

MEMORANDUM

R.D. 12, 13, 14, 1985

TO Clerk of Courts Office

FROM East Carroll Township

DATE 10/16/85

Enclosed are the necessary copies for recording the roadway that was adopted by the Township of East Carroll, at their meeting October 7, 1985.

If more information is needed, call me at 344-8914.

Thank You.



Bernardine Lauer, Sec,

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P.O. 12, 13, 14, 1985

County of Cambria

ROBERT A. SHAHADE
SOLICITOR

JEAN DAMIN
FIRST DEPUTY



James M. McNulty

CLERK OF COURTS

EBENSBURG, PENNSYLVANIA 15931

October 16, 1985

This is to certify that Bernardine Lauer, Secretary for East Carroll Township, will, on or before, October 18, 1985, mail certified copies of the necessary records, for the adoption of a roadway by East Carroll Township, to James Melynk, PennDOT Engineer, Hollidaysburg Office.

Signature Bernardine Lauer
Sec.

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PETITION TO ACCEPT ROADWAYS

AND NOW, to wit, this 4th day of September, 1985, the undersigned, being residents of the Plan of Lots known as the E. P. Bender Plan of Lots, do hereby sign, execute and deliver the instant Petition for the purpose of seeking the acceptance of the roadways more fully described on the Plans and Profiles submitted herewith and incorporated herein by reference as fully as if set forth at length.

WHEREAS, proceedings in the Court of Common Pleas of Cambria County Pennsylvania were heretofore commenced by residents in said Plan naming, as Defendants, the Estate of Edward P. Bender and his wife, as well as the Township of East Carroll; and

WHEREAS, the parties have heretofore met and, in good faith, agreed upon the standards to be met for the purpose of having the Township accept the roadways at issue; and

WHEREAS, the Township has heretofore published a Position Statement setting forth the standards to be met; and

WHEREAS, the roadways have been improved and constructed in accord therewith, and have been inspected by the Township Engineer to verify the same; and

WHEREAS, the lot owners in interest have heretofore made, executed and delivered to the Township, deeds of release, granting certain

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easements and releasing claims for damages resulting from the acceptance of the roadways, the provisions thereof being incorporated herein by reference as fully as if set forth at length; and

WHEREAS, the instant Petition is being signed by the majority in number and interest of the owners abutting the streets to be accepted.

NOW, THEREFORE, pursuant to the provisions of the Act of May 1, 1933 P.L. 103 Article XI §1101, as amended, 53 P.S. §66101, the undersigned do petition the supervisors of the Township of East Carroll to, by ordinance, enact, ordain and accept, as public roadways of the Township, the roadways and/or portions thereof, shown on the incorporated maps and plans.

IN WITNESS WHEREOF, the undersigned, the majority in interest and number of the owners abutting thereon, do set their hands and seals hereunto.

