
Blackwood, Inc.,
v.
Reading Blue Mountain
and Northern Railroad
Company
Application for Approval
of the Abolition of the
Crossing where Township
Route T-567 crosses at
grade the tracks of
Reading, Blue Mountain
and Northern Railroad
Company, located in
Reilly Township,
Schuylkill County

Further In-Person
Hearing

Docket Nos.:
C-20078010
A-2008-2016324

Pages 534 - 634

State Office Building
4th Floor Hearing Room
801 Market Street
Philadelphia, PA

Thursday, August 7, 2025
Commencing at 10:40 a.m.

INDEX TO EXHIBITS

Docket Nos. C-20078010, A-2008-2016324

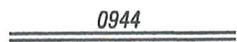
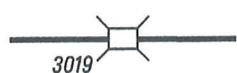
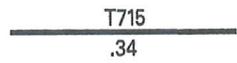
Hearing Date: August 7, 2025

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
Reilly Township's Exhibit 1	546	591
Reilly Township Road Map		
Reilly Township's Exhibit 2	549	591
Old Reilly Township Road Map		
Reilly Township's Exhibit 3	551	591
Surface Mining Permit Map		
Reilly Township's Exhibit 4	552	591
5/7/1946 Report of Viewers		
Reilly Township's Exhibit 5	556	591
U.S. DOT Crossing Inventory		
Form		
Reilly Township's Exhibit 6A	557	591
Photo		
Reilly Township's Exhibit 6B	557	591
Photo		
Reilly Township's Exhibit 6C	557	591
Photo		
Reilly Township's Exhibit 6D	557	591

Photo		
Reilly Township's Exhibit 6E	557	591
Photo		
Reilly Township's Exhibit 6F	557	591
Photo		
Blackwood Inc.'s Exhibit 8	598	625
Plan		
Blackwood Inc.'s Exhibit 9	604	625
10/26/16 Letter with		
Attachment		
Blackwood Inc.'s Exhibit 10	606	625
Letter of Transmittal		
Blackwood Inc.'s Exhibit 11	607	625
Recorded Deed of Restriction		
Blackwood Inc.'s Exhibit 12	608	625
Access License and Lease		
Agreement		
Reading's Direct Exam	626	631
Exhibit 8A-G		

Photos

LEGEND

	LIMITED ACCESS HIGHWAY
	STATE ROUTE AND NUMBER
	STATE MAINTAINED BRIDGE ON TOWNSHIP ROAD
	TOWNSHIP ROAD, NUMBER AND SEGMENT LENGTH IN MILES
	IMPASSABLE TOWNSHIP ROAD
	TURNBACK TOWNSHIP ROAD
	OTHER ROAD
	RAILROAD (IN SERVICE)
	RAILROAD ABANDONED (TRACK RETAINED)
	STATE BOUNDARY
	COUNTY BOUNDARY
	TOWNSHIP BOUNDARY
	CITY OR BOROUGH BOUNDARY
	MUNICIPAL BUILDING
	SPLIT MILEAGE BETWEEN MUNICIPALITIES

UNABLE TO SCAN

SEE ORIGINAL

0209

EXHIBIT

tabbles

TWP 2

24

UNABLE TO SCAN

SEE ORIGINAL



REILLY TOWNSHIP
BRANCH TOWNSHIP

(F)

(F)

N/F
ALICE B. NISKEY
Tax Parcel
No. 24-05-0005.001

N/F
ALICE B. NISKEY
Tax Parcel
No. 24-05-0006.000

N/F
BLACKWOOD INC.
Tax Parcel
No. 24-05-0005.000

ALN NORTHERN
D
al
59.900

(F)

(L)

N/F
ALICE B. NISKEY
Tax Parcel
No. 24-05-0007.000

(F)

N/F
SELKIRK ENTERPRISES LLC
Tax Parcel
No. 24-05-0010.000

(E)

N/F
SELKIRK ENTERPRISES LLC
Tax Parcel
No. 24-05-0010.000

(E)

UNABLE TO SCAN

(E)

N/F
BLACKWOOD INC.
Tax Parcel
No. 24-08-0002.000

N/F
SELKIRK ENTERPRISES LLC
Tax Parcel
No. 03-04-0064.000

SEE ORIGINAL

N/F
BLACKWOOD INC.
Tax Parcel
No. 24-08-0002.000

ILLY
al
01.000

IN THE COURT OF QUARTER SESSIONS OF SCHUYLKILL COUNTY

IN RE: PETITION OF SUPERVISORS OF REILLY TOWNSHIP, COUNTY OF SCHUYLKILL AND STATE OF PENNSYLVANIA FOR THE VACATION OF A PORTION OF ROAD IN THE VILLAGE OF BLACKWOOD.

NO. 1 - MARCH TERM 1946

REPORT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

THE PETITION OF THE SUPERVISORS OF REILLY TOWNSHIP, SAID COUNTY AND STATE FOR THE APPOINTMENT OF VIEWERS TO VACATE A CERTAIN PORTION OF A PUBLIC ROAD LAID OUT TO JOIN WHAT WAS THEN THE VILLAGE OF LLE WELLYN TO THE VILLAGE OF NEWTOWN, IN SAID COUNTY WAS DULY PRESENTED TO YOUR HONORABLE COURT ON FEBRUARY 25, 1946.

THAT IN ANSWER TO THE PRAYER OF SAID PETITION, THE UNDERSIGNED VIEWERS WERE DULY APPOINTED BY THE COURT ON THE SAME DATE.

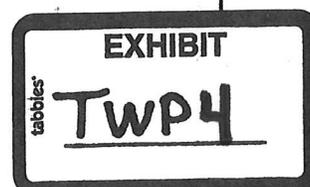
AFTER DUE NOTICE OF THE TIME AND PLACE OF VIEW OF SAID PREMISES TO SAID SUPERVISORS, AND TO THE PUBLIC BY POSTING THREE OR MORE NOTICES OF SAID VIEW ON THE PREMISES PROPOSED TO BE VACATED, ALL MORE THAN TEN DAYS PREVIOUS THERETO, AND AFTER BEING DULY SWORN ACCORDING TO LAW, THE UNDERSIGNED VIEWERS MET UPON AND VIEWED SAID PREMISES ON MARCH 11, 1946 AT 10:00 O'CLOCK A.M.

THERE WERE PRESENT AT SAID VIEW, MICHAEL J. MC GUIRE, AND JOHN KILRAIN, TWO OF THE SUPERVISORS OF SAID TOWNSHIP AND WALTER SIDORIAK, ESQ. REPRESENTING THE BLACKWOOD COAL COMPANY.

THERE WAS A HEARING AT THE COURT HOUSE BEFORE SAID VIEWERS ON MARCH 19, 1946, AT WHICH TIME MICHAEL J. MC GUIRE, ONE OF SAID SUPERVISORS AND WALTER SIDORIAK, ESQ. REPRESENTING SAID BLACKWOOD COAL COMPANY, TESTIFIED AS TO THE PURPOSE AND NECESSITY OF SAID PROPOSED VACATION. AT THE HEARING MR. SIDORIAK, ESQ. ON BEHALF OF BLACKWOOD COAL COMPANY ASSURED THE BOARD OF VIEWERS THAT IF THE PORTION OF ROAD ASKED TO BE VACATED IS ACTUALLY VACATED, THAT A SUBSTITUTE PRIVATE ROAD CONNECTION, OPEN TO THE PUBLIC AT ALL TIMES, WOULD BE MAINTAINED BY THE SAID COMPANY AND ITS SUCCESSORS AND ASSIGNS. THIS HAS BEEN RATIFIED BY AN AGREEMENT MADE WITH SAID SUPERVISORS BY SAID BLACKWOOD COAL COMPANY, ATTACHED HERETO AND MADE A PART HEREOF.

