

02-348-02

In Re: Beecaria Township

AGREEMENT

COPY

THIS AGREEMENT made this 11th day of December, 2001 by and between the Board of Supervisors of BECCARIA TOWNSHIP, of R.D. 1, Box 51, Fallentimber, Pennsylvania, 16639, party of the first part;

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02-348-00
FILED original in
Civil file

MAR 07 2002
201327/atty Kerner
William A. Shaw
Prothonotary
35.00
10cc

MARY ANN KITKO, widow, of Beccaria, Pennsylvania; JAMES A. NAGLE and JENNDA S. NAGLE, husband and wife, R.D. 2, Box 146, Tyrone, Pennsylvania; and JEFFREY R. HOLTZ and LAUREEN G. HOLTZ, husband and wife, of 1797 Glendale Lake Road, Patton, Pennsylvania, 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.

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

- a. The facts regarding the relocation are as follows:
 1. The road being the subject of this Agreement is Beccaria Township Road No. 534 ("T-534").
 2. As a part of surface mining conducted by it, Penn Grampian Coal Company relocated a portion of T-534 and constructed a new travelway to

the northeast of a portion of the existing Township Road which it is intended will remain in service.

3. The portion of T-534 which was relocated and/or added by Penn Grampian Coal Company's mining is approximately 1,400 feet in length from a point on the southwestern line of lands of Nagle and Holtz, through their lands and the land of Mary Ann Kitko in a northwesterly direction to Township Route T-531 as is shown on a survey plan by Gary L. Thorp, Registered Professional Surveyor dated March 24, 1997 annexed hereto as Exhibit "A" and incorporated herein by reference and is shaded in red on Exhibit "A".
4. The portion of T-534 existing prior to the mining which is to remain in use and service is shaded in green on Exhibit "A".
5. Also, it is agreed by and between the parties hereto that Beccaria Township shall have use and occupation to the area between the existing and new rights-of-way consisting of 0.410 acres as more fully bounded and described on Exhibit "B" annexed hereto.
6. The vacation of the original road bed and the relocation of the new road bed by the mining has occurred and/or will occur solely upon the premises of Mary Anne Kitko, which premises are more fully described in that Deed recorded in the Recorder of Deeds' Office of Clearfield County in Deed Book Volume 577, page 162, the premises of James A. Nagle and Brenda S. Nagle, more fully described at Deed Book 1727, page 233 and the premises of Jeffrey R. Holtz and Laureen G. Holtz, more fully described in Deed Book 1727, page 229.

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
200203350

RECORDED ON
Mar 11, 2002
3:23:37 PM

Total Pages: 8

RECORDING FEES	\$22.00
RECORDER	
COUNTY IMPROVEMENT FUND	\$1.00
RECORDER IMPROVEMENT FUND	\$1.00
STATE WRIT TAX	\$0.50
TOTAL	\$24.50

CUSTOMER

KESNER, KIM

7. There are no abutting owners or other property owners affected by said vacation and/or relocation other than the parties of the second part.

b. Parties of the second part hereby acknowledge and confirm their agreement to the relocation of T-534 as built and as shown on Exhibit "A".

c. It is the opinion of party of the first part that said vacation and relocation has improved the safety of T-534 and is in the best interests of the traveling public.

d. 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 Exhibit "A".

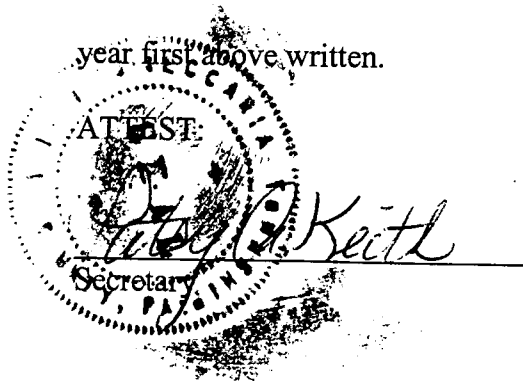
e. Parties of the Second Part, for their heirs, executors, administrators, successors and assigns do hereby acknowledge and confirm Beccaria Township's full, free liberty and right at all times hereafter forever to have and use for Township road purposes that portion of the pre-existing road shown on Exhibit "A" and shaded in green.

f. The 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 purposes an easement to the area between the existing and new rights-of-way consisting of 0.410 acres and more fully bounded and described on Exhibit "B". The purpose of this grant is to permit Beccaria Township to preserve and maintain the bridge on the old right-of-way.

g. Beccaria Township hereby vacates and grants, conveys, remises, releases and quit claims to the parties of the second part any and all of its rights, title, claims, and interests in and to that portion of T-534 relocated.

h. 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.



