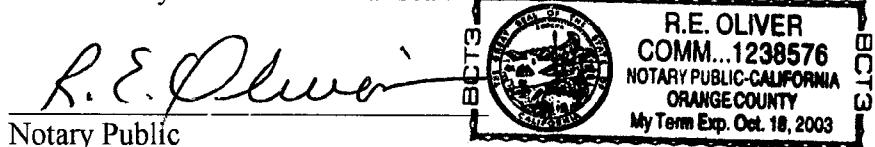
STATE OF CALIFORNIA  
COMMONWEALTH OF PENNSYLVANIA

ORANGE  
COUNTY OF CLEARFIELD

: SS.

On this, the 16 day of Nov, 1999, before me, the undersigned authority personally appeared BARBARA H. HACK and BERTRAM HACK, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing Agreement and acknowledged that they executed the same for the purposes therein contained.

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



My Commission Expires: 10/18/03

STATE OF WISCONSIN  
COMMONWEALTH OF PENNSYLVANIA  
DALE  
COUNTY OF CLEARFIELD

: SS.  
:

On this, the 19th day of November, 1999, before me, the undersigned authority personally appeared ELEANOR JANE UEHLING and ROBERT UEHLING, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing Agreement and acknowledged that they executed the same for the purposes therein contained.

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

Deborah A. Spencer  
Notary Public

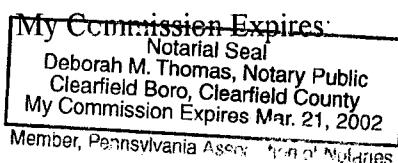
My Commission Expires: 7-20-03

COMMONWEALTH OF PENNSYLVANIA  
: SS.  
COUNTY OF CLEARFIELD

On this, the 7th day of October, 1999, before me, the undersigned authority  
Donald E. Shawley, Senior Vice President & Senior Trust Officer of  
personally appeared COUNTY NATIONAL BANK & ~~RICHARD W. HEGARTY~~, CO-TRUSTEE~~X~~ of the  
L. Covert Hegarty Estate, known to me (or satisfactorily proven) to be the persons whose names are  
subscribed to the foregoing Agreement and acknowledged with the authority to do so executed the same for  
the purposes therein contained.

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

Deborah M. Thomas  
Notary Public



COMMONWEALTH OF PENNSYLVANIA

: SS.

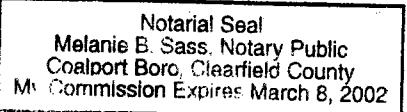
COUNTY OF CLEARFIELD

On this, the 4<sup>th</sup> day of October, 1999, before me, the undersigned authority personally appeared DAVID A. HEGARTY and FAITH M. HEGARTY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing Agreement and acknowledged that they executed the same for the purposes therein contained.

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

Melanie B. Sass  
Notary Public

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA

: SS.

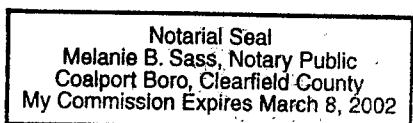
COUNTY OF CLEARFIELD

On this, the 4<sup>th</sup> day of October, 1999, before me, the undersigned authority personally appeared DANIEL W. HEGARTY and NANETTE M. HEGARTY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing Agreement and acknowledged that they executed the same for the purposes therein contained.

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

Melanie B. Sass  
Notary Public

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA

: SS.

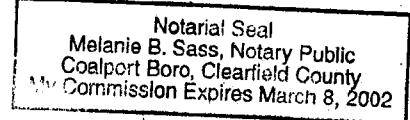
COUNTY OF CLEARFIELD

On this, the 4<sup>th</sup> day of October, 1999, before me, the undersigned authority personally appeared BRENDA HEGARTY GABRIELSON and ERIK S. GABRIELSON, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing Agreement and acknowledged that they executed the same for the purposes therein contained.

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

Melanie B. Sass  
Notary Public

My Commission Expires:



Beccaria Township,  
party of the first part

and

Richard W. Hegarty et al.,  
parties of the second part

AGREEMENT

**KIM C. KESNER**  
ATTORNEY AT LAW  
23 North Second Street  
CLEARFIELD, PA 16830  
(814) 765-1706

FILED

AUG 30 2000  
Oliver S. Sall, atty for Plaintiff  
William A. Shaw  
Prothonotary  
pd \$25.00

cc: atty for Plaintiff