AT THIS HEARING, LEON N. MANDELL, ESQ. APPEARED FOR SAID PETITIONERS. NO ONE APPEARED CONTRA.

WE FIND THE PROCEEDINGS REGULAR AND IN ACCORDANCE WITH THE RULES OF COURT AND ACTS OF ASSEMBLY IN SUCH CASES MADE AND PROVIDED.



VIEWERS WOULD QUESTION THEIR RIGHT TO RECOMMEND THE REQUESTED VACATION, INASMUCH AS IT WOULD MAKE A BREAK IN A REGULARLY LAID OUT PUBLIC ROAD.

IN VIEW OF THE FACT THAT THE SUPERVISORS ALLEGE THAT THE RECONSTRUCTION OF THE OLD BRIDGE WOULD ENTAIL AN EXPENSE GREATER THAN THEY COULD MEET, WITH THE TOWNSHIP FUNDS AVAILABLE, AND THAT THERE MUST BE A BRIDGE AT OR NEAR THE PLACE OF THE BROKEN DOWN BRIDGE, ESPECIALLY FOR THE USE OF SAID COAL COMPANY, AND ALSO IN VIEW OF THE FACT THAT SAID COMPANY HAS AGREED BY AN AGREEMENT HERETO ATTACHED AND ALSO BY THE TESTIMONY OF WALTER SIDORIAK, ESQ. AT THE HEARING THAT SAID CONNECTING LINK OR SUBSTITUTE ROAD SHALL ALWAYS BE OPEN TO THE PUBLIC, WE FEEL THAT THE RIGHTS OF THE PUBLIC WILL NOT BE JEOPARDIZED BY RECOMMENDING SAID VACATION.

WE, THEREFORE, RECOMMEND THE VACATION OF THAT PORTION OF WHAT IS DESIGNATED IN THE PETITION FOR VACATION AS A PUBLIC ROAD JOINING THE VILLAGE OF BLACKWOOD WITHA PUBLIC HIGHWAY KNOWN AS THE BACK ROAD FROM THE VILLAGE OF LLEWELLYN TO THE VILLAGE OF NEWTOWN SPECIFICALLY DESCRIBED IN THE PETITION AS FOLLOWS, TO WIT:

" ALL THAT CERTAIN LOT OR PIECE OF LAND LOCATED IN THE VILLAGE OF BLACKWOOD, REILLY TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:-

BEGINNING AT A POINT APPROXIMATELY THREE HUNDRED THIRTY (330) FEET EAST OF THE POINT WHERE A CERTAIN PUBLIC ROAD CROSSES AND INTERSECTS WITH THE RAILROAD TRACKS OF THE HINE HILL RAILROAD AT A DISTANCE OF FIFTY (50) FEET SOUTH OF THE SOUTHERN EDGE OF THE RIGHT OF WAY OF THE HINE HILL RAILROAD TRACKS; THENCE SOUTH TWENTY-SEVEN AND ONE-QUARTER (27 $\frac{1}{4}$) DEGREES EAST OVER THE WOODEN BRIDGE FOR A DISTANCE OF FOUR HUNDRED (400) FEET TO A POINT, OF THE WIDTH OF THIRTY-THREE (33) FEET THROUGHOUT".

ATTACHED HERETO AND MADE A PART HEREOF IS THE PETITION FOR APPOINTMENT OF VIEWER AND ORDER OF COURT THEREON, OATH OF VIEWERS, AFFIDAVIT OF SERVING AND POSTING OF NOTICES, COPY OF NOTICE OF VIEW, TESTIMONY OF WITNESSES AND SKETCH OF THE PORTION OF ROAD TO BE VACATED AS MADE BY HARRY K. PORTZ, C.E. ENGINEER FOR BOARD OF VIEWERS AND AGREEMENT OF BLACKWOOD COAL COMPANY WITH THE SUPERVISORS OF REILLY TOWNSHIP.

WITNESS OUR HANDS THIS 30TH DAY OF MARCH A.D. 1946.

RESPECTFULLY SUBMITTED:

F.V. FILBERT

HARRY K. PORTZ

SIMON MECHY

VIEWERS.

AND NOW, APRIL 5, 1946, ON MOTION OF F.V. FILBERT, ESQ. THE WITHIN REPORT OF VIEWERS IS CONFIRMED HISI, AND DIRECTED TO BE FILED.

BY THE COURT

DALTON J.

AND NOW, MAY 7TH, 1946, NO EXCEPTIONS HAVING BEEN FILED NOR APPEAL TAKEN UPON MOTION OF WALTER SIDORIAK, THE WITHIN REPORT IS CONFIRMED ABSOLUTE.

BY THE COURT. PALMER P.J.

ORDER OF COURT

AND NOW, TO WIT: MAY 7, 1946, IT IS ORDERED AND DECREED, UPON RECOMMENDATION OF THE BOARD OF VIEWERS, THAT THE FOLLOWING ROAD BE AND IS HEREBY VACATED.

ALL THAT CERTAIN LOT OR PIECE OF LAND LOCATED IN THE VILLAGE OF BLACKWOOD, REILLY TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