Gerald H. Susa

Geraldine M. Susa

Harry J. Vargo

Nancy L. Vargo

Gary K. Kast

Linda S. Kast

Irma C. Stoltz

Rosalie Stoltz

Natalie Fernandez

Manuel Fernandez

Mary A. Rieger

Ronald D. Rieger

Charles W. Kame

Susan M. Kame

Andrew L. Konitsky

Martha Dorok

Joseph D. Orak

Cyril Shuss

Virginia Shuss

Joseph Marana

Janeel Marana

Zella Steadman

Alfred M. LaSalle

Pauline Lieb

Joyce B. Eckenrode

Charles W. Hamberger

Donna M. Burskey

Jarvis J. Burskey

- Description -

BEGINNING at a point at the Southerly right-of-way of Legislative Route 11048 and Bender Drive; thence South 0 degrees 45 minutes East 594.4 feet to a point; thence South 3 degrees East 120 feet to a point which point lies on the Northerly right-of-way line of Road "C"; thence along the Northerly right-of-way line of Road "C" North 89 degrees 15 minutes East 362.4 feet to a point; thence by a curve to the right having a radius of 40 feet, 209.44 feet to a point; thence along the Southerly line of the aforesaid further South 89 degrees 15 minutes West 327.4 feet to a point; thence South 3 degrees East 120 feet to a point; thence South 25 degrees 10 minutes East 716.3 feet to a point; thence along a curve to the right having a radius of 40 feet, 188.50 feet to a point; thence North 25 degrees 10 minutes West 764.3 feet to a point; thence North 3 degrees West 144 feet to a point; thence South 89 degrees 15 minutes West 255.5 feet to a point; thence along a curve to the right for a radius of 40 feet, 209.44 feet to a point; thence North 89 degrees 15 minutes East 260.5 feet to a point; thence North 3 degrees West 100 feet to a point; thence North 0 degrees 45 minutes West 201 feet to a point; thence South 89 degrees 15 minutes West 694 feet to a point on the Carrolltown borough line and Richard Street; thence crossing Richard Street along the aforementioned line North 0 degrees 45 minutes West 45 feet to a point; thence North 89 degrees 15 minutes East 694 feet to a point; thence North 0 degrees 45 minutes West 315 feet to a point; thence Northeasterly 43 feet to the point of beginning. BEING the roadways shown on the attached map situate in the E. P. Bender Plan of Lots in the Township of East Carroll, Cambria County, Pennsylvania.

This description is set forth and made in accordance with a certain map, a reduced copy of which is attached hereto and made a part hereof.

The length, width and other pertinent statistics of the roads and streets to be accepted, laid out, opened, widened and adopted as public roads/streets are as follows:

- (A). Bender Drive - 40 foot width/right of way - 1650 linear feet - plus cul-da-sac with 40 foot turning radius.
- (B). Richard Street Extension - 40 foot width/right of way 675 linear feet.
- (C). Martha Street - 40 foot width/right of way - 260 linear feet - plus cul-da-sac with 40 foot turning radius.
- (D). Edward Street - 40 foot width/right of way - 350 linear feet - plus cul-da-sac with 40 foot turning radius.

TOWNSHIP OF EAST CARROLL
CAMBRIA COUNTY
PENNSYLVANIA

RESOLUTION NO. 162

RESOLUTION

BE IT RESOLVED AND IT IS HEREBY RESOLVED, by the Board of Supervisors of the Township of East Carroll, on this 7th day of October, 1985, that the Board of Supervisors on behalf of the Township of East Carroll, for various and good reasons and consideration, accepts the written Deed of Release and Release of Damages dated July 9, 1985, and signed by all abutting land owners and owners of certain roads/streets and lands commonly known or to be known as Bender Drive, Richard Street Extension, Martha Street and Edward Street.

Said Deed of Release and Release of Damages more particularly describes the lands - roads - streets accepted herein by the Township of East Carroll as public roads or streets as follows:

BEGINNING at a point on the Southerly right-of-way of Legislative Route 11048 and Bender Drive; thence South 0 degrees 45 minutes East 594.4 feet to a point; thence South 3 degrees East 120 feet to a point which point lies on the Northerly right-of-way line of Road "C"; thence along the Northerly right-of-way line of Road "C" North 89 degrees 15 minutes East 362.4 feet to a point; thence by a curve to the right having a radius of 40 feet, 209.44 feet to a point; thence along the Southerly line of the aforesaid further South 89 degrees 15 minutes West 327.4 feet to a point; thence South 3 degrees East 120 feet to a point; thence South 25 degrees 10 minutes East 716.3 feet to a point; thence along a curve to the right having a radius of 40 feet, 188.50 feet to a point; thence North 25 degrees 10 minutes West 764.3 feet to a point; thence North 3 degrees West 144 feet to a point; thence South 89 degrees 15 minutes West 255.5 feet to a point; thence along a curve to the right for a radius of 40 feet, 209.44 feet to a point; thence North 89 degrees 15 minutes East 260.5 feet to a point; thence North 3 degrees West 100 feet to a point; thence North 0 degrees 45 minutes West 201 feet to a point; thence South 89 degrees 15 minutes West 694 feet to a point on the Carrolltown Borough line and Richard Street; thence crossing Richard Street along the aforementioned line North 0 degrees 45 minutes West 45 feet to a point; thence North 89 degrees 15 minutes East 694 feet to a

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point; thence North 0 degrees 45 minutes West 335 feet to a point; thence Northeasterly 43 feet to the point of beginning. BEING the roadways shown on the attached map situate in the E. P. Bender Plan of Lots in the Township of East Carroll, Cambria County, Pennsylvania.

