

**RESOLUTION NO. R-34-2023**

**A RESOLUTION OF THE TOWNSHIP OF UNITY, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, RATIFYING A HIGHWAY OCCUPANCY PERMIT AGENCY AGREEMENT WITH HERBERT, ROWLAND AND GRUBIC, INC. AND THE WESTERN PENNSYLVANIA CONSERVANCY AND AUTHORIZING REPRESENTATIVES OF THE TOWNSHIP TO EXECUTE RELATED DOCUMENTS IN FURTHERANCE OF SAME**

WHEREAS, the Board of Supervisors of Unity Township executed and entered an Agency Agreement with HERBERT, ROWLAND AND GRUBIC, INC., a corporation, having a place of business at 220 West Kensington Drive, Suite 100, Cranberry, PA 16066 (hereinafter referred to as the "Agent") and the WESTERN PENNSYLVANIA CONSERVANCY a non-profit entity having an address at 800 Waterfront Drive, Pittsburgh, PA 15222 (hereinafter referred to as the "Owner"), a copy of such Agreement being attached hereto, made a part hereof and marked Exhibit "A"; and

WHEREAS, such Agreement contemplates that Agent has been retained by Owner to prepare and submit drawings, designs and permit applications to the Commonwealth of Pennsylvania Department of Environmental Protection ("DEP") and the Commonwealth of Pennsylvania Department of Transportation ("PennDOT") for construction and repair of improvements of a stream enclosure within private property within the Township extending under State Route 0030, between Seg 0530, Offset 1200 & Seg 0530 Offset 0277, and discharging water into the Loyalhanna Creek (hereafter the "Project"); and

WHEREAS, the Agreement confirms that, pursuant to regulations promulgated by the Commonwealth of Pennsylvania, Department of Transportation (hereafter "PennDOT"), the Township is required to act as the Applicant and/or Permittee on any application to the Commonwealth for a Highway Occupancy Permit for the construction of the Project; and,

WHEREAS, the Township entered such Agreement with the Agent permitting the Agent to act on its behalf in submitting plans, drawings and other information to PennDOT subject to the terms and conditions set forth hereafter; and

WHEREAS, in order to carry out the terms of such Agreement, the Township is required by the Commonwealth of Pennsylvania Department of Transportation to execute an Applicant's Authorization for Agent to Apply for Highway Occupancy Permit (Form

M-950AA) for the Project in the form attached hereto, made a part hereof and marked Exhibit "B".

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE BOARD OF SUPERVISORS OF UNITY TOWNSHIP HEREBY RESOLVES AS FOLLOWS:

1. THAT, the Township hereby appoints and ratifies the appointment of Agent as its Agent in Fact for purposes associated with the submission of plans, drawings and permitting for the Project.

2. THAT, the Owner shall be responsible for any cost, expense or fee associated with the services provided by Agent in furtherance of the Project.

3. THAT, the Township agrees to complete and file with the Commonwealth of Pennsylvania an Applicant's Authorization for Agent to Apply for Highway Occupancy Permit (Form M-950AA) for the Project in the form attached hereto, made a part hereof and marked Exhibit "B".

4. THAT, the Township hereby approves, and agrees to complete and file with the Commonwealth of Pennsylvania, any Commonwealth of Pennsylvania's "Pro Forma Resolution or similar document designating a representative to execute the Form M-950AA and other documents for the Project in the form attached hereto.

5. THAT, no construction of the Project shall begin until after all permits and improvements required for the Project are received from the DEP, PennDOT and any other agency having jurisdiction over the Project.

6. THAT, the Chairman and Secretary of the Board of Supervisors of Unity Township be and are hereby authorized to execute the aforesaid Resolution Form MS-954R, Form M-950AA, in addition to and together with all other documents necessary to carry out the purpose and intent of such Agreement and this Resolution, and all acts previously undertaken, committed or performed by the Chairman and Secretary of the Board of Supervisors in furtherance of the Agreement be and are hereby ratified and confirmed.