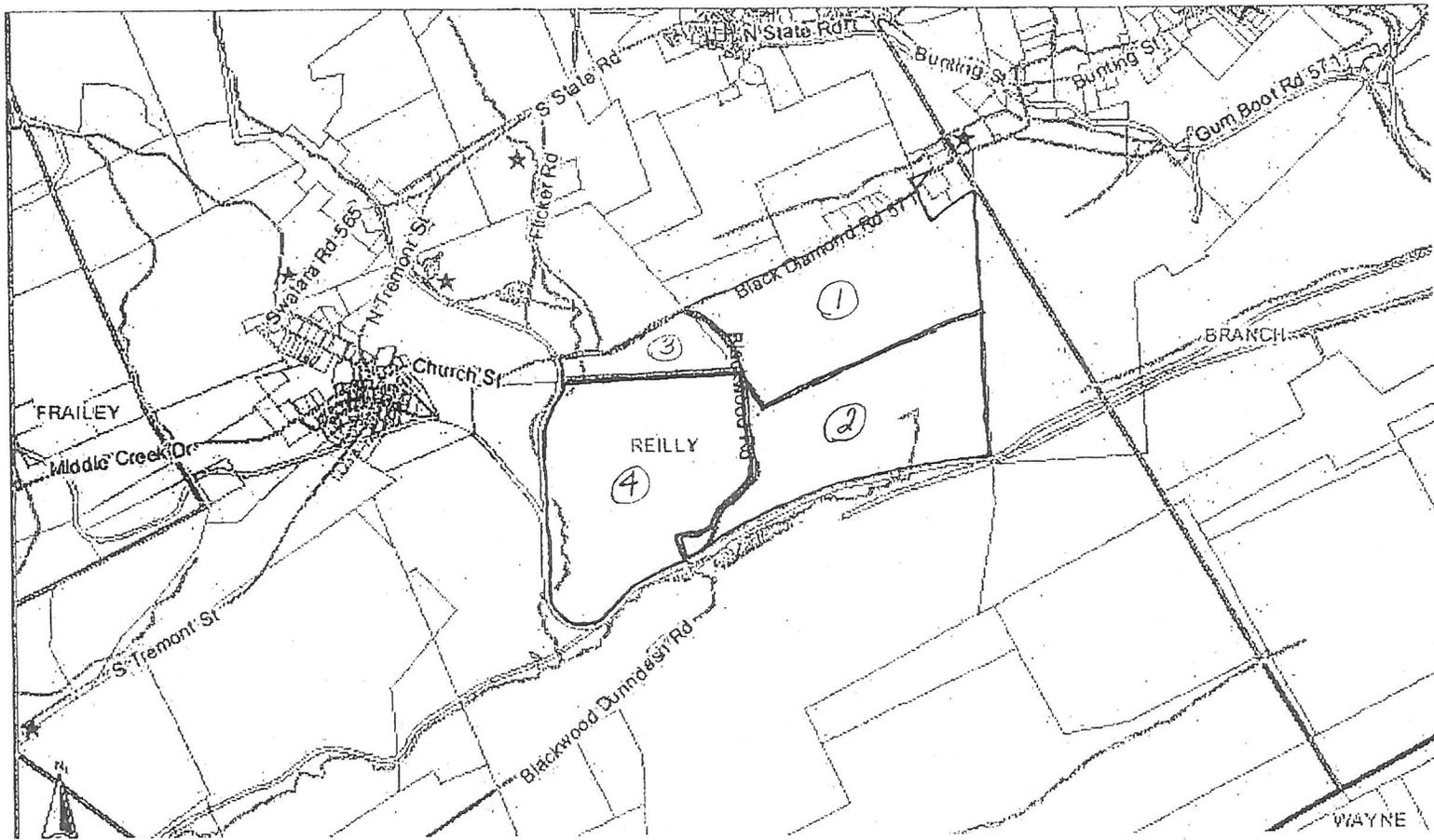
BEGINNING AT A POINT APPROXIMATELY THREE HUNDRED THIRTY (330) FEET EAST OF THE POINT WHERE A CERTAIN PUBLIC ROAD CROSSES AND INTERSECTS WITH THE RAILROAD TRACKS OF THE MINE HILL RAILROAD AT A DISTANCE OF FIFTY (50) FEET SOUTH OF THE SOUTHERN EDGE OF THE RIGHT-OF-WAY OF THE MINE HILL RAILROAD TRACKS; THENCE SOUTH TWENTY-SEVEN AND ONE QUARTER ($27\frac{1}{4}$) DEGREES EAST OVER THE WOODEN BRIDGE FOR A DISTANCE OF FOUR HUNDRED (400) FEET TO A POINT; OF THE WIDTH OF THIRTY-THREE (33) FEET THROUGHOUT.

BY THE COURT

PALMER P. J.

J.

CERTIFIED COPY TO HIGHWAY DEPT. 5/8/46



- | | | |
|------------------|---------------------|-------------------|
| ① 24-04-0037.000 | Ms. Alice B. Niskey | Black Diamond Rd. |
| ② 24-05-0005.000 | Blackwood Inc. | Black Diamond Rd. |
| ③ 24-04-0038.000 | Ms. Alice B. Niskey | Route T-0567 |
| 24-04-0068.001 | Swatara Coal Co. | Route T-0567 |
| ④ 24-04-0068.000 | Blackwood, Inc. | Route T-0567 |

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

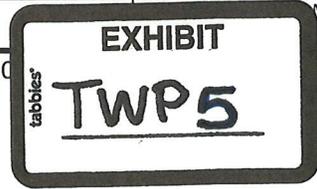
A. Revision Date (MM/DD/YYYY) 10 / 03 / 2019	B. Reporting Agency <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Transit <input type="checkbox"/> State <input type="checkbox"/> Other	C. Reason for Update (Select only one) <input type="checkbox"/> Change in Data <input type="checkbox"/> New Crossing <input type="checkbox"/> Re-Open <input type="checkbox"/> Date Change Only <input checked="" type="checkbox"/> Closed <input type="checkbox"/> No Train Traffic <input type="checkbox"/> Admin. Correction <input type="checkbox"/> Quiet Zone Update <input type="checkbox"/> Change in Primary Operating RR	D. DOT Crossing Inventory Number 592007F
---	--	---	---

Part I: Location and Classification Information

1. Primary Operating Railroad READING BLUE MOUNTAIN & NORTHERN RAILROAD C		2. State PENNSYLVANIA		3. County SCHUYLKILL		
4. City / Municipality <input type="checkbox"/> In <input checked="" type="checkbox"/> Near TREMONT		5. Street/Road Name & Block Number BLACKWOOD (Street/Road Name) *(Block Number)		6. Highway Type & No. T567		
7. Do Other Railroads Operate a Separate Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR			8. Do Other Railroads Operate Over Your Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR			
9. Railroad Division or Region <input type="checkbox"/> None READING		10. Railroad Subdivision or District <input type="checkbox"/> None		11. Branch or Line Name <input type="checkbox"/> None TREMONT		
12. RR Milepost 0010.24 (prefix) (nnnn.nnn) (suffix)		13. Line Segment * 130350				
14. Nearest RR Timetable Station *		15. Parent RR (if applicable) <input type="checkbox"/> N/A		16. Crossing Owner (if applicable) <input type="checkbox"/> N/A		
17. Crossing Type <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private	18. Crossing Purpose <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Pathway, Ped. <input type="checkbox"/> Station, Ped.	19. Crossing Position <input checked="" type="checkbox"/> At Grade <input type="checkbox"/> RR Under <input type="checkbox"/> RR Over	20. Public Access (if Private Crossing) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	21. Type of Train <input type="checkbox"/> Freight <input type="checkbox"/> Intercity Passenger <input type="checkbox"/> Commuter <input type="checkbox"/> Transit <input type="checkbox"/> Shared Use Transit <input type="checkbox"/> Tourist/Other	22. Average Passenger Train Count Per Day <input type="checkbox"/> Less Than One Per Day <input type="checkbox"/> Number Per Day 0	
23. Type of Land Use <input type="checkbox"/> Open Space <input type="checkbox"/> Farm <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Recreational <input type="checkbox"/> RR Yard						
24. Is there an Adjacent Crossing with a Separate Number? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Provide Crossing Number			25. Quiet Zone (FRA provided) <input checked="" type="checkbox"/> No <input type="checkbox"/> 24 Hr <input type="checkbox"/> Partial <input type="checkbox"/> Chicago Excused Date Established			
26. HSR Corridor ID <input type="checkbox"/> N/A		27. Latitude in decimal degrees (WGS84 std: nn.nnnnnn) 40.6391987		28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnn) -76.1583795		
29. Lat/Long Source <input type="checkbox"/> Actual <input checked="" type="checkbox"/> Estimated		30.A. Railroad Use *				
30.B. Railroad Use *		30.C. Railroad Use *				
30.D. Railroad Use *		30.E. Railroad Use *				
31.A. State Use *			31.B. State Use *			
31.C. State Use *			31.D. State Use *			
32.A. Narrative (Railroad Use) * LAT AND LONG REFLECT LOCATION OF PADC			32.B. Narrative (State Use) * LAT AND LONG REFLECT LOCATION OF PADOT			
33. Emergency Notification Telephone No. (posted) 610-562-4784		34. Railroad Contact (Telephone No.) 610-562-2100		35. State Contact (Telephone No.) 717-787-6935		