This description is set forth and made in accordance with a map, a copy of which is attached hereto and made a part hereof.

Said Deed of Release and Release of Damages conveys certain lands - streets - roadways now utilized by various individuals as roads/streets, however, which have not heretofore been opened, layed out, surveyed, widened, or accepted as public roads/streets.

Said public streets are to be known as Bender Drive, Richard Street Extension, Martha Street, and Edward Street as shown on a map, a copy of which is attached hereto and made a part hereof.


The said public streets - roads are to have a length as set forth in the afore set forth description, and will have a width and right-of-way of at least forty (40) feet.

The Board of Supervisors of the Township of East Carroll hereby authorizes the Secretary of the Township, if necessary and advisable, to file and record with the Clerk of Courts of the Courts of Quarter Sessions in and for Cambria County, Pennsylvania, a copy of this Resolution together with a draft or survey of the roads.

The Township Secretary is further authorized to record the aforementioned Deed of Release and Release of Damages granting the aforescribed property to the Township of East Carroll in the Recorder of Deed's Office in and for Cambria County, Pennsylvania.

SIGNED AND SEALED, this 7th day of October, 1985.

TOWNSHIP OF EAST CARROLL
BY:


Supervisor

ATTEST:

Bernard L. Lauer, Sec.
SECRETARY

Faber Parabough
Supervisor

Richard H. Crumpton
Supervisor

GRANT OF EASEMENT TO CONSTRUCT, MAINTAIN AND
REPAIR A CERTAIN DRAINAGE DITCH - SWALE

AGREEMENT MADE, the 4th day of October, 1985.

RONALD D. RIEGER and MARY A. RIEGER, husband and wife; of
the Township of East Carroll, Cambria County, Pennsylvania;
herein grantors,

A
N
D

The TOWNSHIP OF EAST CARROLL, a Second Class Township,
Municipal Corporation, located in Cambria County, Pennsylvania;
herein grantee.

WHEREAS, Ronald D. Rieger and Mary A. Rieger, husband and wife, are
the owners of certain lands situate in the Township of East Carroll, Cambria
County, Pennsylvania, having been acquired by virtue of deed of conveyance from
Edward P. Bender, et ux., recorded in the Cambria County Recorder of Deed's
Office in D.B.V. 917, Pg. 642, and;

WHEREAS, Ronald D. Rieger and Mary A. Rieger have been desirous of
the Township of East Carroll accepting as public streets certain private roads,
streets and lands commonly known or to be designated as Bender Drive, Richard
Street Extension, Martha Street and Edward Street, and;

WHEREAS, the said Ronald D. Rieger and Mary A. Rieger have previously
conveyed to the Township of East Carroll by Deed of Release and Release of
Damages dated July 9, 1985, certain of their lands so that the portion of
Bender Drive which abuts the westerly boundary of their premises will have and
does have a forty (40) foot right-of-way, and;

WHEREAS, Ronald D. Rieger and Mary A. Rieger did have a survey done
which indicates that the westerly part of a drainage ditch which services
Bender Drive is located and/or will be located upon lands owned by them and
this despite the aforesaid Deed of Release and Release of Damages, and;

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WHEREAS, the said Ronald D. Rieger and Mary A. Rieger are desirous that the Township of East Carroll be given permission and the right to go onto their premises in order to construct, maintain and repair the aforesaid drainage ditch - swale.

THEREFORE, in consideration of the sum of One and 00/100---(\$1.00)--- Dollar, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, the said Ronald D. Rieger and Mary A. Rieger, his wife, on behalf of themselves, their heirs, successors, and assigns, do hereby grant and declare the following easement and right-of-way unto the Township of East Carroll, its successors and assigns and with the following rights:

(A). The Township of East Carroll, Cambria County, Pennsylvania, its agents, servants and employees, shall have the right to enter onto so much of the land of Ronald D. Rieger and Mary A. Rieger located and being the westerly boundary of their present lot of land recorded in Cambria County D.B.V. 917, Pg. 642, as is necessary to construct, maintain, repair and improve a certain drainage ditch - swale which drains water from Bender Drive and abutting lands.

