

06-326-CD
In Re: Penn Township

In RE: Penn Twp
2006-326-CD

LAW OFFICES
GATES & SEAMAN
2 NORTH FRONT STREET
P.O. BOX 846
CLEARFIELD, PA. 16830

Certified a true and
correct copy.

Attorney for

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: PENN TOWNSHIP, CLEARFIELD COUNTY, :
PENNSYLVANIA : 06- 326 -CD
(i) ACCEPTANCE OF LAND DEDICATED :
BY DEED FOR NEW TOWNSHIP ROAD; :
AND :
(II) ACCEPTANCE OF APPROVED PLAN :
FOR WIDEMIRE ROAD TO BECOME PART :
OF PENN TOWNSHIP ROAD SYSTEM :
Type of Case: Civil
Type of Pleading: Resolution
Filed on behalf of: Penn Township
Counsel of Record for this Party:
Andrew P. Gates, Esquire
Supreme Court No.: 36604
GATES & SEAMAN
Attorneys at law
2 North Front Street
P. O. Box 846
Clearfield, Pennsylvania 16830
(814) 765-1766

RECEIVED
MAR 02 2006

012:50 AM
William A. Shaw
Prothonotary Clerk of Courts
Prothonotary Clerk of Courts
COPY TO ATTY
COPY IN ROAD DOCUMENTS

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OF PENN TOWNSHIP ROAD SYSTEM :
:

**Resolution of Penn Township, Clearfield County, Pennsylvania
accepting land dedicated by deed for public road purposes, and
accepting approved plan for Township Road
to be known as Widemire Road, pursuant to 53 P.S. §67316**

PENN TOWNSHIP SUPERVISORS

**RESOLUTION ACCEPTING LAND DEDICATED BY DEED FOR TOWNSHIP
ROAD PURPOSES AND APPROVAL OF PLANS TO ACCEPT TOWNSHIP ROAD
TO BE OPENED ON SAID REAL ESTATE**

RESOLUTION NO. 06-02

A RESOLUTION AUTHORIZING: (I) ACCEPTANCE OF DEED OF DEDICATION FROM RISHEL ENTERPRISES, INC. CONVEYING 0.434 ACRES SITUATE IN PENN TOWNSHIP TO BE USED FOR TOWNSHIP ROAD PURPOSES; (II) THE APPROVAL OF THE PLAN OF A NEW TOWNSHIP ROAD TO BE KNOWN AS WIDEMIRE ROAD TO BE OPENED AND CONSTRUCTED WITHIN SAID 0.434 ACRES; (III) ACCEPTANCE OF WIDEMIRE ROAD AS PUBLIC ROAD INTO THE PENN TOWNSHIP ROAD SYSTEM; AND (IV) THE FILING OF A CERTIFIED AND ATTESTED COPY OF THIS RESOLUTION WITH THE CLERK OF THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, SO THAT SAID WIDEMIRE ROAD BECOMES A PART OF THE PENN TOWNSHIP PUBLIC ROAD SYSTEM PURSUANT TO 53 P.S. §67316(C).

WHEREAS, by Deed of Dedication dated December 20, 2005 and recorded January 19, 2006 in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, to Instrument No. 200600946, Rishel Enterprises, Inc. did convey unto Penn Township a 0.434 acre parcel of real estate situate in Penn Township to be used for township road purposes. A copy of said Deed of Dedication is attached hereto and made a part hereof as Exhibit "A";

WHEREAS, the Penn Township Supervisors have decided to open and construct a township road on the aforementioned 0.434 acre parcel which township road will provide public access between Pennsylvania State Route 879 and Penn Township Road T-469 as shown on the MAP OF SURVEY FOR NEW ROAD prepared by David J. Thorp, PLS, dated August 31, 1991 and revised October 9,

1991, a copy of which is attached hereto and made a part hereof as Exhibit "B";

WHEREAS, Penn Township Supervisors wish to accept the aforementioned 0.434 acres dedicated by deed pursuant to the authority vested in it by 53 P.S. §67316(a);

WHEREAS, Penn Township wishes to approve the Plan for Widemire Road and otherwise accept, open and construct a township road (to be named Widemire Road) having a width of not less than thirty-three (33) feet to lie within the aforementioned 0.434 acres herein described which the Township has the authority to do pursuant to 53 P.S. §67316(b);

WHEREAS, upon this Resolution being enacted and a certified and attested copy of the same being filed with the Clerk of the Court of Common Pleas of Clearfield County, Pennsylvania, the herein described Widemire Road will then become a part of the Penn Township Public Road System pursuant to the authority vested in Penn Township pursuant to 53 P.S. §67316(c).