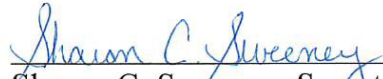
7. THAT, the Township Secretary deliver any documents executed under the authority of this Resolution to the Commonwealth upon their execution.

THIS RESOLUTION IS APPROVED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UNITY AT A DULY ADVERTISED PUBLIC MEETING HELD THE 9th DAY OF NOVEMBER 2023 AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:

THE TOWNSHIP OF UNITY

By:

  
\_\_\_\_\_  
Sharon C. Sweeney, Secretary

  
\_\_\_\_\_  
Michael J. O'Barto, Chairman  
Unity Township Board of Supervisors



## APPLICANT'S AUTHORIZATION FOR AGENT TO APPLY FOR HIGHWAY OCCUPANCY PERMIT

If granting BLANKET Authorization to submit applications on Applicant's behalf, check this box:

If BLANKET Authorization, mark N/A.	PERMIT APPLICATION NO.	PaDOT HOP No. 320289
	COUNTY	Westmoreland
	CITY-BORO-TWP.	Unity Township
	S.R.-SEG.-OFF.	Between Seg 0530, Offset 1200 & Seg 0530 Offset 0277
APPLICANT	Name: The Board of Supervisors of Unity Township Address: 154 Beatty County Road Latrobe, PA 15650	
AGENT	Name: HERBERT, ROWLAND AND GRUBIC, INC Address: 220 West Kensington Drive, Suite 100 Cranberry, PA 16066	

THIS AUTHORIZATION, made this 9<sup>th</sup> day of November, 2023, by  
 the Board of Supervisors of Unity Township, Westmoreland County, PA  
 \_\_\_\_\_,  
 APPLICANT for a highway occupancy permit under 67 Pa. Code Chapter 441 or 459.

WHEREAS, the APPLICANT is required to obtain a highway occupancy permit from the Commonwealth of Pennsylvania, Department of Transportation, called the Department, in order to occupy the State highway; and

WHEREAS, the APPLICANT wishes to authorize the agent listed above (AGENT) to apply for the permit and any associated supplements on behalf of the APPLICANT; and

WHEREAS, the APPLICANT has agreed to grant a release to the Department to allow the AGENT to apply for the permit and any associated supplements on behalf of the APPLICANT; and

WHEREAS, as a condition of this authorization, APPLICANT agrees that AGENT will be required to provide APPLICANT with copies of all correspondence and other documents issued, mailed, emailed or otherwise directed or provided to APPLICANT or AGENT by the Department; and

WHEREAS, the APPLICANT may elect to be provided contemporaneous email updates on the review status of the permit application and any associated supplements.

NOW, THEREFORE:

1. The APPLICANT does hereby authorize AGENT to act as APPLICANT's agent with respect to the permit application and associated supplements and to do all things necessary to obtain the permit and/or associated supplements on behalf of the APPLICANT.
2. The APPLICANT does hereby remise, release, quitclaim and forever discharge the Department, its agents, employees and representatives of and from all suits, damages, claims and demands of any type whatsoever arising against it as a result of granting the permit and its supplements to APPLICANT.
3. The APPLICANT  has  has not (check one) elected to be provided contemporaneous updates on the status of the permit application. If the APPLICANT elects to be provided contemporaneous updates on the status of the permit application, provide contact information here (email): dans@gibson-thomas.com.
4. The APPLICANT understands that this AUTHORIZATION is effective until revoked in writing by the APPLICANT or AGENT, with contemporaneous written notice thereof to the Department.

