

TOWNSHIP OF CAMBRIA  
CAMBRIA COUNTY  
PENNSYLVANIA

125  
No 06-1990

RESOLUTION NO. 270

UPON MOTION OF John Makasy

SECONDED BY Robert Sheak

BE IT RESOLVED AND IT IS HEREBY RESOLVED, that the Board of Supervisors of the Township of Cambria, pursuant to 53 P.S. 66101 and 53 P.S. 66140 et seq., does hereby accept on behalf of the Township of Cambria the following Deeds of Dedication which have been submitted to the Board of Supervisors relative to certain pieces or parcels of land situate in the said Township, County of Cambria, and State of Pennsylvania, same being submitted for the purposes of widening the right of way and improving Township Road 447 (formerly T-416) as to provide for increased and safe vehicular use thereof:

(1). Deed from Cambria Cogen Company, a Pennsylvania General Partnership, dated May 16, 1990, containing approximately .020 acres and being a generally triangular piece of land and generally located contiguous to the easterly right of way line of Township Road 447 (formerly T-416).

(2). Deed from BethEnergy Mines, Inc, a West Virginia Corporation, dated June 30, 1989, involving a strip of land located on the westerly side of Township Road 447 (formerly T-416) and containing 1.29 acres.

The Board of Supervisors of the Township of Cambria accepts the aforesaid Deeds of Dedication for the aforesaid purposes of widening and improving Township Road 447 (formerly T-416) and

Filed 11-8-90  
92

authorizes its Solicitor to record the aforesaid Deeds in the Recorder of Deed's Office in and for Cambria County, Pennsylvania, and to record with the Cambria County Clerk of Courts, copies of this Resolution together with copies of draft and/or survey of the land hereby accepted, and, further, to do all other things legal and necessary as to the recording of said Deeds.

RESOLVED this 1<sup>st</sup> day of Nov., 1990.

TOWNSHIP OF CAMBRIA  
BY:

Fred Sauger  
Fred Sauger, Chairman Of The Board Of Supervisors

John Makosy  
John Makosy, Supervisor

Robert Shook  
Robert Shook, Supervisor

ATTEST:

Norma Zimmerman  
(Secretary)

I hereby certify that the above is a true and correct copy of Resolution number 270 passed at the November 1, 1990 meeting of the Board of Supervisors of Cambria Township.

Norma Zimmerman  
Norma Zimmerman  
Secretary-Treasurer

**JAMES M. McNULTY  
CLERK OF COURTS**

Ebensburg, PA 15931

Date 11/2/90

Name Cambria Township

Number \_\_\_\_\_ OTN \_\_\_\_\_

Charge Resolution # 270, Turp. Road # 447  
(Cambria Pagers Co.)

MEMO

AMOUNT

**COSTS:**

MAGISTRATE \_\_\_\_\_ \$ \_\_\_\_\_

STATE FEE \_\_\_\_\_

OFFICE FEES \_\_\_\_\_

**FINE:**

COUNTY \_\_\_\_\_

STATE \_\_\_\_\_

LOCAL \_\_\_\_\_

**RESTITUTION**

**TUITION - DWI**

MISCELLANEOUS filing fee 15.00

TOTAL \$ 15.00

Received from:

Cambria Turp. Supervisors

Denny Goraackin

Fifteen DOLLARS

CASH   
CHECK   
M.O.

James M. McNulty  
Clerk of Courts

• CONSULT YOUR PHONE DIRECTORY FOR TOLL FREE NUMBER •

**JAMES M. McNULTY  
CLERK OF COURTS**

Ebensburg, PA 15931

Date 11/8/90

Name Cambria Township

Number \_\_\_\_\_ OTN \_\_\_\_\_

Charge Resolution # 270; Turp. Road  
# 447 (Beth Longmire)

MEMO

AMOUNT

**COSTS:**

MAGISTRATE \_\_\_\_\_ \$ \_\_\_\_\_

STATE FEE \_\_\_\_\_

OFFICE FEES \_\_\_\_\_

**FINE:**

COUNTY \_\_\_\_\_

STATE \_\_\_\_\_

LOCAL \_\_\_\_\_

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DEED OF DEDICATION

DEED OF DEDICATION dated June 30, 1989, from  
BethEnergy Mines Inc., a West Virginia corporation  
(hereinafter called "BethEnergy Mines"), having its principal  
offices in the City of Bethlehem, Pennsylvania,

TO

Township of Cambria, Cambria County, a township  
of the second class of the Commonwealth of Pennsylvania  
(hereinafter called the "Township").

