

BIKE TRAIL GROUP SETTLES WITH GUY SHOUP

By Robert L. Jennings, Jr., Esq.

(published in Progress News, Tuesday, October 20, 2020)

Allegheny River Trail in Clarion Co. (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 claims to owning the former CONRAIL/PRR holdings in Foxburg. A bike trail next to Guy Shoup's trucking company has been a dream for the past 20 odd years. Four years ago, Fred McIlhattan (dec'd.), Ann Marron and Bob Jennings resolved to get this done. ARTinC was formed, we did our homework, did a complete title search of all land transactions of any Samuel Fox Heir in Richland Township and Foxburg Borough since 1790 (over 3,000 deeds), and obtained Quitclaim Deeds from the successors of the Fox Heirs and the Railroad. An Action to Quiet Title was filed late in 2019, to let the Court resolve who owns what. Faced with litigation, and the evidence we assembled, Mr. Shoup and Carl Wolfe decided to negotiate in good faith, which they began in January, 2020.

The parties first agreed to jointly sponsor a Survey by Fike Ass. in Clarion, 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 might do to help strengthen the trucking co. operations, and what they might do to facilitate construction of the bike trail. ARTinC permanently conveyed land to Mr. Shoup to preserve the existing trucking company roadway in and out of the site. In exchange, Mr. Shoup permanently conveyed what 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 in exchange for this roadway access);
- The ability to cut back and move some earth from the hillside if necessary to compensate for portions of the right of way eroded away by the river;
- All land from the river's edge up to the right of way, subject to the right of Mr. Shoup, Carl Wolfe and successors to have access to the river for recreational purposes, so long as the trail is not harmed;
- The ability eventually to remove a building addition which encroaches 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 small portion 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 trail and downtown Foxburg – which desperately needs more parking.

Much of the credit for this deal goes to Guy Shoup, Carl Wolfe and their counsel Jeannine Guth. After a long lifetime building his trucking business, Mr. Shoup likely recognized that the bike trail will be a very good thing for the community, it will enhance the value of his land since bike trails really are an amenity and not a

burden, and a stout fence will keep bikers and particularly children away from the trucks. The settlement is a win-win and Mr. Shoup deserves many thanks by everyone who wants this bike trail to be built.

Mr. Shoup wants to recognize who provided counsel to him, and perhaps those who in various ways laid the ground work for our present success. The overall cast of those who tried include: Jim Holden (dec'd.), Bob Barber and Bill Weller from the Allegheny Valley Trails Assn. (AVTA), and other key AVTA Board members long before ARTinC, Mike and Sally Vereb, Dick Garrard (dec'd), the Oil Region Alliance (ORA) and John Phillips, Dr. Arthur Steffee, Trail Consultant Ron Steffey, Fred McIlhattan (dec'd.) who had a close relationship with Guy Shoup, the Foxburg Borough Council who supported both the bike trail and Guy Shoup, Carl Wolfe who sincerely wanted this to get done, and likely others we do not know. We celebrate the end result, including the efforts of all over the years.

Now that ARTinC owns a full mile of undeveloped bike trail, it is time to gear up our efforts. Negotiations with remaining landowners north to Emlenton will heat up, but we need the help of all those willing to get involved. Please text, e-mail, write or call Bob Jennings at the below info, if you are not already on our recent e-mail distribution list. We need the help of everyone, and will reach out to you re:

Become a member and Contribute: We need as many basic \$25 members as possible to show funders that we have broad based community support. Contributions in excess of \$25 would be wonderful if possible, but even the basic \$25 is appreciated. Send me your contact info so we can e-mail you a membership form (We're also setting up a basic website from which you can contribute by credit card).

Become an ARTinC Board Member: We are meeting with our engineers and consultants to map out the initial workplan, including required permits, installing the silt fence, tree removals, temporary fencing, grubbing of the bike path, initial earth shaping, stormwater controls (ditches, catch basins, clearing or augmenting existing piping), culverts or other devices over several small ravines, etc. All of the foregoing need Board members to help get things in motion and supervise efforts, as well as initial funding.

Volunteer Labor with or without Skills and Equipment or Buddies with both: We have considerable info from volunteers who in the past stepped up at Foxburg Festivals, or public meetings in Emlenton, but the pandemic has ended for the time being our ability to hold large public meetings. Contact Bob Jennings as listed below, so we can get in touch with you by e-mail and determine what you are willing and able to do to help in this community effort.

We will contact you by e-mail, but please be thinking about what you might be excited about doing on our Board, out in the field, or how you envision us raising funds to plow forward to build the trail.

Call or text Bob Jennings at 412-721-7615, e-mail BobJennings1@embarqmail.com , or drop a note to him at PO Box 325, Foxburg, PA 16036.