

02-348-CD  
IN RE: BECCARIA TOWNSHIP

## AGREEMENT

THIS AGREEMENT made this 11<sup>th</sup> 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; 02:310:10

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MARY ANN KITKO, widow, of Beccaria, Pennsylvania; JAMES A. NAGLE and MENDA S. Prothonotary  
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 21, 2002  
3:23:37 PM  
Total Pages: 8  
  
RECORDING FEES \$22.00  
RECORDER \$1.00  
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.



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 \$1.00  
FUND  
RECORDER \$1.00  
IMPROVEMENT FUND  
STATE WRIT TAX \$0.50  
TOTAL \$24.00  
CUSTOMER  
KESNER, KIM

BECCARIA TOWNSHIP

William H. Oshall  
William H. Oshall, Chairman

Mary Ann Kitko  
Mary Ann Kitko

James A. Nagle  
James A. Nagle

Brenda S. Nagle

Jeffrey R. Holtz  
Jeffrey R. Holtz

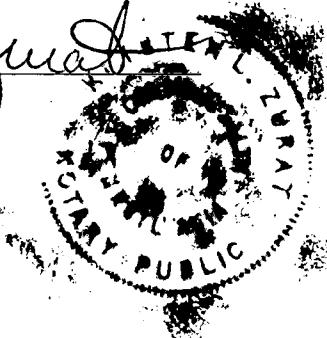
Laureen G. Holtz  
Laureen G. Holtz

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

On this, the 28<sup>th</sup> day of February, 2001, 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.

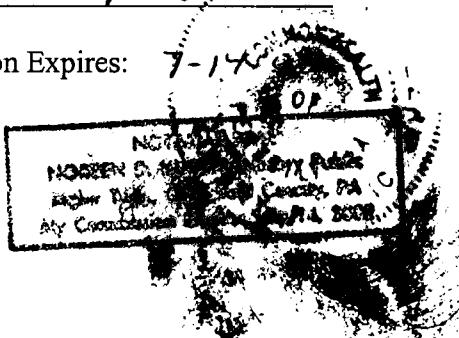
NOTARIAL SEAL  
KRISTEN L. ZUPAT, NOTARY PUBLIC  
CLEARFIELD BORO, CLEARFIELD CO., PA  
MY COMMISSION EXPIRES: MAY 7, 2005

*Kristen L. Zupat*  
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.

*Mary Ann Kitko*  
Notary Public  
My Commission Expires: 7-14-2004  


NOTARY PUBLIC  
MARY ANN KITKO, Notary Public  
Clearfield, Clearfield County, PA  
My Commission Expires: 7-14-2004

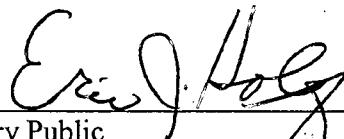
COMMONWEALTH OF PENNSYLVANIA

: SS:

COUNTY OF CLEARFIELD

On this, the 29 day of JAN. <sup>2002</sup>, 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 NOTARIAL SEAL

Eric J. Holtz, Notary Public  
City of Altoona, County of Blair, PA  
My Commission Expires Oct 28, 2003

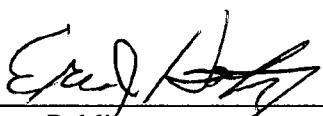
COMMONWEALTH OF PENNSYLVANIA

: SS:

COUNTY OF CLEARFIELD

On this, the 29 day of JAN. <sup>2002</sup>, 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:

NOTARIAL SEAL  
Eric J. Holtz, Notary Public  
City of Altoona, County of Blair, PA  
My Commission Expires Oct 28, 2003

NOT TO SCALE

N 37°13'05" E N 37°13'05" N 38°46'40" E

101.83' 31.66' 85.19'

40° E

105.00'

40° E



TOWNSHIP  
ROAD T-531

OLD R/W

N 59°45'00" W

59.83'

0.410 ACRE

UNNAME

TRIBUTARY

S 48°05'20" E

107.78"

40' R/W

S 56°35'08" E

8.11'

S 56°35'08" E

8.12'

S 56°35'08" E

8.13'

S 56°35'08" E

8.14'

S 56°35'08" E

8.15'

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8.97'

S 56°35'08" E

8.98'

S 56°35'08" E

8.99'

GRAPHIC SCALE

1 inch = 100 ft

100

50

100

150

200

250

300

350

400

450

500

550

600

650

700

750

800

850

900

950

1000

1050

1100

1150

1200

1250

1300

1350

1400

1450

1500

1550

1600

1650

1700

1750

1800

1850

1900

1950

2000

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2200

2250

2300

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2450

2500

2550

2600

2650

2700

2750

2800

2850

2900

2950

3000

3050

3100

3150

3200

3250

3300

3350

3400

3450

3500

3550

3600

3650

3700

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.

BECCARIA TOWNSHIP

and

MARY ANN KITKO, widow; JAMES A.  
NAGLE and BRENDA S. NAGLE,  
husband and wife; and JEFFREY R.  
HOLTZ and LAUREEN G. HOLTZ,  
husband and wife

AGREEMENT

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