BethEnergy Mines, intending to be legally bound, hereby  
grants and conveys to the Township the tract of land in Cambria  
Township, Cambria County, Pennsylvania; which is bounded and  
described as follows:

BEGINNING at the intersection of the easterly line of  
the right of way of Township Road 447 with the northern line  
of the tract of land that was conveyed by Bethlehem Mines  
Corporation to Charles J. Merlo, Incorporated by Indenture  
dated December 2, 1981, and recorded in the Office for  
Recording of Deeds in and for said Cambria County in Deed  
Book Volume 1092, at page 44; thence, along said  
last-mentioned tract of land, South seventy-six degrees  
seventeen minutes thirty seconds East (S. 76° 17' 30" E.)  
thirty-three and fifty one-hundredths (33.50) feet; thence,  
the following (4) courses and distances: (1) North thirteen  
degrees forty minutes zero seconds East (N. 13° 40' 00" E.)  
one hundred eighteen and eighty-seven one-hundredths  
(118.87) feet, (2) North ten degrees twenty-two minutes  
twenty-nine seconds East (N. 10° 22' 29" E.) four hundred  
forty-nine and eighteen one-hundredths (449.18) feet,  
(3) North fourteen degrees fifteen minutes three seconds  
East (N. 14° 15' 03" E.) four hundred one and fifty-one  
one-hundredths (401.51) feet, and (4) North fifteen degrees  
forty-four minutes thirty-five seconds East  
(N. 15° 44' 35" E.) seven hundred eighteen and sixty-six  
one-hundredths (718.66) feet to the southerly line of the  
tract of land that was conveyed by Peter LaGana, Sr. to  
Ruby P. Castlow by Indenture dated October 31, 1984, and  
recorded in said Office in Deed Book Volume 1139, at  
page 820; thence, along said last-mentioned tract of land,  
North seventy-two degrees fifteen minutes twenty-five  
seconds West (N. 72° 15' 25" W.) twenty-four and forty  
one-hundredths (24.40) feet to said easterly line of the  
right of way of Township Road 447; thence, along said  
last-mentioned line, the following six (6) courses and  
distances: (1) South sixteen degrees seventeen minutes

seventeen seconds West (S. 16° 17' 17" W.) thirty and fifty-six one-hundredths (30.56) feet, (2) South thirty degrees eleven minutes fifty-four seconds West (S. 30° 11' 54" W.) thirty five and thirty-six one-hundredths (35.36) feet, (3) South fifteen degrees forty-four minutes thirty-five seconds West (S. 15° 44' 35" W.) six hundred fifty-five and fifteen one-hundredths (655.15) feet, (4) South fourteen degrees fifteen minutes three seconds West (S. 14° 15' 03" W.) four hundred two and sixty-eight one-hundredths (402.68) feet, (5) South ten degrees twenty-two minutes twenty-nine seconds West (S. 10° 22' 29" W.) four hundred forty-nine and seventy-five one-hundredths (449.75) feet, and (6) South thirteen degrees forty minutes zero seconds West (S. 13° 40' 00" W.) one hundred seventeen and eighty-seven one-hundredths (117.87) feet to the place of BEGINNING; CONTAINING one and twenty-nine one-hundredths (1.29) acres, more or less.

EXCEPTING, HOWEVER, all coal, fireclay, and other minerals and all oil and gas all as were excepted and reserved in said Indenture dated August 31, 1972.

BEING a part of the premises that were conveyed by said Bethlehem Steel Corporation to BethEnergy Mines, under its then name Bethlehem Mines Corporation, by above-mentioned Indenture dated August 31, 1972, and recorded in said Office in Deed Book Volume 941, at page 277.

SUBJECT, HOWEVER, to the rights which were excepted and reserved by said Bethlehem Steel Corporation in the said Indenture dated August 31, 1972.