Part II: Railroad Information

1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 1	1.B. Total Night Thru Trains (6 PM to 6 AM) 0	1.C. Total Switching Trains 0	1.D. Total Transit Trains	1.E. Check if Less Than One Movement Per Day <input type="checkbox"/> How many trains per week? _____
2. Year of Train Count Data (YYYY)		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 25 3.B. Typical Speed Range Over Crossing (mph) From 5 to 10		
4. Type and Count of Tracks Main 1 Siding _____ Yard _____ Transit _____ Industry _____				
5. Train Detection (Main Track only) <input type="checkbox"/> Constant Warning Time <input type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input checked="" type="checkbox"/> None				
6. Is Track Signaled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7.A. Event Recorder <input type="checkbox"/> Yes <input type="checkbox"/> No		



U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 10/03/2019	PAGE 2	D. Crossing Inventory Number (7 char.) 592007F
--	---------------	--

Part III: Highway or Pathway Traffic Control Device Information

1. Are there Signs or Signals? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2. Types of Passive Traffic Control Devices associated with the Crossing				
	2.A. Crossbuck Assemblies (count) 2	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count)	2.D. Advance Warning Signs (Check all that apply; include count) <input checked="" type="checkbox"/> None	
				<input type="checkbox"/> W10-1 _____	<input type="checkbox"/> W10-3 _____
				<input type="checkbox"/> W10-2 _____	<input type="checkbox"/> W10-4 _____
				<input type="checkbox"/> W10-11 _____	<input type="checkbox"/> W10-12 _____
2.E. Low Ground Clearance Sign (W10-5) <input type="checkbox"/> Yes (count _____) <input type="checkbox"/> No	2.F. Pavement Markings <input type="checkbox"/> Stop Lines <input type="checkbox"/> Dynamic Envelope <input type="checkbox"/> RR Xing Symbols <input checked="" type="checkbox"/> None		2.G. Channelization Devices/Medians <input type="checkbox"/> All Approaches <input type="checkbox"/> Median <input type="checkbox"/> One Approach <input type="checkbox"/> None	2.H. EXEMPT Sign (R15-3) <input type="checkbox"/> Yes <input type="checkbox"/> No	2.I. ENS Sign (-13) Displayed <input type="checkbox"/> Yes <input type="checkbox"/> No
2.J. Other MUTCD Signs Specify Type _____ Count <u>2</u> Specify Type _____ Count <u>0</u> Specify Type _____ Count _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2.K. Private Crossing Signs (if private) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2.L. LED Enhanced Signs (List types)	
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)					
3.A. Gate Arms (count) Roadway <u>0</u> Pedestrian _____	3.B. Gate Configuration <input type="checkbox"/> 2 Quad <input type="checkbox"/> Full (Barrier) <input type="checkbox"/> 3 Quad Resistance <input type="checkbox"/> 4 Quad <input type="checkbox"/> Median Gates	3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane <u>0</u> <input type="checkbox"/> Incandescent Not Over Traffic Lane <u>0</u> <input type="checkbox"/> LED	3.D. Mast Mounted Flashing Lights (count of masts) <u>0</u> <input type="checkbox"/> Incandescent <input type="checkbox"/> LED <input type="checkbox"/> Back Lights Included <input type="checkbox"/> Side Lights Included	3.E. Total Count of Flashing Light Pairs <u>0</u>	
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) ____/____/____ <input type="checkbox"/> Not Required	3.G. Wayside Horn <input type="checkbox"/> Yes Installed on (MM/YYYY) ____/____/____ <input type="checkbox"/> No		3.H. Highway Traffic Signals Controlling Crossing <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.I. Bells (count) <u>0</u>	
3.J. Non-Train Active Warning <input type="checkbox"/> Flagger/Flagman <input type="checkbox"/> Manually Operated Signals <input type="checkbox"/> Watchman <input type="checkbox"/> Floodlighting <input type="checkbox"/> None			3.K. Other Flashing Lights or Warning Devices Count <u>0</u> Specify type _____		
4.A. Does nearby Hwy Intersection have Traffic Signals? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4.B. Hwy Traffic Signal Interconnection <input type="checkbox"/> Not Interconnected <input type="checkbox"/> For Traffic Signals <input type="checkbox"/> For Warning Signs	4.C. Hwy Traffic Signal Preemption <input type="checkbox"/> Simultaneous <input type="checkbox"/> Advance	5. Highway Traffic Pre-Signals <input type="checkbox"/> Yes <input type="checkbox"/> No Storage Distance * _____ Stop Line Distance * _____	6. Highway Monitoring Devices (Check all that apply) <input type="checkbox"/> Yes - Photo/Video Recording <input type="checkbox"/> Yes - Vehicle Presence Detection <input type="checkbox"/> None	

Part IV: Physical Characteristics

1. Traffic Lanes Crossing Railroad Number of Lanes <u>1</u>	<input type="checkbox"/> One-way Traffic <input type="checkbox"/> Two-way Traffic <input type="checkbox"/> Divided Traffic	2. Is Roadway/Pathway Paved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3. Does Track Run Down a Street? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____/____ Width * _____ Length * _____				
<input type="checkbox"/> 1 Timber <input type="checkbox"/> 2 Asphalt <input type="checkbox"/> 3 Asphalt and Timber <input type="checkbox"/> 4 Concrete <input type="checkbox"/> 5 Concrete and Rubber <input type="checkbox"/> 6 Rubber <input type="checkbox"/> 7 Metal <input checked="" type="checkbox"/> 8 Unconsolidated <input type="checkbox"/> 9 Composite <input type="checkbox"/> 10 Other (specify) _____				
6. Intersecting Roadway within 500 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Approximate Distance (feet) _____		7. Smallest Crossing Angle <input type="checkbox"/> 0° - 29° <input type="checkbox"/> 30° - 59° <input checked="" type="checkbox"/> 60° - 90°		8. Is Commercial Power Available? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Part V: Public Highway Information

1. Highway System <input type="checkbox"/> (01) Interstate Highway System <input type="checkbox"/> (02) Other Nat Hwy System (NHS) <input checked="" type="checkbox"/> (03) Federal AID, Not NHS <input type="checkbox"/> (08) Non-Federal Aid	2. Functional Classification of Road at Crossing <input checked="" type="checkbox"/> (0) Rural <input type="checkbox"/> (1) Urban <input type="checkbox"/> (1) Interstate <input type="checkbox"/> (5) Major Collector <input type="checkbox"/> (2) Other Freeways and Expressways <input type="checkbox"/> (3) Other Principal Arterial <input type="checkbox"/> (6) Minor Collector <input type="checkbox"/> (4) Minor Arterial <input checked="" type="checkbox"/> (7) Local	3. Is Crossing on State Highway System? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Highway Speed Limit _____ MPH <input type="checkbox"/> Posted <input type="checkbox"/> Statutory
7. Annual Average Daily Traffic (AADT) Year <u>1988</u> AADT <u>000040</u>		8. Estimated Percent Trucks <u>01</u> %	
9. Regularly Used by School Buses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Average Number per Day <u>0</u>		10. Emergency Services Route <input type="checkbox"/> Yes <input type="checkbox"/> No	

Submission Information - This information is used for administrative purposes and is not available on the public website.

