

ROAD
DOCKET NO. 6

Number Term Year

1 MAY SS 1948

**KNOX TOWNSHIP: Petition to Alter
change or improve road.**

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

In re: Petition to alter, change :
or improve Township Road : No. 1 May Sessions, 1948
in Knox Township :
:

TO THE HONORABLE F. CORTEZ BELL, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned Supervisors of the Township of Knox respectfully represents:

1. That on the day of April, 1948, your Honorable Court signed an order authorizing a change in Knox Township Road No. 565, involving the stripping of a portion of said road under an agreement with the strippers to re-lay the road upon the completion of said stripping.

2. That said stripping has now been completed and the road is ready for re-laying.

3. That the portion of said Knox Township Road No. 565, which was stripped, was a portion containing a long curve.

4. That Knox Township Road No. 565 would be greatly improved by the elimination of said curve when said road is replaced and the mining company which stripped said road is ready and willing to build a new road with the elimination of said curve.

5. That to eliminate said curve, a right of way would have to be acquired from James W. Robbins and Emma Mae Robbins, his wife, which said right of way has been acquired by a deed from the said parties to the Knox Township Supervisors, and which said deed was acquired at no expense to the Township of Knox.

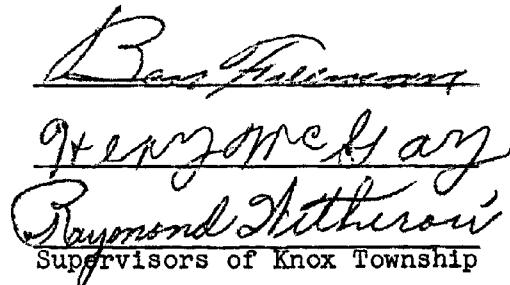
6. That the proposed change in the road would be an improvement beneficial to the general public and users of said Township Road No. 565.

7. That the entire cost of such improvement to the Township of Knox would not exceed \$200.00.

8. That a blueprint of the old and the proposed new portion of Knox Township Road No. 565 is attached hereto and made a part hereof.

WHEREFORE, the undersigned Supervisors of the Township of Knox hereby pray your Honorable Court that the proposed change and improvement of Township Road No. 565 as set forth herein be authorized without the formality of a view, as provided by the Act of July 10, 1947, P.L. 1481, and that your Honorable Court approve such improvement and vacate that portion of Township Road No. 565, which is being replaced by the improvement herein proposed.

And they will ever pray,


Bass
Ferguson
Raymond H. Miller
Supervisors of Knox Township

COMMONWEALTH OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD : :

BEN FREEMEN, being duly sworn according to law,
deposes and says that he is one of the Supervisors of the Township
of Knox, and that the facts set forth in the foregoing petition are
true and correct.

Sworn and subscribed to before me :