The following notice is included herein pursuant to the provisions of Act No. 431 of the Laws of 1957 of the Commonwealth of Pennsylvania, as amended:

THIS INSTRUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

The following certification is made for the purpose of complying with the provisions of Section 14 of Act No. 1 of the 1<sup>st</sup> Special Session of 1966 of the Commonwealth of Pennsylvania, as amended, also known as "The Bituminous Mine Subsidence and Land Conservation Act":

Anything hereinbefore contained to the contrary notwithstanding, BethEnergy Mines hereby certifies that:


- (1) the hereinafter listed public buildings or noncommercial structures customarily used by the public, including, but not being limited to, churches, schools, hospitals, and municipal utilities or municipal public service operations;
- (2) the hereinafter listed dwellings used for human habitation; and (3) cemeteries or public burial grounds on the premises hereby conveyed are entitled to support from the underlying coal to the extent provided by The Bituminous Mine Subsidence and Land Conservation Act: None.

~~TO HAVE AND TO HOLD~~ TO HAVE AND TO HOLD the above-described parcel of land unto the Township, its successors and assigns, forever, as and for a public street or highway.


And BethEnergy Mines hereby covenants that it will specially warrant the above-described parcel of land.

IN WITNESS WHEREOF, BethEnergy Mines has executed this Deed as of the day and year first above written.

ATTEST:

  
Assistant Secretary

BethEnergy Mines Inc.,  
by

  
Vice President



**DEED OF DEDICATION**

THIS INDENTURE is made this 16<sup>th</sup> day of MAY 1990, by and between **CAMBRIA COGEN COMPANY**, a Pennsylvania General Partnership, with its principal place of business at Allentown, Pennsylvania 18195, party of the first part, Grantor,

A N D

**Cambria Township**, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, party of the second part, Grantee.

WITNESSETH: That the said Grantor, for and in consideration of the sum of One and 00/100 Dollars (\$1.00) lawful money of the United States, the receipt of which is hereby acknowledged, as well as the advantage to it accruing as for divers 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 until the said Grantee, its successors and assigns,

A certain parcel of land situate in the Township of Cambria, County of Cambria and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at the southwest corner of the land of the Grantors on the easterly right-of-way line of Township Road 416 as revised by the Pennsylvania Department of Transportation, said corner is also a corner common to the land of BethEnergy Mines, Inc.; thence along said right-of-way line, North 16 degrees 17 minutes 17 seconds East, a distance of 70.39 feet to a point on said right-of-way line; thence leaving said right-of-way line and through the land of the Grantors, South 02 degrees 40 minutes 06 seconds East, a distance of 75.08 feet to a point on the southerly line of the Grantor and the line of land of Beth Energy Mines, Inc.; thence along the land of BethEnergy Mines, Inc. North 72 degrees 15 minutes 25 seconds West, a distance of 24.40 feet to the point of beginning. Containing 0.020 acres.

The above described parcel of land is shown on a plan titled "As Built Survey For Township Road 416", prepared by L. Robert Kimball and Associates of Ebensburg, Pennsylvania.

SUBJECT to the exceptions, reservations, restrictions and conditions contained in prior deeds of conveyance.

THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

To have and to hold, the said surface of the said land 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 public streets or highways and for no other use of purpose whatsoever and to the same extent and with the same effect as if the streets had been opened by a Decree of the Court of Common Pleas for the County of Cambria, after proceeding duly had for that purpose under and in pursuance of the Eminent Domain Code.

And the said Grantor, 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 successors and assigns shall nor will at any time hereafter ask, demand or recover or receive of or from the said Grantee, its successors and assigns, any sum or sums of money as and for damages for or by reason of the physical grading of said roadway to the grade as now established by Cambria Township, Grantee, or as it shall be changed in conjunction with the improvement of said roadway and further covenants that neither the said Grantor, its successors and assigns, shall nor will at any time thereafter ask, demand, recovery or receive any such damage by reason of the physical grading of said roadway, to conform to the grade as first thereafter established or confirmed by the said Cambria Township, Grantee.

And the Grantor, its successors and assigns, does by these presents covenant, grant and agree to and with the said Grantee, its successors and assigns, that the said surface of the land above described unto the said Grantee, its successors and assigns, against it the said Grantor, its successors and assigns, and against all and every other 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 generally shall and will warrant and forever defend.