(B). This easement, right-of-way, is permanently granted unto the Township of East Carroll, its successors and assigns, and is binding upon Ronald D. Rieger and Mary A. Rieger, their heirs, successors and assigns.

(C). The Grantee shall have the right of ingress and egress to and from the premises for any and all purposes necessary or convenient to the exercise of the Grantee of the rights granted herein.

(D). The Grantee shall not be liable for damages caused or allegedly caused to the easement or premises in the exercise of its rights hereunder.


(E). The Grantors covenant that they are the owners of the premises and have the right, title and capacity to grant the right-of-way herein granted.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 4th day of October, 1985.

COMMONWEALTH OF PENNSYLVANIA §
§ SS:
COUNTY OF CAMBRIA §

I certify that the attached copy of the E. P. Bender Development Roadway & Construction Plan is a true, correct and a complete copy of the original E. P. Bender Development Roadway & Construction Plan.

In witness whereof, I hereunto set my hand and official seal.

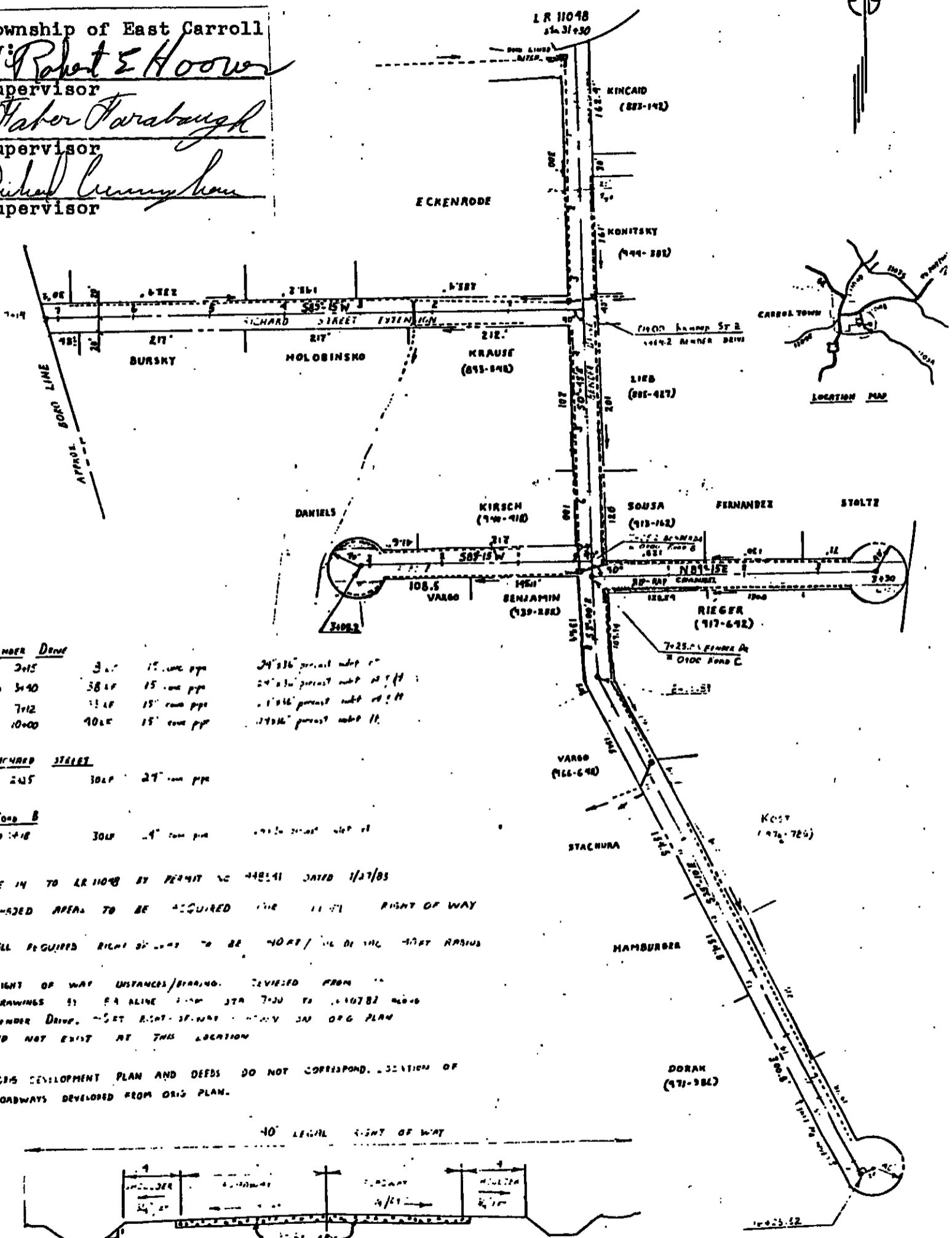

Notary Public
DENNIS GOLGOSKY, NOTARY PUBLIC
CARROLLTOWN BORO, CAMBRIA COUNTY
MY COMMISSION EXPIRES MAY 2, 1987
Member, Pennsylvania Association of Notaries

Dated October 16, 1985

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BE IT RESOLVED AND IT IS HEREBY RESOLVED, by the Board of Supervisors of East Carroll, that the plan submitted by E.P. Bender for the purpose of the supervisors opening, widening and accepting, as public roads, certain roads located in the Township of East Carroll, Cambria County, Pennsylvania, are hereby approved.

