

MEMORANDUM

To: Erie to Pittsburgh Trail Alliance Board of Directors
From: Robert L. Jennings, Jr., Esq., President, Allegheny River Trail in Clarion County, Inc. (ARTinC)
Re: Comprehensive Settlement Agreement with Guy Shoup
Date: October 11, 2020

ARTinC is very pleased to announce that this past week, Guy Shoup, Carl Wolfe and their counsel Jeannine Guth of Lynn, King and Scheffler, as well as ARTinC, executed a final Settlement Agreement of ARTinC's pending Action to Quiet Title in Clarion County Court of Common Pleas. A potential bike trail beside Guy Shoup's trucking company has faced the efforts of many bike advocates over the past 20 odd years. We later will give credit to those who labored so long with no success. Four years ago, Fred McIlhattan (dec'd.), Ann Marron and Bob Jennings resolved to get this done, if humanly possible. Ron Steffey provided sage ideas and advice over these years – some of which we followed. ARTinC was formed, and when Guy Shoup declined to negotiate with us, we did our homework, did a complete title search of all land transactions of any Samuel Fox Heir in Richland Township and Foxburg Borough (over 3,000 deeds), and quietly obtained Quitclaim Deeds from the successors of the Fox Heirs and the Railroad. We filed an Action to Quiet Title, attached all the relevant deeds, and told Guy Shoup – fine, we'll let the Court resolve who owns what. When the survey was completed after a long pandemic delay, we began discovery in earnest. Faced with the potential of losing, and spending a small fortune to litigate the case, Mr. Shoup and Carl Wolfe decided to negotiate in good faith.

The parties first agreed to jointly sponsor a Survey to pinpoint the location of the boundary lines of the railroad and Shoup's holdings, including the location of all buildings and roadways in and out of the truck site. That allowed all of us to focus on what ARTinC could do to strengthen the trucking co. operations, and what they could do to facilitate construction of the bike trail. ARTinC was able to convey 0.3 Acres to preserve the existing trucking company roadway in and out of the site. In exchange, Mr. Shoup conveyed everything ARTinC needed to build the bike trail, including:

- The complete 66' wide CONRAIL/PRR right of way from the Rt. 58 bridge in Foxburg all the way north to the boundary with Richland Township (1 mile in length);
- Land to not only build the bike trail, but also a simple dirt and gravel access road for use in part by landlocked landowners to the north (they will grant us the right to build the bike trail through their land in exchange for this roadway access);
- The ability to cut back and move earth within 50' of the centerline if necessary to compensate for portions of the right of way eroded away by the river;
- All land from the river's edge to the right of way, subject to an easement for Mr. Shoup, Carl Wolfe and successors to have access to the river for recreational purposes, so long as the trail is not disturbed or endangered;
- The ability to remove a building addition which encroached over the right of way, once a substitute location had been determined and ARTinC builds a comparable building to replace what will be removed;

- An additional 0.24 acres of land near the Foxburg Rt. 58 bridge for additional parking for the town and bike trail; and,
- Other helpful provisions of lesser importance.

No money was paid or promised for this Settlement, other than the parties splitting the cost of the survey. We estimate that the space obtained may enable about 80-100 new parking spaces for the trailhead, and the immediately adjacent town – which desperately needs more parking. The Trailhead will mesh seamlessly with the acquisition of the Hunt Bros. property for a small park on the bank of the river by the Rt. 58 bridge – once the money is raised to close on the purchase of this Hunt Bros. land.

We are very proud of what has been accomplished, but much credit goes to Guy Shoup, Carl Wolfe and their counsel Jeannine Guth. We believe that after a long lifetime building his trucking business, Mr. Shoup recognized that the bike trail would be a major asset to and good thing for the community, it would enhance the value of his land since bike trails really are an amenity and not a burden, and a stout fence can keep bikers and particularly children away from the active workings of the trucking site. We also ended any challenge by us or our successors to his roadway in and out, that was heavily constructed to bear the weight of constant use by loaded tractor trailers. The Settlement was a win-win and he deserves many thanks by everyone who wants this bike trail to be built.

The four years of our efforts yielded many lessons on how we got this done, when many before us could not succeed. I note that our recent excellent EtoP Summit included advice that title searches back to the late 1700s are complicated, often impossible to complete, and not very helpful. We respectfully beg to differ in this instance. We will circulate the final Settlement Agreement and Quitclaim deeds to anyone who requests them.