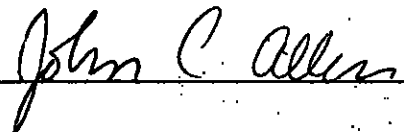
Cambria Cogen Company doth hereby constitute and appoint Carl R. Cramer, Real Estate Manager, to be its attorney for it, and in its name, and as and for its corporate act and deed to acknowledge this Deed of Dedication before any person having authority by the laws of the Commonwealth of Pennsylvania to take such acknowledgement, to the intent that the same may be duly recorded.

IN WITNESS WHEREOF, the said Cambria Cogen Company has caused this Deed of Dedication to be signed in its Real Estate Manager, and has caused to be affixed hereunto the common and corporate seal of the said corporation, attested by its Secretary, the day, month and year first above written,

CAMBRIA COGEN COMPANY,  
By CAMBRIA COGEN (II), INC.,  
As General Partner

By:   
Carl R. Cramer,  
Real Estate Manager

Witness:

  
\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA )

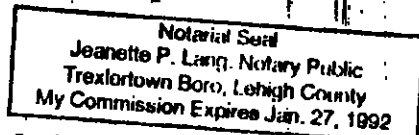
COUNTY OF *Lehigh*

: SS.:  
\*

On this, the *16<sup>th</sup>* day of *May*, 1990, before me, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared Carl R. Cramer, who acknowledged himself to be the Real Estate Manager of Cambria Cogen (I), Inc., a corporation, acting as the General Partner on behalf of Cambria Cogen Company and that he as such Real Estate Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and notarial seal the day, month and year aforesaid.

*Jeanette P. Lang*  
Notary Public



I do hereby certify that the complete post office address of the within named Grantee is Route 422, Ebensburg, PA 15931.