Submitted by _____ Organization _____ Phone _____ Date _____

Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.



YOU ARE
UNDER VIDEO
SURVEILLANCE

BLACKWOOD INC.
P.O. BOX 823
WIND GAP P.A. 18071
HOLLAND TWP. 610 708 0908
SAFE 54930101

GALL MINING CO.
1441 OAK ROAD
POTTSVILLE, PA. 17857
OFF. 610-638-4211
LICENSE # 1499
MSHA ID # 30 09468

EXHIBIT
tabbles
TWP 6-a

BLACKWOOD, INC.

P.O. BOX 639

WIND GAP, PA. 18091

NOLAN A. PERIN • 610-704-1900

SMP# 54900101

GALE MINING, CO.

1441 OAK ROAD

POTTSVILLE, PA. 17901

JOB SUENDER

570-640-4253

LICENSE # 1699

MSHA ID # 36 09444

EXHIBIT

TWPL6-b



EXHIBIT
tabbles®
TWP 6-c



EXHIBIT
tabbles
TWP 6-d

BLACKWOOD

PO BOX 639
WIND GAP, PA. 18091
Nolan Perin 610-863-1450

SURFACE MINING PERMIT 54900101T
NPDES PERMIT PA0594725
MOL 2-02739

Liberty 

PROCESSING & SOILS

EXHIBIT

tabbles®

TWP 6-e

STOP

←

BLACKWOOD

PO BOX 639
WIND GAP, PA. 18091
Nolan Perin 610-863-1450

SURFACE MINING PERMIT 54900101T
NPDES PERMIT PA0594725
MOL 2-02739

Liberty 
PROCESSING & SOILS

500 BLACKWOOD RD

EXHIBIT
tabbles® TWP 6-f



CALL BEFORE YOU DIG!

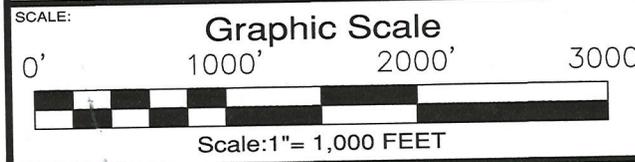
PENNSYLVANIA LAW REQUIRES
3 WORKING DAYS NOTICE FOR
CONSTRUCTION PHASE AND 10 WORKING
DAYS IN DESIGN STAGE - STOP CALL
PENNSYLVANIA ONE CALL SYSTEM, INC.
1-800-242-1776

REVISED OWNER,ADJOINER AND ROADWAY INFORMATION	JUNE 2024
REVISED OWNER INFORMATION, ADD ACREAGES	JUNE 2023
REVISED PER UPDATED OWNER INFORMATION	FEBRUARY 2023
REVISED PER UPDATED OWNER INFORMATION	JUNE 2022
REVISED PER UPDATED OWNER INFORMATION	MAY 2022
EXPANDED TO SHOW MORGAN SOPHIA PROPERTIES	NOVEMBER 2021
REVISED PER UPDATED OWNER INFORMATION	OCTOBER 2020
REVISED PER UPDATED OWNER INFORMATION	MAY 2020
REVISED PER UPDATED OWNER INFORMATION	OCTOBER 2016
	DATE

PROJECT ID. NO.
PROJECT DATE: OCTOBER_2016

DRAWN BY: TMJ APPROVED BY: M.J.B.

PROJECT DIRECTORY:



DRAWING ID:
EXHIBIT 1
SHEET 1 OF 1

Bodnar Environmental, LLC and/or Michael J. Bodnar, P.G expressly reserves its
in law copyright and other rights in these plans. These plans are not to be
reproduced, changed, or copied in any form or manner whatsoever, nor are they to be
assigned to any third party without written permission and consent of Mike Bodnar
Environmental, LLC and/or Michael J. Bodnar, P.G. © 2024

LUYKILL COUNTY, PA TAX MAP INFORMATION
NOT FOR ENGINEERING, SURVEYING OR DESIGN PURPOSES

SEE ORIGINAL
UNABLE TO SCAN

Surface Mining

COMPANY NAME/ADDRESS
99
PEN

PROJECT NAME/ADDRESS
BLACKWOOD OPERATION
TREMONT
SCHU

PREPARED BY:
Mike Bodnar
Environmental, LLC
175 W. Diaz Avenue Nesquehoning, PA 18240
Phone:(570) 217-6483

MAP DESIGNATION
BLACKWOOD OPERATION
CONTIGUOUS/ADJACENT OWNER MAP

EXHIBIT
Blackwood 8
TC 8/7/25

BLACKWOOD, INC.
P.O. Box 639
Wind Gap, PA 18091

October 26, 2016

Board of Supervisors
Reily Township
P.O. Box 1
Spruce Street
Branchdale, PA 17923

Gentlemen:

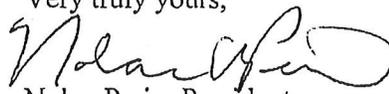
This letter is to advise you that I have become aware that all prior attempts on the part of Reily Township to vacate Township Road 567 have failed to comply with Section 67321 of the Second Class Township Code. This Section provides that:

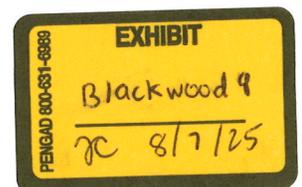
any crossing of a railroad by a road or any vacation of any road crossing a railroad shall be made only under the jurisdiction of the Pennsylvania Public Utility Commission. Compensation for damages to the owner's of adjacent property taken, injured or destroyed shall be determined under 66 Pa.C.S. (relating to public utilities)

I have learned that the Township has never sought Public Utility Commission permission to vacate T567 with respect to that road's crossing of the Reading Blue Mountain & Northern Railroad Company line at Blackwood, PA. As a consequence, the Township has substantially restricted vehicle access to my property and I fully intend to seek compensation through the Public Utility Commission for damages occasioned by the Township's failure to comply with this provision of the Second Class Township Code.

On the other hand, were the Township to assist Blackwood, Inc. in its efforts to obtain a private rail crossing over the Reading Blue Mountain & Northern Railroad line, it would not be necessary for my company to seek damages from the Township.

Thank you for your consideration of this matter.

Very truly yours,

Nolan Perin, President
Blackwood, Inc.