IN WITNESS WHEREOF, the APPLICANT has executed or caused to be executed these presents, intending to be legally bound thereby.

by APPLICANT:

  
\_\_\_\_\_  
(authorized representative signature)

Name: Michael J. O'Barto

Title (if other than individual applicant): Chairman

Date: 11/09/2023

by AGENT:

\_\_\_\_\_  
(authorized representative signature)

Name: \_\_\_\_\_

Title (if other than individual agent): \_\_\_\_\_

Date: \_\_\_\_\_

**UNITY TOWNSHIP  
WESTMORELAND COUNTY, PENNSYLVANIA  
HIGHWAY OCCUPANCY PERMIT AGENCY AGREEMENT**

THIS AGREEMENT, made and entered this 9th day of November, 2023, by and between HERBERT, ROWLAND AND GRUBIC, INC., a corporation having a place of business at 220 West Kensington Drive, Suite 100, Cranberry, PA 16066 (hereinafter referred to as the “Agent”)

AND

THE WESTERN PENNSYLVANIA CONSERVANCY, a non-profit entity having a place of business at 800 Waterfront Drive Pittsburgh, PA 15222 (hereinafter referred to as the “Owner”)

AND

THE TOWNSHIP OF UNITY, a municipal corporation having its principal place of business at 154 Beatty-County Road, (hereinafter referred to as the “Township”).

**WITNESSETH:**

WHEREAS, Agent has been retained by Owner to prepare and submit drawings, designs and permit applications to the Commonwealth of Pennsylvania Department of Environmental Protection (“DEP”) and the Commonwealth of Pennsylvania Department of Transportation (“PennDOT”) for construction and repair of a stream enclosure within private property in the Township extending under State Route 0030 at between Seg 0530, Offset 1200 & Seg 0530 Offset 0277 , and subsequently conveying water to the Loyalhanna Creek (hereafter the “Project”); and

WHEREAS, pursuant to regulations promulgated by the Commonwealth of Pennsylvania, Department of Transportation (hereafter “PennDOT”), the Township is required to act as the Applicant and/or Permittee on any application to the Commonwealth for a Highway Occupancy Permit for the construction of the Project; and,

WHEREAS, the Township desires to enter an agreement with Agent and Owner permitting the Agent to also act on the Township’s behalf in submitting plans, drawings and other information to PennDOT subject to the terms and conditions set forth hereafter.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE PARTIES HERETO INTEND TO BE LEGALLY BOUND HEREBY AND AGREE AS FOLLOWS:

1. The Township hereby appoints Agent as its Agent in Fact for purposes associated with the submission of plans, drawings and permitting for the Project. The foregoing notwithstanding, Owner and Agent are solely responsible for the design of the Project and the direction and performance of all work necessary to carry out same.

2. Owner shall be responsible for any cost, expense or fee associated with the services provided by Agent in furtherance of the Project.

3. The Township agrees to complete and file with the Commonwealth of Pennsylvania an Applicant's Authorization for Agent to Apply for Highway Occupancy Permit (Form M-950AA) for the Project in the form attached hereto, made a part hereof and marked Exhibit "A".

4. The parties hereto agree that no construction of the Project shall begin until after all permits and improvements required for the Project are received from the DEP, PennDOT and any other agency having jurisdiction over the Project.

5. Owner and Agent hereby agree to hold harmless, indemnify and defend the Township for any claims or damages, of whatsoever nature and kind and whensoever they may occur, arising from or related to the design, construction, installation, maintenance and/or repair of the Project, and/or the work performed in the pursuit of same.

6. This Agreement shall be binding on the parties hereto, their agents, workmen and assigns.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK  
SIGNATURES APPEAR ON THE FOLLOWING PAGE**

IN WITNESS WHEREOF, THE PARTIES HAVE AFFIXED THEIR HANDS AND SEALS THE DAY AND YEAR FIRST ABOVE WRITTEN INTENDING TO BE LEGALLY BOUND HEREBY.

ATTEST:

AGENT:

HERBERT, ROWLAND AND GRUBIC, INC.

\_\_\_\_\_ BY: \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

WITNESS:

OWNER:


THE WESTERN PENNSYLVANIA  
CONSERVANCY

\_\_\_\_\_ BY: \_\_\_\_\_

Shaun Fenlon, VP Land Conservation

ATTEST:

THE TOWNSHIP OF UNITY

  
\_\_\_\_\_  
Sharon C. Sweeney, Secretary

BY:   
\_\_\_\_\_  
Michael J. O'Barto, Chairman  
Unity Township Board of Supervisors