COMMONWEALTH OF PENNSYLVANIA \*

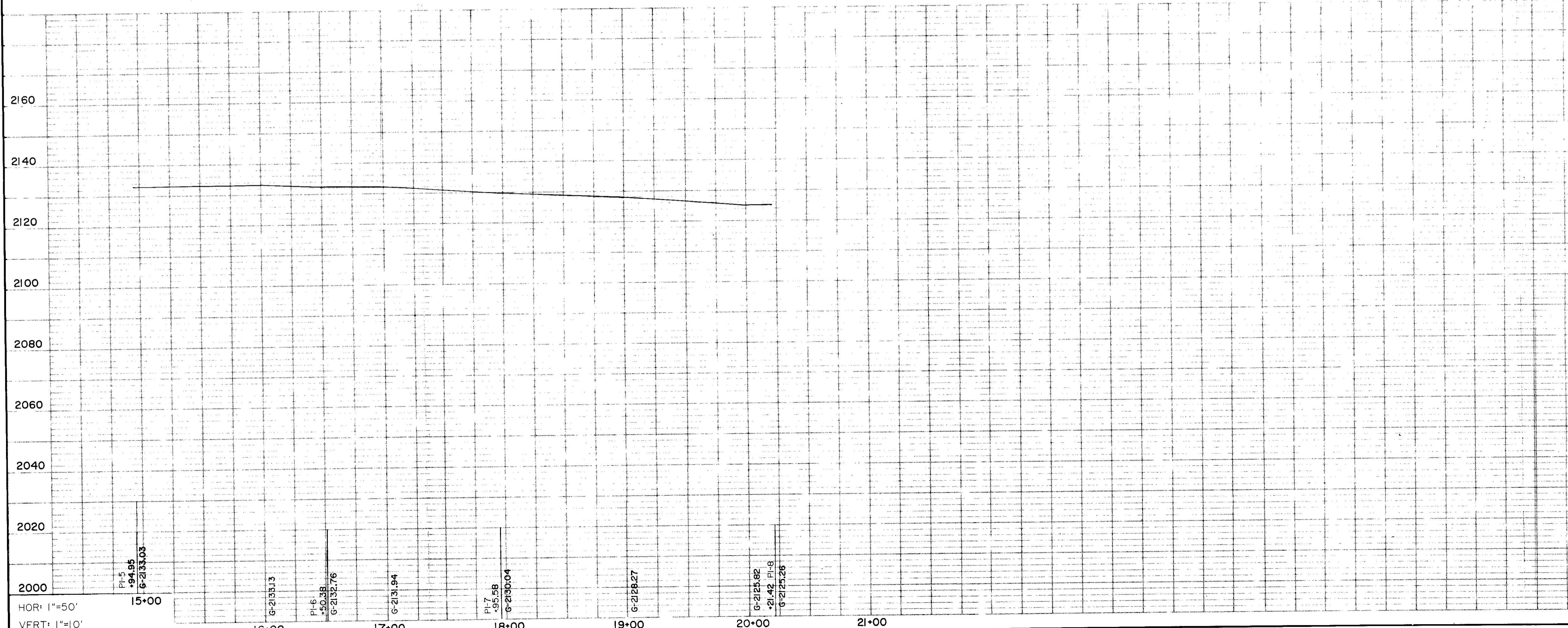
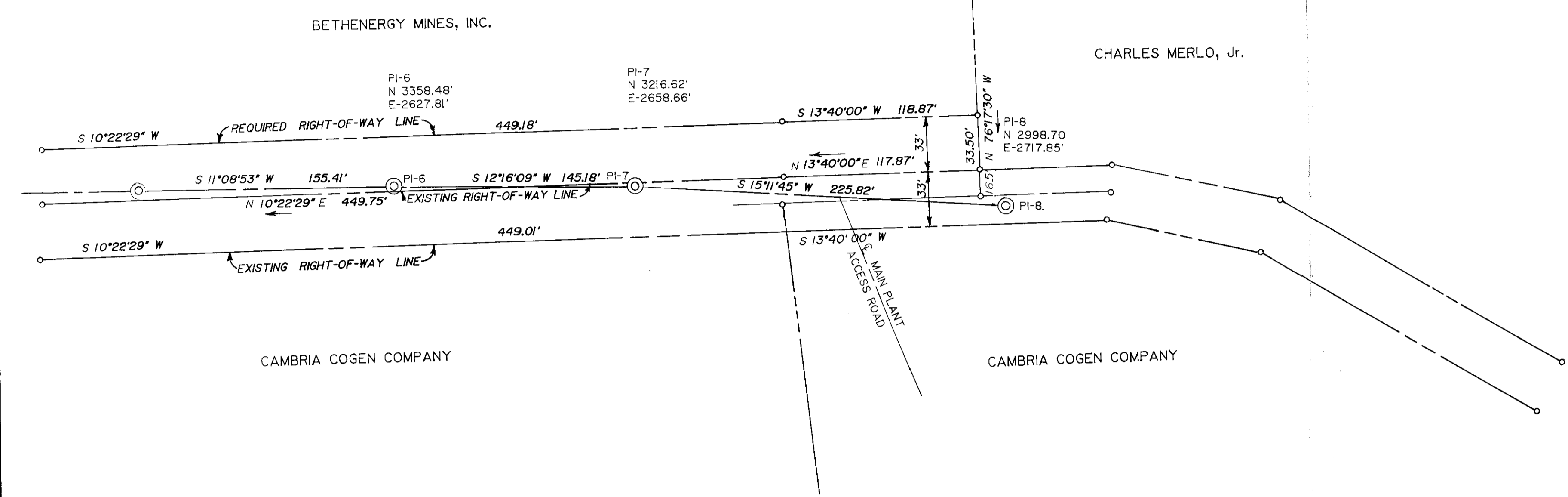
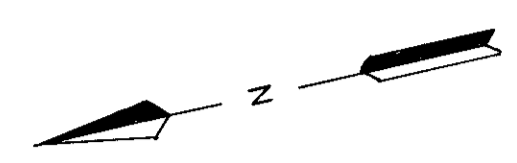
COUNTY OF CAMBRIA \*

\* SS:  
\*

Recorded on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 1990, in the Recorder's Office of the said County, in Deed Book Vol. \_\_\_\_\_ Page \_\_\_\_\_

Given under my hand and the seal of the said Office, the date above written.

\_\_\_\_\_  
Recorder



				AS BUILT SURVEY FOR TOWNSHIP ROAD NO. 416 CAMBRIA TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA	
				FOR CAMBRIA COGEN COMPANY	
				L. ROBERT KIMBALL & ASSOCIATES CONSULTING ENGINEERS & ARCHITECTS EBENSBURG PENNSYLVANIA PITTSBURGH	
DRAWN BY P.E.P.		DATE 9-25-89		SCALE	
TRACED BY B.J.K.		DATE 12-8-89		1"=50'	
CHECKED BY F.J.J.		DATE 12-21-89			
APPROVED BY _____		DATE _____			
REV. NO.	DATE	REVISED	BY	DWG. NO.	REV.