Township of East Carroll
 By: *Robert Hoover*
 Supervisor
Haber Tarabough
 Supervisor
Richard Cunningham
 Supervisor



BENDER DRIVE	STATION	WIDTH	TYPE	REMARKS
	3+15	30.0'	15' CONC PPG	24'x36' concrete curb 11'
	3+40	38.0'	15' CONC PPG	24'x36' concrete curb 11'
	7+12	31.0'	15' CONC PPG	24'x36' concrete curb 11'
	10+00	40.0'	15' CONC PPG	24'x36' concrete curb 11'

RICHARD STREET	STATION	WIDTH	TYPE	REMARKS
	2+15	30.0'	27' CONC PPG	
SOUSA B	STATION	WIDTH	TYPE	REMARKS
	10+18	30.0'	15' CONC PPG	

AS SHOWN TO L.R. 11048 BY PERMIT NO. 448241 DATED 1/27/83
 SHADDED AREAS TO BE ACQUIRED FOR THE LEGAL RIGHT OF WAY
 ALL REQUIRED RIGHT OF WAY TO BE 40 FT / 12.19 M AT ALL POINTS
 RIGHT OF WAY DISTANCES/BEARINGS DERIVED FROM DRAWINGS BY FA ALINE FROM STA 7+30 TO 11+07.82 ALONG BENDER DRIVE. SET RIGHT OF WAY CORNER BY SAID ORG PLAN DID NOT EXIST AT THIS LOCATION
 THIS DEVELOPMENT PLAN AND DEEDS DO NOT CORRESPOND. LOCATION OF ROADWAYS DEVELOPED FROM ORG PLAN.

October 7, 1985
 ATTEST:

Bernardine Lauer
 Secretary

E. P. BENDER DEVELOPMENT
 ROADWAY CONSTRUCTION PLAN / REVISED 10/7/85
 EAST CARROLL TOWNSHIP
 CAMBRIA COUNTY, PENNSYLVANIA
 1" = 100'

TOWNSHIP OF EAST CARROLL
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 19

AN ORDINANCE LAYING OUT, OPENING, WIDENING,
ADOPTING AND ACCEPTING AS PUBLIC ROADS/STREETS
IN THE TOWNSHIP OF EAST CARROLL, CAMBRIA COUNTY,
PENNSYLVANIA, CERTAIN STREETS OR PORTIONS THERE-
OF TO BE/OR DESIGNATED AS BENDER DRIVE, RICHARD
STREET EXTENSION, MARTHA STREET, AND EDWARD
STREET, AND FIXING AND REGULATING THE WIDTH AND
LENGTH THEREOF.