**U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 7/6/2007**

Crossing No.: **592007F** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **12/06/94**
Railroad: **RBM Reading Blue Mountain & Northern RR Commision [RBM
N** End-Date of Record: **12/31/95**
Initiating Agency **Railroad** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	HARRISBURG	State:	PA
Subdivision:		County:	SCHUYLKILL
Branch or Line Name:	TREMONT	City:	Near TREMONT
Railroad Milepost:	0010.24	Street or Road Name:	BLACKWOOD
RailRoad I.D. No.:	130350	Highway Type & No.:	T567
Nearest RR Timetable Stn:		HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	53
Crossing Owner:		Latitude:	40.3430140
ENS Sign Installed:		Longitude:	-76.1404110
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:		Public Access:		
	Specify Signs:		Specify Signals:	
	ST/RR A	ST/RR B	ST/RR C	ST/RR D
Railroad Use:				
State Use:				
Narrative:				
Emergency Contact:		Railroad Contact:		State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains: 1	Total Switching: 0	Day Thru: 1	
Typical Speed Range Over Crossing: From 5 to 10 mph		Maximum Time Table Speed:	25
Type and Number of Tracks: Main: 1 Other: 0		Specify:	
Does Another RR Operate a Separate Track at Crossing?	No		
Does Another RR Operate Over Your Track at Crossing?	No		

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **592007F**

Continued

Effective Begin-Date of Record: **12/06/94**

End-Date of Record: **12/31/95**

Part III: Traffic Control Device Information

Signs:

Crossbucks:	2	Highway Stop Signs:	0
Advanced Warning:	No	Hump Crossing Sign:	
Pavement Markings:	No Markings	Other Signs:	2 Specify: OTHRSTPSGN
			0

Train Activated Devices:

Gates:	0	4 Quad or Full Barrier:	
Mast Mounted FL:	0	Total Number FL Pairs:	0
Cantilevered FL (Over):	0	Cantilevered FL (Not over):	0
Other Flashing Lights:	0	Specify Other Flashing Lights:	
Highway Traffic Signals:	0	Wigwags:	0 Bells: 0
Other Train Activated Warning Devices:		Special Warning Devices Not Train Activated:	
Channelization:		Type of Train Detection:	None
Track Equipped with Train Signals?	No	Traffic Light Interconnection/Preemption:	

Part IV: Physical Characteristics

Type of Development:	Industrial	Smallest Crossing Angle:	60 to 90 Degrees
Number of Traffic Lanes Crossing Railroad:	1	Are Truck Pullout Lanes Present?	No
Is Highway Paved?	No		
Crossing Surface:	UnConsolidated	If Other:	
Nearby Intersecting Highway?	N/A	Is it Signalized?	
Does Track Run Down a Street?	No	Is Crossing Illuminated?	
Is Commercial Power Available?	Yes		

Part V: Highway Information

Highway System:	Other FA Highway - Not NHS	Functional Classification of Road at Crossing:	Rural Local
Is Crossing on State Highway System:	No		
Annual Average Daily Traffic (AADT):	000040	AADT Year:	1988
Estimated Percent Trucks:	01	Avg. No of School Buses per Day:	0
Posted Highway Speed:	0		

Letter of Transmittal

Blackwood, Inc.

P.O. Box 639
Wind Gap, PA 18091

Date: December 12, 2014

To:

Reilly Township
Attn: Gerald Devine, Chairmain
P.O. Box 1
Branchdale, PA 17923

From:

Blackwood, Inc.
P.O. Box 639
Wind Gap, PA 18091
Phone: 610-863-1450
Fax: 610-863-6165

Dear Mr. Devine,

Enclosed please find two signed and notarized copies of the "Easement Agreement for Public Turn-Around" between Blackwood, Inc. and the Township of Reilly.

Please sign and notarize both copies and return one executed copy to me at the above address.

If you have any questions, please feel free to contact me at the office.

Sincerely,
Nolan A. Perin

COPY

PENGAD 800-831-6989

EXHIBIT

Blackwood 10
JC 8/7/25

EASEMENT AGREEMENT FOR PUBLIC TURN-AROUND

THIS INDENTURE made this 11th day of DECEMBER, 2014, by and between **BLACKWOOD, INC.**, a Pennsylvania Corporation of 991 West Pen Argyl Avenue, Pen Argyl, Northampton County, Pennsylvania ("Grantor"), and **TOWNSHIP OF REILLY**, a political subdivision of the Commonwealth of Pennsylvania, located in Branchdale, Reilly Township, Schuylkill County, Pennsylvania ("Grantee"); and,

WHEREAS, Grantor is the owner of certain lots or parcels of land situate in Reilly Township, Schuylkill County, Pennsylvania, having acquired the Premises by virtue of a Deed dated December 16, 2009 and recorded in Deed Book 2362 at Page 1829, more commonly known as Schuylkill County Tax Parcel Numbers 24-5-5 and 24-4-68 being adjacent to Black Diamond and Blackwood Roads, in Branchdale, Reilly Township, PA, (collectively "Grantor's Premises");

WHEREAS, Grantor is willing to grant to Grantee an easement, knowing its purpose is to be utilized by the travelling public for turning around vehicles, at a site approximately one hundred (100') feet by one hundred (100') feet in size, situated approximately one thousand two hundred (1,200') feet southeast of the intersection of Black Diamond Road and Blackwood Road, and positioned as shown on the attached drawing marked as Exhibit "A" ("Easement Area"); and,

WHEREAS, Grantor agrees to allow Grantee to place, at Grantee's sole cost and duty to maintain, stone, or any other suitable road covering, as chosen by Grantee in and on the Easement Area.

NOW, THEREFORE, that for and in consideration of the sum of One (\$1.00) Dollar in hand paid by Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged by Grantor, and intending to be legally bound, Grantor does hereby give and grant to Grantee, its successors and assigns, for

COPY

the benefit and use of the travelling public, the full free liberty and right at all times to a perpetual easement for the Easement Area located on Exhibit "A". If the reason for the need of the Easement no longer exists, the Township will, at its own cost, return, as reasonably as possible, the Easement Area to the condition it existed before the Easement Area was created.

TO HAVE AND TO HOLD the same for the use of the Grantee, its successors and assigns, for the sole purpose of allowing the travelling public to turn vehicles around.

TOGETHER WITH the right and privilege to the Grantee that at any and all times, following reasonable advance notice, Grantee can have ingress, egress and regress to the designated portion of the Grantor's Premises for the purpose of reconstructing, repairing and maintaining the Easement Area, the cost of which shall be borne exclusively by Grantee. Furthermore, the costs and expenses incurred in the initial construction of the road surface on the Easement Area shall also be borne solely by the Grantee and must be kept reasonably aesthetically pleasing to Grantor and should Grantee fail to properly maintain the Easement Area so that it becomes a hazard to the Grantor, then, after written notice is provided to Grantee by the Grantor, if thirty (30) days pass without effective corrective action being taken, then the Grantee is liable to being compelled by litigation to correct the situation, and Grantor, if successful in the litigation against Grantee, will be reimbursed by Grantee for the reasonable litigation costs, including attorney's fees.

Grantee, has confirmed that it will maintain adequate liability insurance that will protect and indemnify the Grantor, his heirs and assigns, from any injury or damage that may result from the usage of the Easement Area throughout the entire existence of the easement. Grantor will also insure his own interests at

Grantor's sole cost as he deems necessary since the Easement Area is on Grantor's Premises.