this 1st day of June 1949. : Ben Freeman

Witnessed by : J. G.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

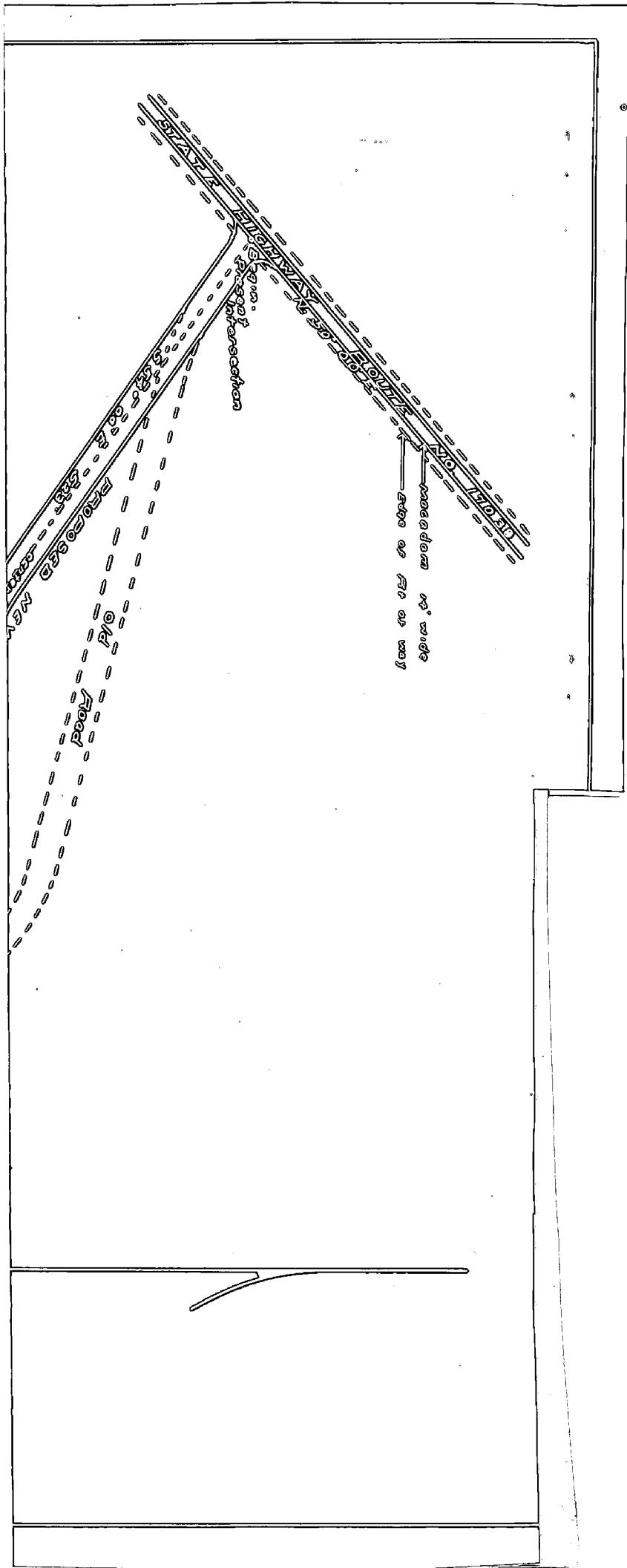
In re: Petition to alter, change :
or improve Township Road : No. 1 May Sessions 1948
in Knox Township :
:

ORDER OF COURT

NOW, this 6th day of June, 1949, within petition being read and considered, and it appearing to the Court that the proposed improvement of Route 565 in Knox Township is to be made at an expense to Knox Township not to exceed \$200.00, and that such change will be an improvement in the road as heretofore existed, the Supervisors of the Township of Knox are hereby authorized to make the change as outlined on the blueprint attached hereto, and the proposed change is hereby approved and that portion of Route 565 superseded by said improvement is hereby declared to be vacated.

By the Court,

H. K. Hall Jr.



13.
IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA

No. 1 May SS, 1948

In re: Petition to alter,
change or improve Township
Road in Knox Township

PETITION AND ORDER

LAW OFFICES
CHAPLIN & ARNOLD
CLEARFIELD, PA.

2.50

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

Inre: Petition to alter, change or)
improve Township Road in) No. Term ,1948
Knox Township)

TO THE HONORABLE F. CORTEZ BELL, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned Supervisors of the Township of Knox, respectfully represent:

1. Township Road No. 565 is located in the Township of Knox and extends from Boardman to the Turkey Hill School on State Highway 17038;

at
2. That the point of said Township Road between the intersection of Township Road 565 with 567 and the Turkey Hill School a distance of two-tenths of a mile, the earth on each side of said Township Road is to be excavated by a coal stripping operation conducted by Diamond T Strip Mining Corporation;

3. That Diamond T Strip Mining Corporation is desirous of stripping the coal from underneath that portion of the Township Road No. 565 as set out above and has agreed to replace said Road on the completion of the operation and to provide a temporary road at its sole expense during the continuance of the operations and said agreements are satisfactory and agreeable to the Knox Township Supervisors;

4. Diamond T Strip Mining Corporation has agreed to maintain traffic in a manner satisfactory to the State Highway Department and the Supervisors of Knox Township, and to refill and roll the area upon the completion of the stripping operation, and refill the road, which has been destroyed, with shale, subject to the specifications and approval of the State Highway Department;

5. That in the opinion of your petitioners the coal can be removed and traffic satisfactorily maintained as outlined above without any inconvenience to the public;

6. That the removal of said coal as outlined above would not involve the taking of any additional territory for right of way;

7. That attached hereto and made a part hereof is a copy of the agreement between the Knox Township Supervisors and the Diamond T Strip Mining Corporation;

WHEREFORE the undersigned Supervisors of the Township of Knox hereby pray your Honorable Court that the proposed change, alteration or improvement of the two-tenths of a mile of Township Road No. 565, as set forth herein, be authorized without the formality of a view, as provided by the Act of May 1, 1933, P.L. 103, Section 1115, and its amendments. And they will ever pray.