WHEREAS, certain abutting property owners and the fee owners of cer-
tain roads/streets located in the Township of East Carroll, Cambria County,
Pennsylvania, have deeded unto the Township necessary land and have released
the Township from damages relative to the acceptance of such roads/streets and
lands as public roads by virtue of Deed of Release and Release of Damages
dated July 9, 1985; and,

WHEREAS, certain interested citizens have petitioned the Board of
Supervisors of East Carroll Township, pursuant to the Second Class Township
Code, 53 P.S. 66101, to accept the aforesaid roads, streets and lands as public
roads - roadways, and;

WHEREAS, the Board of Supervisors of the Township of East Carroll,
after and at public hearing held pursuant to the Second Class Township Code,
53 P.S. 66102, have determined for various and good reasons/consideration that
the hereinafter described roads, streets, roadways, or portions thereof should
be layed out, opened, widened, adopted and accepted as public roads/streets
of the Township of East Carroll, Cambria County, Pennsylvania.

THEREFORE, it is hereby ORDAINED and ENACTED by the Board of Super-
visors of the Township of East Carroll, on behalf of the Township of East
Carroll, Cambria County, Pennsylvania, as follows:

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SECTION 1: Certain roads, streets, roadways or portions thereof, a description of which are as set forth in Section 2 hereof, are designated and formally named as Bender Drive, Richard Street Extension, Martha Street and Edward Street, such designated names for such streets are as shown on a map which is attached hereto and made a part hereof; and such roads/streets/lands or portions thereof are hereby accepted, layed out, opened, widened and adopted as public streets in the Township of East Carroll, County of Cambria, and State of Pennsylvania. (A copy of the map, designating the applicable names of the various roads/streets, is attached hereto and made a part hereof.)

SECTION 2 - DESCRIPTION:

BEGINNING at a point on the Southerly right-of-way of Legislative Route 11048 and Bender Drive; thence South 0 degrees 45 minutes East 594.4 feet to a point; thence South 3 degrees East 120 feet to a point which point lies on the Northerly right-of-way line of Road "C"; thence along the Northerly right-of-way line of Road "C" North 89 degrees 15 minutes East 362.4 feet to a point; thence by a curve to the right having a radius of 40 feet, 209.44 feet to a point; thence along the Southerly line of the aforesaid further South 89 degrees 15 minutes West 327.4 feet to a point; thence South 3 degrees East 120 feet to a point; thence South 25 degrees 10 minutes East 716.3 feet to a point; thence along a curve to the right having a radius of 40 feet, 188.50 feet to a point; thence North 25 degrees 10 minutes West 764.3 feet to a point; thence North 3 degrees West 144 feet to a point; thence South 89 degrees 15 minutes West 255.5 feet to a point; thence along a curve to the right for a radius of 40 feet, 209.44 feet to a point; thence North 89 degrees 15 minutes East 260.5 feet to a point; thence North 3 degrees West 100 feet to a point; thence North 0 degrees 45 minutes West 201 feet to a point; thence South 89 degrees 15 minutes West 694 feet to a point on the Carrolltown Borough line and Richard Street; thence crossing Richard Street along the aforementioned line North 0 degrees 45 minutes West 45 feet to a point; thence North 89 degrees 15 minutes East 694 feet to a point; thence North 0 degrees 45 minutes West 335 feet to a point; thence Northeasterly 43 feet to the point of beginning. BEING the roadways shown on the attached map situate in the E. P. Bender Plan of Lots in the Township of East Carroll, Cambria County, Pennsylvania.

Martha Street formerly Road B
Edward Street formerly Road C

This description is set forth and made in accordance with a map, a copy of which is attached hereto and made a part hereof.

SECTION 3: The length and width of Bender Drive, Richard Street Extension, Martha Street and Edward Street which are herein accepted, layed out, opened, widened and adopted as public streets of the Township of East Carroll, Cambria County, Pennsylvania, shall be as set forth in the aforesaid description set forth in Section 2 hereof and as shown on a certain map, a copy of which is attached hereto and made a part hereof.