This perpetual easement will attach to the Grantor's Premises, and if the ownership of Grantor's Premises is transferred in any manner, then Grantor's heirs, assigns and/or successors in interest, are bound to uphold this Easement Agreement in order to make this perpetual easement a condition that runs with the Grantor's Premises, no matter who owns the land.

This Easement Agreement may be recorded in the appropriate location(s) in the Schuylkill County Courthouse, including, but not limited to, the Recorder of Deeds office, with Grantee to pay for all filing fees.

IN WITNESS, the Grantor and the Grantee, following a proper vote of approval having been obtained from the Board of Supervisors of Reilly Township, have caused these presents to be duly executed and delivered the day and year previously mentioned.

**GRANTOR:
BLACKWOOD, INC.**


Attest

By:  (SEAL)
Authorized Officer

ATTEST:

**GRANTEE:
TOWNSHIP OF REILLY**

Township Secretary

By: _____ (SEAL)
**GERALD DEVINE, CHAIRMAN
BOARD OF SUPERVISORS**

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF SCHUYLKILL :

On the 12th day of December, 2014, before me, a notary public, the undersigned officer, personally appeared Nolan A. Perin known to me (or satisfactorily proven) to be the person whose name is subscribed to this Easement Agreement as a duly designated officer of **Blackwood, Inc.**, and acknowledged that he/she executed it as authorized with the appropriate corporate approval for the stated purposes and desire it to be recorded.

IN WITNESS, I hereby set my hand and official seal.

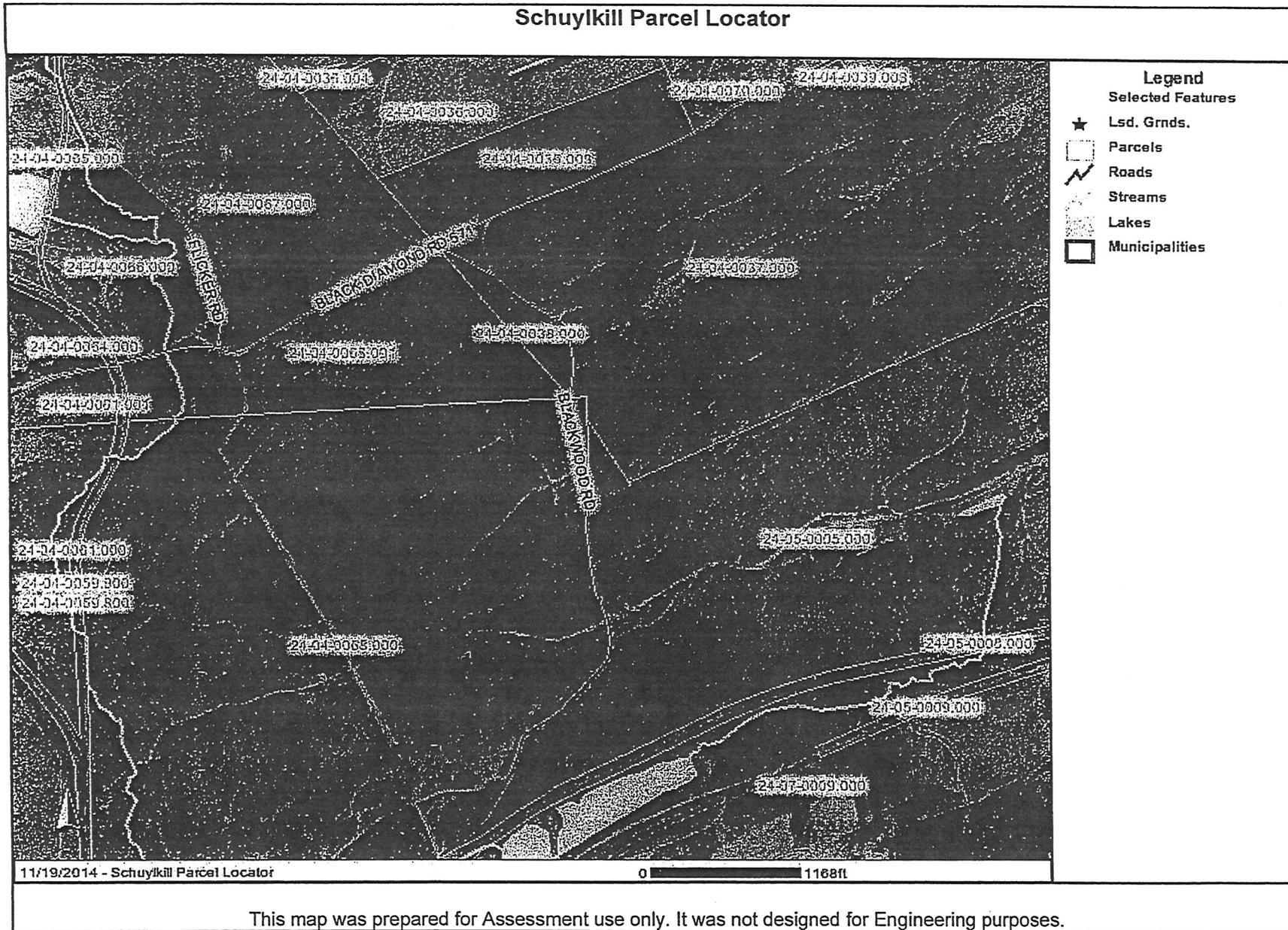
Linda M. Bray
NOTARY PUBLIC COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
LINDA M. BRAY, Notary Public
Plainfield Twp., Northampton County
My Commission Expires June 23, 2016

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF SCHUYLKILL :

On the _____ day of _____, 201__, before me, a notary public, the undersigned officer, personally appeared **GERALD DEVINE**, solely in his capacity as **Chairman of the Board of Supervisors of Reilly Township**, known to me (or satisfactorily proven) to be the person whose name is subscribed to this Easement Agreement, and acknowledge that he executed it on behalf of the Township of Reilly as authorized by a Township resolution for the stated purposes and desires it to be recorded.

IN WITNESS, I hereby set my hand and official seal.

NOTARY PUBLIC



This **Deed of Restriction of Use** made
this 11th day of December in the year two thousand nine (2009).

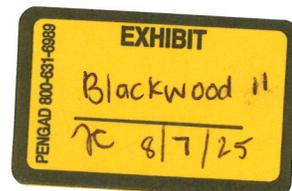
Between **BLACKWOOD, INC.**, a for-profit corporation
organized under the laws of the Commonwealth of Pennsylvania with its
principal office located in Wind Gap, Northampton County, Pennsylvania,
called, "Grantor",

- AND -

BLACKWOOD, INC., a for-profit corporation organized
under the laws of the Commonwealth of Pennsylvania with its principal
office located in Wind Gap, Northampton County, Pennsylvania, called
"Grantee",

WITNESS, that in consideration of the sum of One (\$1.00)
Dollar, the receipt which is hereby acknowledged, along with other valuable
consideration, including the resolution of a zoning matter with the County of
Schuylkill and Township of Reilly, Schuylkill County, Pennsylvania, the
Grantor, hereby desires to place restrictions on the use of its various parcels
of contiguous land totaling approximately one thousand eight hundred forty-
seven and six tenths (1,847.6) acres situated in Reilly Township, Schuylkill
County, Pennsylvania, as found in the Deed from Hava, LTD, to
Blackwood, Inc. dated February 24, 1999, recorded in the office of the
Schuylkill County Recorder of Deeds in Deed Book 550 beginning at Page
306, hereafter collectively called the "Blackwood Lands", that are the
subject of a pending appeal for zoning approval from the Schuylkill County
Zoning Hearing Board in order to use the Blackwood Lands to create and
operate as set forth in the application: "alkaline stabilization of biosolids into
Class A product using N-Viro process, storage of product", hereafter
"Biosolid Processing Operation";