NOW, THEREFORE, BE IT RESOLVED, that Penn Township, in accordance with the authority conferred upon it by the Second Class Township Code, particularly 53 P.S. §67316, hereby Resolves as follows:

(1) Penn Township hereby accepts the 0.434 acre parcel to be used for township road purposes and dedicated to Penn Township by Deed of Rishel Enterprises, Inc., dated December 20, 2005 and appearing of record in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania as Instrument No.

200600946, with a photocopy of said recorded deed being attached hereto and made a part hereof as Exhibit "A".

(2) The Plan of Widemire Road as shown on the MAP OF SURVEY FOR NEW ROAD prepared by David J. Thorp, PLS, with a revised date of October 9, 1991 is hereby accepted and approved as the Plan for Widemire Road with said township road to have a width of not less than thirty-three (33) feet. A copy of said MAP OF SURVEY FOR NEW ROAD is attached hereto and made a part hereof as Exhibit "B".

(3) Penn Township accepts Widemire Road, as shown on Exhibit "B", as a public road into the Penn Township Road System, with said Widemire Road to have a width of not less than thirty-three (33) feet.

(4) The Township Secretary is directed to file a certified and attested copy of this Resolution with the Clerk of the Court of Common Pleas of Clearfield County, Pennsylvania, and upon recording said Ordinance, the aforementioned and described Widemire Road shall become part of the Penn Township Public Road System as authorized by 53 P.S. §67316(c).

ATTEST:

Gail M. Bonsall
Secretary

PENN TOWNSHIP SUPERVISORS

By: James P. Seay
Chairman

(SEAL)

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder
Maurene Inlow - Chief Deputy
P.O. Box 361

1 North Second Street, Suite 103 ~~AFFIDAVIT NO.~~ 39074
Clearfield, Pennsylvania 16830

Instrument Number - 200600946
Recorded On 1/19/2006 At 9:58:41 AM
* Instrument Type - DEED
* Total Pages - 7
Invoice Number - 142563
* Grantor - RISHEL ENTERPRISES INC
* Grantee - PENN TOWNSHIP
* Customer - GATES & SEAMAN

*** FEES**

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$17.00
RECORDER	
RECORDER IMPROVEMENT FUND	\$3.00
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL	\$32.50

***RETURN DOCUMENT TO:**

GATES & SEAMAN
2 N. FRONT STREET
P.O. BOX 846
CLEARFIELD, PA 16830

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

NTS/APG

Deed of Dedication

THIS INDENTURE made the 20th day of December, 2005, between RISHEL ENTERPRISES, INC., a Pennsylvania Corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having an office at 1229 Turnpike Avenue, Clearfield, Pennsylvania 16830, hereinafter called the GRANTOR

A

N

D

PENN TOWNSHIP, a Municipal Corporation situate in Clearfield County, Pennsylvania, and having its primary office at 500 Melody Road, Grampian, PA 16838, hereinafter called the GRANTEE.

WITNESSETH: That the said Grantor, for an in consideration of the advantage to it accruing as well as for numerous other considerations affecting the public welfare which it seeks to advance, has granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said grantee, its successors and assigns,

ALL THAT CERTAIN piece and parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a spike set at the centerline intersections of existing Township Road T-469 and the new proposed Township Road to be known as Widemire Road, said spike being North 84 degrees 51 minutes 18 seconds East 222.78 feet from the centerline intersection of the existing railroad tracks of the Penn Central Railroad and aforementioned Township Road T-469, said spike also being South 31 degrees 41 minutes 00 seconds East 122.53 feet from a $\frac{3}{4}$ inch rebar set, thence North 43 degrees 54 minutes 13 seconds West 39.36 feet to a point at the intersection of the northern

right-of-way line of Township Road T-469 and the western line of Widemire Road, being the PLACE OF BEGINNING for the herein described tract and running:

1. Thence through lands of the Grantor for a new line crossing Kratzer Run the following courses and distances:
 - a. North 4 degrees 28 minutes 18 seconds West 36.18 feet;
 - b. North 12 degrees 04 minutes 36 seconds West 54.76 feet;
 - c. North 37 degrees 59 minutes 34 seconds West 49.75 feet;
 - d. North 58 degrees 18 minutes 23 seconds West 54.87 feet;
 - e. North 53 degrees 29 minutes 07 seconds West 174.73 feet to a point on the southern 80 foot right-of-way line of PA State Route 879.
2. Thence along the southern right-of-way line of PA State Route 879 North 74 degrees 09 minutes 30 seconds East 63.15 feet to a point;
3. Thence through lands of the Grantor for a new line crossing Kratzer Run the following courses and distances:
 - a. South 53 degrees 29 minutes 07 seconds East 134.06 feet;
 - b. South 58 degrees 18 minutes 23 seconds East 61.72 feet;
 - c. South 37 degrees 59 minutes 34 seconds East 70.21 feet;
 - d. South 12 degrees 04 minutes 36 seconds East 69.59 feet;
 - e. South 4 degrees 28 minutes 18 seconds East 50.41 feet to a point on the northern right-of-way line of Township Road T-469;
4. Thence along the northern right-of-way line of Township Road T-469 by an arc of a circle 497.76 feet in radius, curving to the left, an arc distance of 51.20 feet, the chord of said arc being North 82 degrees 09 minutes 41 seconds West 51.18 feet to a point and place of beginning.

The above description describes a 50 foot right-way, 25 feet left and right of the centerline of the existing cartway and is to be known as Widemire Road.

Containing 0.434 acres as shown on map prepared by Curry and Associates dated August 31, 1991, a copy of which is attached hereto. Bearings above are based on the centerline bearing of PA State Route 879 taken from plans found on micro film #489-2 dated 6/6/50 in the Clearfield District Highway Office.

To have and to hold, the said lot or piece of ground above described unto the said Grantee, to and for the only proper use and behoof of said Grantee, its successors

and assigns forever, as and for a public street, road or highway and for no other use and purpose, other than for any deemed necessary public utility easements, and to the same extent and with the same effect as if the said road had been opened by a decree of the Court of Common Pleas of Clearfield County, Pennsylvania, after proceedings duly had for that purpose under and in pursuance of the Road Laws of the Commonwealth of Pennsylvania.

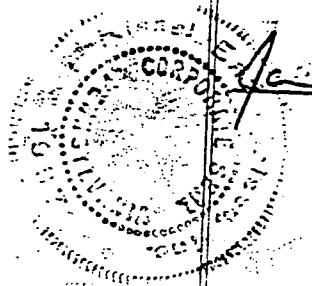
And the said Grantor, for itself, its successors and assigns, by these presents covenants, promises and agrees to and with the said Grantee, its successors and assigns, that neither the Grantor nor its successor or assigns, shall nor or will not at any time hereafter, ask, demand, or recover or receive of or from the said Grantee, its successors and assigns any sum or sum of money as and for damages for or by reason of the physical grading of said road to the grade as now established by the Board of Supervisors or of the Township of Penn, Grantee, and if such grade shall not be established at the day of the date of these presents that neither the Grantor, nor its successors or assigns, shall nor will at any time thereafter ask, demand, recover or receive any such damage by reason of the physical grading of said road to conform to the grade as first thereafter established or confirmed by the said Board of Supervisors of the Township of Penn, Grantee.

And the said Grantor, for itself, its successors and assigns, does by these presents further covenant, promise and agree to and with said Grantee, its successors and assigns, that the said lot of ground above described unto the said Grantee, its successors and assigns, against it the said Grantor, its successors and assigns, and

against all and any person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it or them or any of them shall and will warrant and forever defend.

IN WITNESS WHEREOF, the Grantor has caused these presents to be properly executed on the day and year first written above.

Attest:


John R. Rishel
Secretary

RISHEL ENTERPRISES, INC.
By:


President

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee herein is as follows:

500 Melody Road
Grampian, PA 16838



Attorney or Agent for Grantee

COMMONWEALTH OF PENNSYLVANIA

: SS:

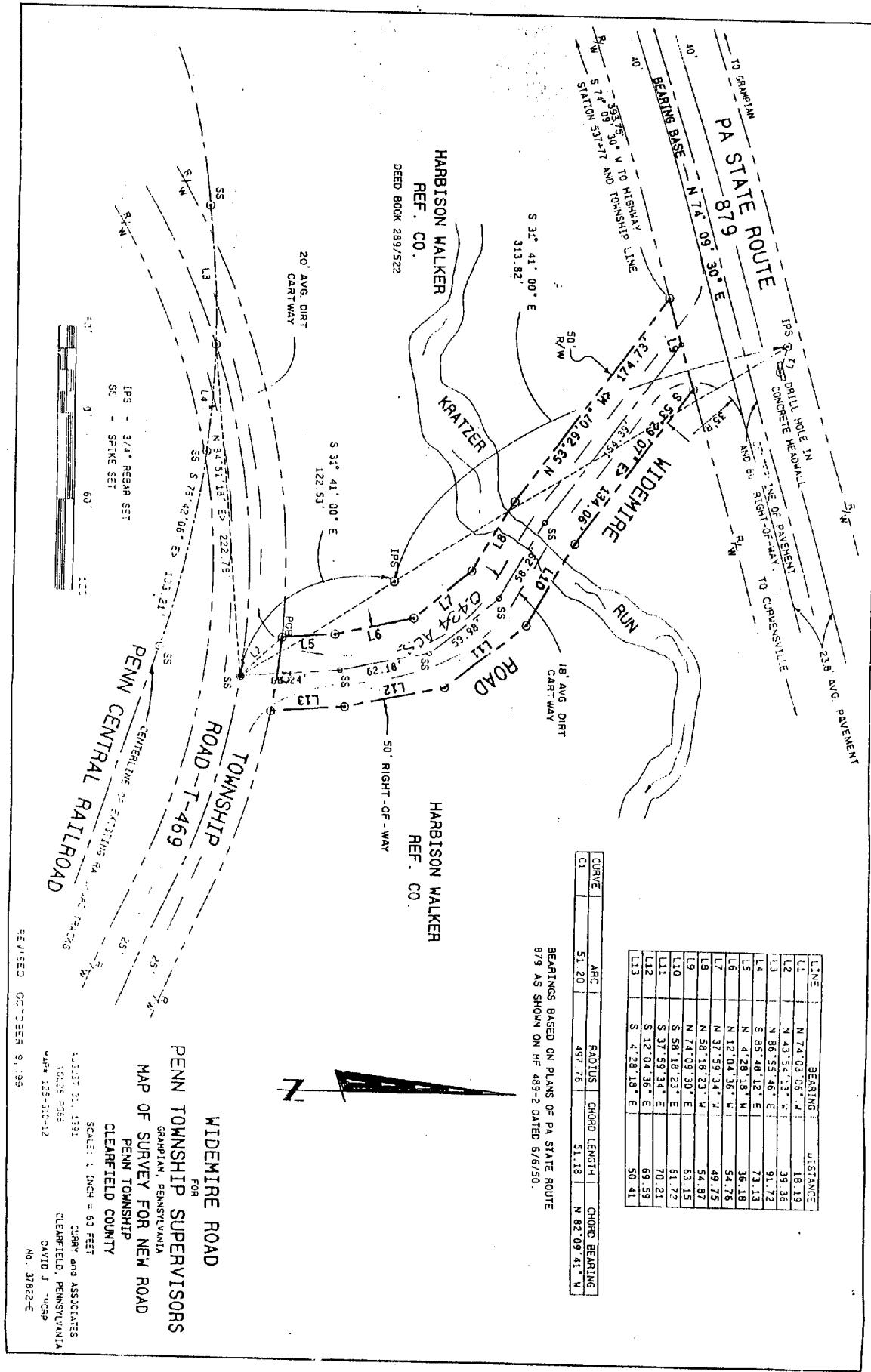
COUNTY OF CLEARFIELD

On this, the 11 th day of December, 2005, before me, the undersigned officer, a Notary Public in and for said State and County, personally appeared KENNETH RISHEL, who acknowledged himself to be the PRESIDENT of RISHEL ENTERPRISES, INC., a Pennsylvania corporation organized and existing under the laws of the Commonwealth of Pennsylvania, as amended, and that he as such PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name RISHEL ENTERPRISES, INC. by himself as PRESIDENT.

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

Rose M. Raymond

NOTARIAL SEAL
ROSE M. RAYMOND, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 28, 2009



CERTIFICATE

I, the undersigned, Secretary of Penn Township, certify that: the foregoing is a true and correct copy of the Resolution which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors of Penn Township, Clearfield County, Pennsylvania, in accordance with law, at a meeting duly held on February 7, 2006, at which meeting a quorum was present; said Resolution has been certified and recorded by me, as Secretary of Penn Township, in the book provided for the purpose of such recording; said Resolution, upon enactment, as aforesaid, was assigned Resolution No. 06-02; the total number of members of the Board of Supervisors is three (3); the vote of the members of the Board of Supervisors, upon enactment of said Resolution, the yeas and nays having been called, duly was recorded by me, as Secretary, as follows:

Joseph Pentz, Chairman

Yea

James Seger, Supervisor

Yea

Robert Newpher, Supervisor

Yea

I further certify that Penn Township met the advance notice and public comment requirements of the Sunshine Act, Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of Penn Township or at the public building in which said meeting was held and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Authority, this 7th day of February, 2006.



Gail Bonsall, Secretary

(SEAL)