The aforesaid roads/streets do and shall have a width and right-of-way of at least forty (40) feet. All of the said streets which have no outlet (dead end) have a cul-da-sac or turning area with a radius of at least forty (40) feet.

ENACTED and ORDAINED by the Board of Supervisors of the Township of East Carroll, on behalf of the Township of East Carroll, Cambria County, Pennsylvania, on this 7th day of October, 1985.

TOWNSHIP OF EAST CARROLL.
BY:

Robert E. Hoover
Supervisor

Robert Harabough
Supervisor

Richard D. Cunningham
Supervisor

ATTEST:


Bernard Lauer, Sec.
SECRETARY

COMMONWEALTH OF PENNSYLVANIA §
 § SS:
COUNTY OF CAMBRIA §

I certify that the attached copy of the E. P. Bender Development Roadway & Construction Plan is a true, correct and a complete copy of the original E. P. Bender Development Roadway & Construction Plan.

In witness whereof, I hereunto set my hand and official seal.





Notary Public
DENNIS GOLGOSKY, NOTARY PUBLIC
CARROLLTOWN BORO, CAMBRIA COUNTY
MY COMMISSION EXPIRES MAY 2, 1987
Member, Pennsylvania Association of Notaries

Dated October 16, 1985

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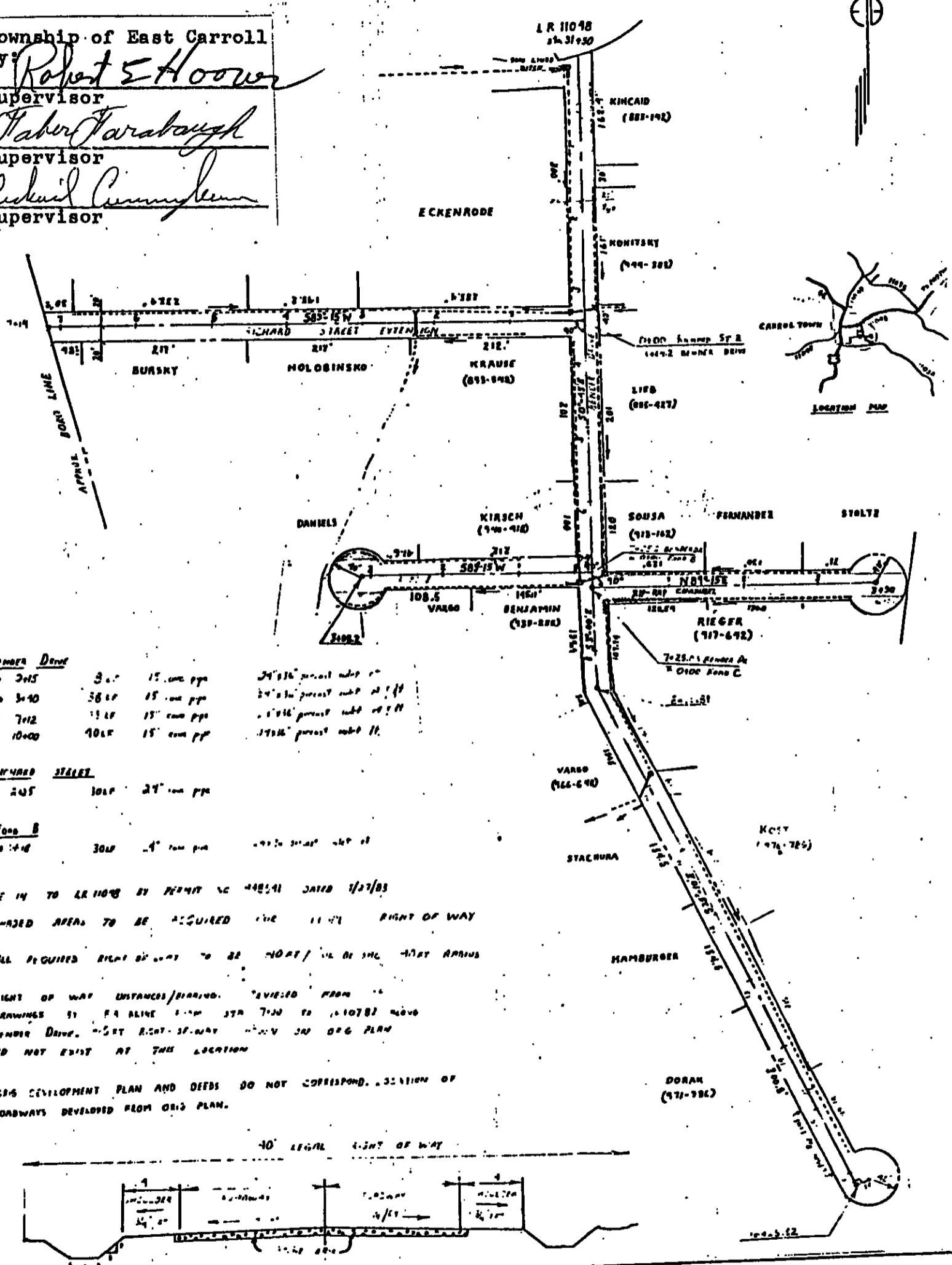
BE IT RESOLVED AND IT IS HEREBY RESOLVED, by the Board of Supervisors of East Carroll, that the plan submitted by E.P. Bender for the purpose of the supervisors opening, widening and accepting, as public roads, certain roads located in the Township of East Carroll, Cambria County, Pennsylvania, are hereby approved.