BECCARIA TOWNSHIP

William H. Oshall
William H. Oshall, Chairman

Mary Ann Kitko
Mary Ann Kitko

James A. Nagle

Brenda S. Nagle

Jeffrey R. Holtz

Laureen G. Holtz
Laureen G. Holtz

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
200203350

RECORDED ON

Mar 01, 2002

3:23:37 PM

Total Pages: 8

RECORDING FEES - \$21.50
RECORDER

COUNTY IMPROVEMENT FUND \$1.00

RECORDER IMPROVEMENT FUND \$1.00

STATE WRIT TAX \$0.50

TOTAL \$24.00

CUSTOMER

KESNER, KIM

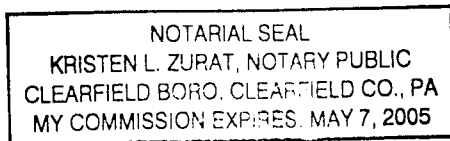
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

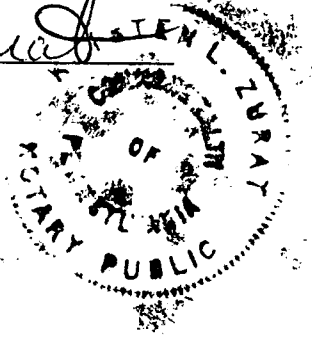
SS:

On this, the 28th day of February, 2002, before me, the undersigned authority, personally appeared WILLIAM H. OSHALL, who acknowledged himself to be the Chairman of the Beccaria Township Board of Supervisors, and that as such, he being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing his name thereon as such officer and subscribed before me the day and year aforesaid.

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



Kristen L. Zurat
Notary Public
My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA

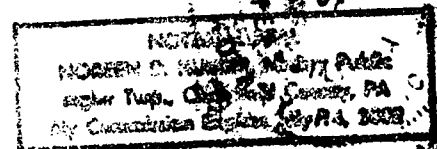
COUNTY OF CLEARFIELD

SS:

On this, the 11 day of December, 2001, before me, the undersigned authority, personally appeared MARY ANN KITKO, 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.

Margaret A. Hubler
Notary Public
My Commission Expires: 7-17-02



COMMONWEALTH OF PENNSYLVANIA

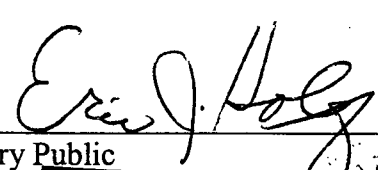
SS:

COUNTY OF CLEARFIELD

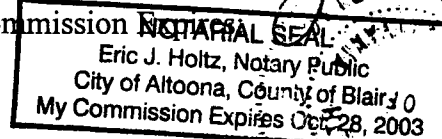
On this, the 29 day of JAN., ²⁰⁰²~~2001~~, before me, the undersigned

authority, personally appeared JAMES A. NAGLE and ~~BRENDA S. NAGLE~~, 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.


Notary Public

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA

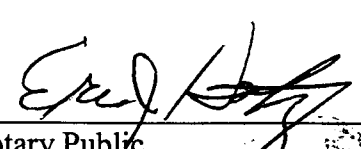
SS:

COUNTY OF CLEARFIELD

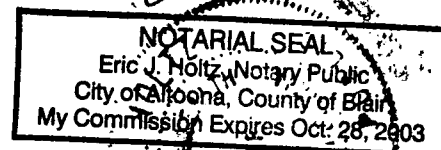
On this, the 29 day of JAN., ²⁰⁰²~~2001~~, before me, the undersigned

authority, personally appeared JEFFREY R. HOLTZ and LAUREEN G. HOLTZ, 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.