WHEREAS, since part of the Agreement reached with
Township of Reilly involves promises and guarantees about the use of the
Blackwood Lands, by the owners, their successors, assigns, affiliates,
lessees, partners, associates, employees, independent contractors or anyone
on the property with permission, this document was created to insure the



restrictions contained here would remain with the title to the Blackwood Lands and be binding for the present and any future owners of the Blackwood Lands;

WHEREAS, the Grantor, and its successors and assigns, expressly sets forth the following restrictions on the use of the Blackwood Lands with regard to the Biosolid Processing Operation:

1. Except for the delivery, application, supervision and seeding related to Class A biosolids product that will be used only for lawful land application purposes on those parcels which are located north of the existing Reading, Blue Mountain and Northern (RBMN) railroad tracks, south of State Route 209, west of State Route 901 and east of State Route 125, as depicted on the attached map, no other aspect of the Biosolid Processing Operation, including, but not limited to, transportation as ingress or egress, storage of materials/product of any type or any processing related activity will be conducted on the portion of the Blackwood Lands located north of those RBMN railroad tracks that are situated in the northern portion of the Blackwood Lands;

2. All transportation for ingress and egress to/from the Blackwood Lands relating to the Biosolid Processing Operation, other than by rail line or the exception in the preceding paragraph, must be from the southern entrance to the Blackwood Lands from State Route 125, Tremont Township, Schuylkill County, Pennsylvania;

3. All aspects of the Biosolid Processing Operation, including, but not limited to the storage of materials or spreading of any product/material, or the regular operation of any machinery or processing, must take place at least one thousand (1,000) yards, and farther if required by federal or state law or regulation, from any existing occupied residence that is located in the Village of Newtown and,

4. In the event the necessary approval(s) for land application of Class B biosolid material is obtained for the area of the Blackwood Lands north of the RBMN railroad tracks, the same ingress transportation restrictions mentioned above are applicable for incoming material, and, if the appropriate permission is obtained, the RBMN railroad tracks can be crossed to access those Blackwood Lands north of the railroad tracks for land

application, no Class B biosolids will be applied within 1,000 yards, and farther if required by federal or state law or regulation, of any existing occupied residence that is located in the Village of Newtown. It is the intention of Blackwood to cease accepting any Class B Biosolids for land application north of the RBMN Tracks once the Class A permits are finally issued (via Zoning and/including DEP Approval) and beyond all Appeals.

The Schuylkill County Tax Parcel Numbers of the property collectively referred to as the Blackwood Lands are: 24-4-58, 24-4-60, 24-4-61, 24-4-68, 24-4-69, 24-5-5, 24-7-7, 24-7-8, 24-7-9 and 24-8-2.

In Witness, the undersigned officers of the Grantor, have been authorized to execute this document under their hand and seal, the day and year first above written.

Sealed and Delivered

in the presence of

BLACKWOOD, INC.

Donald E. Donald BY: Nolan A. Perin
Attest President

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON SS.

ON THIS, 16th day of December, 2009, before me, a Notary Public, the undersigned officer(s), personally appeared Nolan A. Perin known by me (or satisfactorily proven) to be the person whose name(s) is/are subscribed to this document and acknowledged that it was executed for the purposes stated.

In Witness, I hereby set my hand and official seal

Ellen J. Shiner
Administrator of Oaths

Address of Grantee:

NOTARIAL SEAL
ELLEN J. SHINER, NOTARY PUBLIC
BANGOR BORO., NORTHAMPTON CO.
MY COMMISSION EXPIRES NOV. 14, 2010

ACCESS, LICENSE AND RELEASE AGREEMENT

This Agreement made the 21 day of MARCH, 2013, between **BLACKWOOD, INC.**, a Pennsylvania corporation, of 991 West Pen Argyl Avenue, Pen Argyl, Northampton County, Pennsylvania, ("Grantor") and **TOWNSHIP of REILLY**, a Pennsylvania municipal sub-division, of Branchdale, Schuylkill County, Pennsylvania ("Township").

IN CONSIDERATION of the mutual covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to the following:

WHEREAS the Grantor is the sole owner of certain unimproved land near Branchdale, Reilly Township, Schuylkill County, Pennsylvania having Schuylkill County Tax Identification Numbers 24-4-68 and 24-5-5 located on the south side of Black Diamond Road (collectively "Property"); and,

WHEREAS the Township is in the process of performing maintenance work and upgrading on Black Diamond Road, including the creation of a berm for water and silt control; and,

WHEREAS the Township desires to undertake a project to clean out and widen the sides of Black Diamond Road and eventually install a turn-around for vehicular traffic in that vicinity, which will involve the Township needing, at no charge by Grantor, to remove approximately ten thousand (10,000) tons of fill material from the Property, taken from locations specified by Grantor, for redistribution by the Township along Black Diamond Road ("Road Project"). Furthermore, at the earliest possible time, the



Township, at no charge by Grantor, desires permission to dump unwanted organic material from the Road Project as an environmentally acceptable backfilling on the Property where the original fill material was removed.

WHEREAS the Township will complete the Road Project within ninety (90) days of the date of this Agreement;

THEREFORE, KNOW ALL PERSONS THAT the Grantor, for itself and its successors and assigns, hereby grants to the Township and/or its designate, the right and privilege of ingress, egress and regress to its Property to conduct the work associated with the Road Project, and to further allow the Township and/or its designate to remove ten thousand (10,000) tons of fill material from the Property taken from locations specified by Grantor, for redistribution by the Township along Black Diamond Road. Furthermore, at the earliest possible time, the Township, at its sole expense, is granted permission at no charge to dump unwanted organic material from the Road Project as an environmentally acceptable backfilling on the Property where the original fill material was removed; and,

FURTHERMORE, provided the Township utilizes reasonable techniques and machinery to complete the Road Project, Grantor, its successors and assigns, hereby releases the Township of and from any and all claims by reason of injury or damage to Grantor's Property.

The foregoing provisions to the contrary notwithstanding, the Township, following formal resolution at a regular meeting, hereby agrees to perform the Road Project in a workmanlike manner and indemnify and hold harmless the Grantor, its successors and

assigns, against all loss, cost, or damage, on account of any injury to persons or property, public or private, (including Grantor's Property) occurring during this Road Project by reason of any negligence caused by the Township through its employees or agents.

WITNESS the hands and seals of the parties on the date first stated.

Attest:

Loanne L. Dunne corp. sec'y
Authorized Officer

BLACKWOOD, INC.

BY: [Signature], PRESIDENT
Authorized Officer

ATTEST:

Maureen Matuszewski
Secretary

TOWNSHIP OF REILLY

BY: [Signature]
Supervisor



EXHIBIT
Reading 8A
7C 8/7/25

PENGLAD 800-651-6688











