

MEMORANDUM

To: Trail Group Fans – Emlenton to Foxburg
From: Robert L. Jennings, Jr., Esq., C 412-721-7615; BobJennings1@embarqmail.com
Re: Allegheny River Trail in Clarion County, Inc. (ARTinC)
Date: July 10, 2018

BOB JENNINGS

Overview:

Although it has been some months since our last memo, much has been in play, and now is a good time to report where we are. I distributed prior memos dated 12/19/2017 and 2/10/2018. There were a few unexplained persistent bounce-backs, thus if you need an earlier memo, let me know and I'll re-send.

Fred McIlhattan and Ann Marron have agreed to serve with me on the Board of Directors of ARTinC; they have been involved in all issues reported below. I assure you that things soon will move more quickly for the reasons below.

Routing the Bike Trail Past Shoup Trucking:

In early February, we thought we were close to finalizing a long-term lease with Guy Shoup, once final tweaks to the Lease were identified and resolved in a typical back and forth with lawyers. Unfortunately, after close to 18 months of effort by Fred and me, Mr. Shoup and Mr. Wolfe in March pulled the plug and declined to go forward. This was very disappointing since we had spent scores of hours, close to \$15,000 in costs for expert evaluation of the feasibility of the "agreed upon" route, and legal review of the proposed final lease. We held meetings and discussions in an effort to define the reasons for their change of heart, and even were promised a written response. No clear reasons (and no written response) were given – we can only guess what happened. It really does not matter, because cooperation by Mr. Shoup and Mr. Wolfe is for the moment off the table.

Mr. Shoup repeatedly (in oral statements and recorded documents filed with the Clarion County Recorder's Office) represented that he had been conveyed the entirety of the land from the river's edge up to his truck repair operations, and he owned the entire PRR railroad right of way once it was abandoned. If true, he would control our access past his operations, and there could be no trail without his cooperation. I thus did a full title search of his ownership of the trucking operation, including all deeds and legal instruments involving his family members, predecessor companies, and Mr. Shoup and his deceased wife. The bottom line is that I am confident that Mr. Shoup and his entities do not now, and have never owned the land from the river's edge up to the right of way, nor has he or his entities ever owned the reversionary interest in the full railroad right of way.

I know who does own the land from the river's edge to the right of way, and at least ½ if not the full right of way assuming there has been a formal abandonment. It took me quite a few weeks of evaluation of hundreds of old deeds, from way back to the present. Having done this, we are hopeful that Mr. Shoup and Mr. Wolfe will cooperate when the facts are laid before them. Stated simply, we are confident that the bike trail will be built past the Shoup site, along the former PRR right of way close to the Allegheny River. Stay tuned for the full 'exciting' details once this issue is finally resolved.

The Hunt Brothers Property along the river just north of the Foxburg Bridge:

Raymond and Robert Hunt, of Apollo, own the first 600' of land north from the river's edge to the PRR railroad right of way, just north of the Foxburg Bridge. The land formerly was the site of Keystone Supply Co. which sold building materials since the early 1900s. The land eventually was conveyed to Raymond and Robert's parents; then to Raymond and Robert when their parents died. The site apparently has not been in active use for decades. This site would be very helpful to have for the bike trail, and for auxiliary parking for the bike trail and overflow parking for Foxburg. There already is a concrete boat ramp into the river, and the site is large enough to support a small public park with benches, river access and whatever additional amenities might make sense to the community.

We are hoping to meet with Raymond and Robert, to explore options to purchase or lease the property, to benefit the public at large. They apparently have been quite busy, and so far have not scheduled a meeting with us. If any of you know either of them, and can use your good offices to help us meet, please call Fred, Ann or me.

Need for Review of Deeds:

I have blocks of old deeds that I need to have read, and their key contents placed on an excel spreadsheet. A handful of you volunteered to do title searches, and now is the time to step up and help us in a big way. I have the deeds downloaded in a .pdf form, and loaded on CD-ROMs with an index, thus you can do the review at home on your computer. I will dole out the blocks of deeds in batches of roughly 50-60 deeds, thus if you take 5-10 minutes per deed (I think it will take less time), I'm looking for 5-10 hours of effort per person per block. I have an outline of what needs to be done, and I did some deeds content on an excel spreadsheet as an example for you. Let me know your willingness to help, and we'll meet at the Allegheny Grille over coffee or a beer for simple training. I need reliable helpers, since there are over 400 deeds to read. Most have nothing to do with our project, but to find a critical needle in a haystack, you have to carefully work your way through the entire stack of hay.

Liability Insurance Representative:

In the very near future, we may own some of the trail, and begin to do things on the trail surface. As a result, we need to secure liability insurance to protect ARTinC and volunteers engaged in trail group activities. I have some experience with these policies, but no local agent contacts. If you have business insurance policies, and can recommend an agent, let me know.

Bookkeeping:

It may be some time before ARTinC writes more than 5-10 checks per month, but we need someone who knows QuickBooks, to do basic bookkeeping for the initial phase of our operation. We can define the chart of accounts based on other trail groups and nonprofits. Please contact me if you are willing to volunteer some time for this task. It will not involve check-writing, thus there should be no time pressure in the short-term. Once we get in full gear next year, we may need more elaborate accounting services, but that should not be necessary in the short-term.

Next Steps:

Soon we will initiate contacts with landowners north of the Shoup Property. First, we need to tailor the pattern Pennsylvania Land Trust Assn. Easement Agreement (acceptable to funders such as DCNR) to the circumstances of our site, and have any changes blessed by property law counsel. That way, landowners will see what we think is necessary for our situation. We are focusing on our full application to the IRS for 501(c

c)(3) status so we can begin active fund-raising before year-end. We have secured engineering expertise to help generate our grant application for April, 2019. Getting the overall costs estimate done early will help us focus on how we are going to raise the required 20% match in cash or donated services. We are deferring website and facebook account development until we secure formal access to the trail surface – we do not want people on the trail until we have agreements with landowners giving us the clear right to be there.

One last thing we need in the near future is a formal grant application committee. DCNR sends out a weekly report of all upcoming grant opportunities, of which there are many; we need several people to read and research things that might apply to us, if not for this year, then surely for next year once we hopefully have legal rights to the trail surface. If you would like to serve on such a committee, and even be the point person to pursue grant applications for projects approved by the ARTinC Board, let me know. We expect to involve the committee in the upcoming critical April, 2019 DCNR grant application, which will be a mammoth task that can benefit from the input and efforts of numerous people.

Other projects are underway, but we solicit your ideas of things we should be doing and in what order. Please help out where you can.