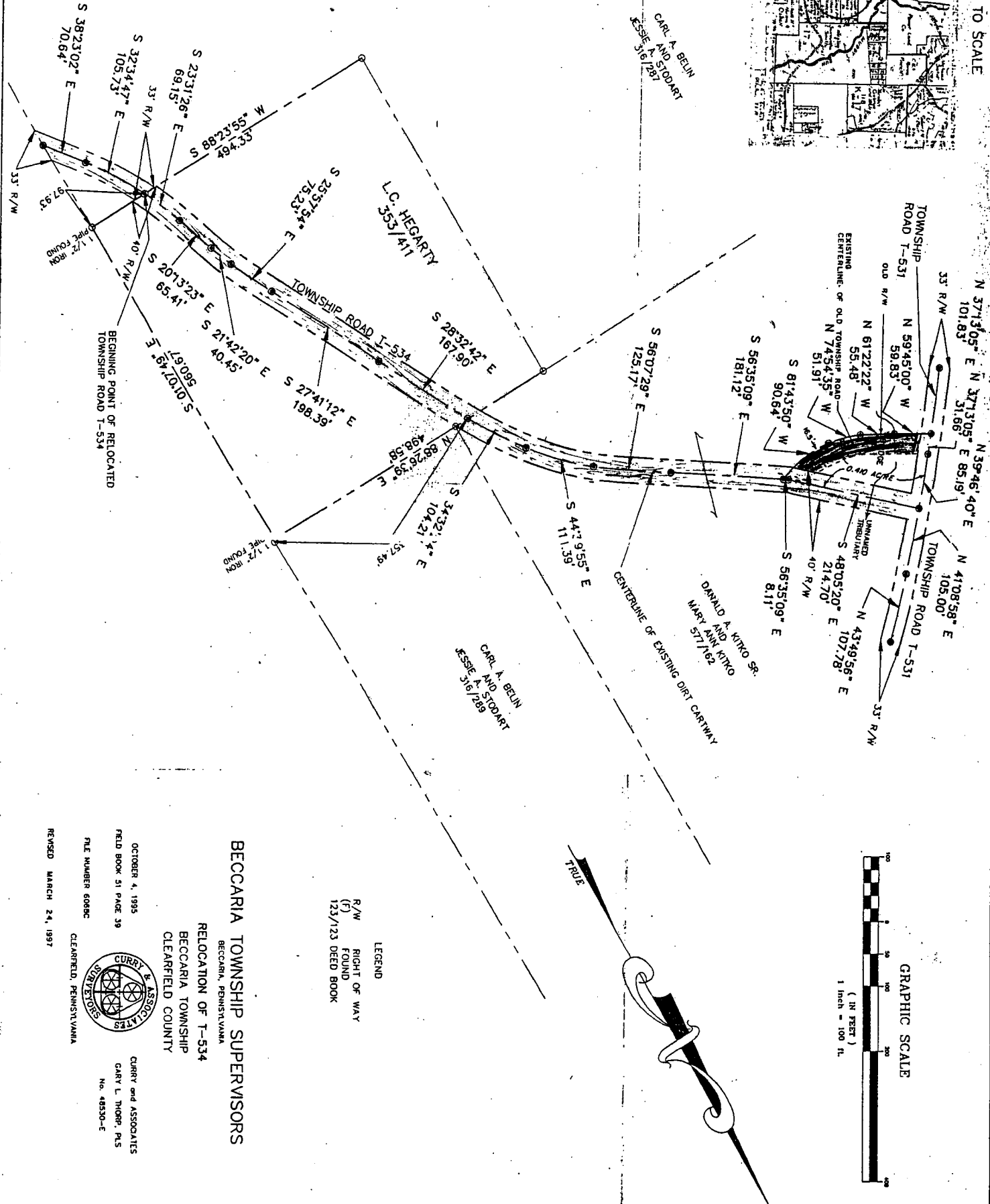
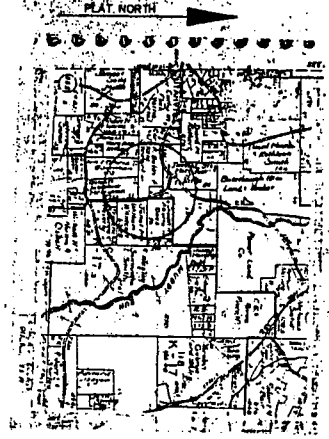
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


Notary Public

My Commission Expires:



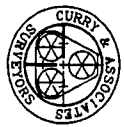
NOT TO SCALE



LEGEND
R/W RIGHT OF WAY
(F) FOUND
123/123 DEED BOOK

BECCARIA TOWNSHIP SUPERVISORS
RELOCATION OF T-534
BECCARIA TOWNSHIP
CLEARFIELD COUNTY

OCTOBER 4, 1995
FIELD BOOK 51 PAGE 39
FILE NUMBER 6069C



CURRY and ASSOCIATES
GARY L. THORP, PLS
No. 48530-E

REVISED MARCH 24, 1997

Exhibit "A"

LEGAL DESCRIPTION

For

0.410 ACRE PARCEL

All that parcel of land lying 1 mile east of Utahville, in Beccaria Township, Clearfield County, Pennsylvania and being more particularly described as follows:

Beginning at the centerline intersection of Township Road T-531 with the newly located centerline of Township Road T-534, said point being the northerly most corner of the land herein conveyed and running:

THENCE South 48 degrees 05 minutes 20 seconds East for a distance of 214.70 feet along the centerline of the newly located T-534 to a point;

THENCE South 56 degrees 35 minutes 09 seconds East for a distance of 8.11 feet along same to a point at the intersection of the original southern right-of-way line of T-534;

THENCE along the original southern right-of-way line, and being 16.5 south of the existing centerline of the old township road, the following courses and distances:

1. South 81 degrees 43 minutes 50 seconds West for a distance of 90.64 feet

2. North 74 degrees 54 minutes 35 seconds West for a distance of 51.91 feet

3. North 61 degrees 22 minutes 22 seconds West for a distance of 55.48 feet

4. North 59 degrees 45 minutes 00 seconds West for a distance of 59.83 feet to a point in the centerline of Township Road T-531;

THENCE North 37 degrees 13 minutes 05 seconds East for a distance of 31.66 feet along the centerline of T-531 to a point;

THENCE North 39 degrees 46 minutes 40 seconds East for a distance of 85.19 feet along same to a point and place of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.410 acre as shown on map prepared by Curry and Associates with a revised date of March 24, 1997. Bearings above are based on True North.