Township of East Carroll

By Robert Hoover
Supervisor

Huber Farabough
Supervisor

Richard Cunningham
Supervisor



Bender Drive			
Sta 3+15	3.0'	15' curb pps	24" dia' present curb
Sta 3+40	36.0'	15' curb pps	24" dia' present curb
Sta 7+12	13.0'	15' curb pps	18" dia' present curb
Sta 10+00	40.0'	15' curb pps	18" dia' present curb

Richard Street			
Sta 2+45	108.0'	21' curb pps	

Road B			
Sta 1+48	30.0'	4' curb pps	

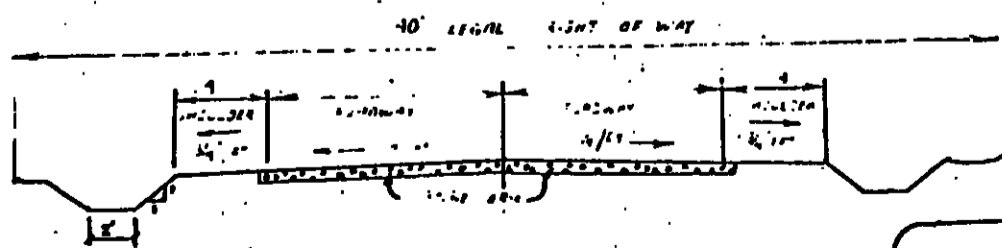
2 IN TO LR 11098 BY PERMIT NO 448541 DATED 1/27/83

SHOULDER AREAS TO BE ACQUIRED FOR THE 11.47' RIGHT OF WAY

ALL ACQUIRED RIGHT OF WAY TO BE 40 FT / 16 IN SHL 40 FT APART

RIGHT OF WAY DISTANCES/STAKING. REVIEWED FROM DRAWINGS BY PA BLAKE FROM STA 7+30 TO 1+0782 ABOVE BENDER DRIVE. SET RIGHT-OF-WAY FROM 30' ORG PLAN DID NOT EXIST AT THIS LOCATION

20% DEVELOPMENT PLAN AND DEEDS DO NOT CORRESPOND. LOCATION OF ROADWAYS DEVELOPED FROM ORG PLAN.



TYPICAL SECTION

October 7, 1985
ATTEST:

Bernard J. Law
Secretary

E. P. BENDER DEVELOPMENT
ROADWAY CONSTRUCTION PLAN / REVISED 10/7/85
EAST CARROLL TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA
1" = 100'