Bess Freeman
Raymond Kithman

Supervisors of Knox Township

COMMONWEALTH OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD : :

Ben Freeman, being duly sworn according to law, deposes and says that he is one of the Supervisors of the Township of Knox, and that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed to before me this 16 day of April, 1948. :

Marie O'M Fadless :

~~Examination~~ Commission Expires
First Monday in Jan 1960

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

In re: Petition to alter, change or :
improve Township Road in : No. Term, 1948
Knox Township :

ORDER OF COURT

NOW, April 19, 1948, the within petition having been read and considered, and it appearing to the Court that the proposed change, alteration or improvement of Township Road No. 565 in Knox Township, is to be made at no expense to Knox Township, and that said change, alteration or improvement will involve no additional taking of territory for right of way purposes and that the Supervisors of Knox Township are of the opinion that the interests of the traveling public will not be prejudiced by said proposed change, the Supervisors of the Township of Knox are hereby authorized to make the contemplated change, alteration or improvement of the said Township Road as prayed for without the formality of a view.

By the Court,

J. Gilbell

AGREEMENT between DIAMOND T STRIP MINING CORPORATION, a corporation existing under the laws of the Commonwealth of Pennsylvania, party of the first part, and TOWNSHIP OF KNOX, in the County of Clearfield, Pennsylvania, party of the second part,

WHEREAS the Township of Knox having agreed to permit two-tenths of a mile of Township Road No. 565 to be destroyed by taking out the coal thereunder, it being that portion of Road No. 565 from the Turkey Hill School to the junction of Road 565 with 567;

NOW, THEREFORE, in consideration of the sum of One Dollar and other valuable considerations Diamond T Strip Mining Corporation agrees to and with the Township of Knox as follows:

(1) Diamond T Strip Mining Corporation will at its own proper cost and expense make, keep up, and maintain a temporary road to take the place of the two-tenths of a mile of Road No. 565 which will be destroyed, and further agree at all times to maintain such temporary road in a safe and passable condition;

(2) That within one year after the date hereof, Diamond T Strip Mining Corporation will, at its sole expense, restore the two-tenths of a mile of road 565 which it will have destroyed, restoring the same to its original contour, back-filling the road bed with shale and all work to be done under department of highways specifications and subject to the approval of Carl Witherow, Township Engineer of the Pennsylvania State Highway Department for Clearfield County, or his successor in office;

(3) That Diamond T Strip Mining Corporation further covenants and agrees to indemnify and save harmless the Township of Knox from any and all liabilities or claims for damages either

to person or property as the result of the construction, maintenance or operation of the temporary road to be provided by the Diamond T Strip Mining Corporation;

(4) That Diamond T Strip Mining Corporation further agrees to deposit with the County National Bank at Clearfield, as escrow agent, the sum of \$500.00 to be held by the said County National Bank at Clearfield. Upon the completion of the agreements set out herein, the County National Bank at Clearfield is to return the said \$500.00 to Diamond T Strip Mining Corporation, or upon default of any of the covenants or conditions herein set forth, the said sum to be turned over to Knox Township Road Supervisors.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the 17th day of April, 1948.

Bess Freeman
Raymond Detherow

Attest. Dominic Belanti Knox Township Supervisors

Attest: John J. Murphy DIAMOND T STRIP MINING CORPORATION
John J. Murphy John J. Murphy President
Secretary

B
IN THE COURT OF QUARTER
STATIONS OF CLEARFIELD COUNTY
PA. PENNSYLVANIA
No. 1 May Term, 1948

In re: Petition to alter,
change or improve
Towmship Road in
Fnox Township

19.1948

LAW OFFICES
CHAPLIN & ARNOLD
CLEARFIELD, PA.