

RESOLUTION 90-106

BE IT RESOLVED, by authority of the Hopewell Township Board
(Name of Municipality/Authority)

of Commissioners

of _____,
(Name of Municipality if Authority)

Reaver County, and it is hereby resolved by authority of the

same, that the President of the Board of said Municipality/Authority be
(designate official title)

authorized and directed to sign the attached Agreement on its behalf and that the

Manager-Secretary be authorized and directed to attest the same.
(designate official title)

ATTEST:

Hopewell Township
(Name of Municipality/Authority)

James M. Eichenlaub
Signature and Official Title ---
Manager-Secretary

BY

Jim Pice
Signature and Official Title ---
President of the Board

(SEAL)

I, James Eichenlaub, Manager-Secretary
(Name) (Official Title)

of the Hopewell Township Board of Commissioners
(Name of Governing Body and Municipality)

do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting

of the Board of Commissioners
(Name of Governing Body)

held the 13th day of February, 1990.

DATE: _____, 19

James M. Eichenlaub
Signature and Official Title ---
Manager-Secretary

M-945K (1-89)
Bureau of Maintenance
and Operations
(Central Permit Office)

AGREEMENT NO. 111940

Individual (Assigned by District Office)
 Blanket (Assigned by Central Office)

FEDERAL ID NO. 25-6001754
(PRINCIPAL - PERMITTEE)

HIGHWAY RESTORATION AND MAINTENANCE BOND

BOND NO. U6105169

EFFECTIVE DATE 11/10/89

KNOW ALL MEN BY THESE PRESENTS, That we Hopewell Township

Beaver County, Pennsylvania
(NAME OF PRINCIPAL - PERMITTEE)

of Municipal Building, Clark Boulevard, Aliquippa, PA 15001
(MAILING ADDRESS OF PRINCIPAL - PERMITTEE)

as PRINCIPAL*, and United Pacific Insurance Company
(NAME OF SURETY)

1285 Drummers Lane, Two Corp.Ctr., Wayne, PA 19087
(MAILING ADDRESS OF SURETY)

as SURETY, are held and firmly bound unto the Commonwealth of Pennsylvania,
Department of Transportation, as OBLIGEE, in the full and just sum of Ten thousand,
Eight hundred & 00/100 Dollars (\$ 10,800.00), lawful money of the
United States of America, to be paid to the said Commonwealth of Pennsylvania, or
its assigns, to which payment well and truly to be made, we bind ourselves, our
heirs, executors, administrators, successors and assigns, jointly and severally,
firmly by these presents.

*If Permittee's contractor is also listed as PRINCIPAL, collectively
identified as PRINCIPAL for the purposes of this Bond only.

WHEREAS, the PRINCIPAL has applied, is about to apply or may in the future from time to time apply to the OBLIGEE for one or more Highway Occupancy Permits (referred to herein as the "Permits") which require a bond to secure proper restoration of the highway pursuant to 67 Pa. Code Chapter 459.5(b), because a substantial amount of work may be performed for or by the PRINCIPAL under such Permits,

NOW, THEREFORE, the condition of this obligation is such that, if the above bounden PRINCIPAL shall in all respects comply with and faithfully perform the terms and conditions of each Permit and all applicable provisions of 67 Pa. Code Chapter 459, and shall save and hold harmless the OBLIGEE from any damages or losses from any cause growing out of work to be performed under such Permits on the State Highway(s) then this obligation shall be void and of no effect; but otherwise is to be and remain in full force and effect.

PROVIDED, that any alterations which may be made in the terms of any Permit(s) or in the payment of costs due under it, or the giving by the OBLIGEE of any extension of time for the performance of the work or any other forbearance on the part of either the OBLIGEE or the PRINCIPAL to the other, shall not in any way release the PRINCIPAL and the SURETY or SURETIES or either or any of them, their heirs, executors, administrators, successors and assigns, from their liability hereunder, notice to the SURETY or SURETIES of any such alteration, extension or forbearance being hereby waived.

PROVIDED, that with respect to each Highway Occupancy Permit, and any supplements thereto, issued by the OBLIGEE to the PRINCIPAL, the duration of the obligation under this Bond shall be for the period during which work is performed and for two years after the Department's acknowledgment of completion of all work authorized by such Highway Occupancy Permit, and any supplements thereto, which Permit shall list this Bond as security by specific reference to a Department-assigned number or other description.

PROVIDED, that in case of default of the PRINCIPAL, in any respect, action on this Bond may be begun forthwith, and the PRINCIPAL and SURETY, jointly and severally, do hereby authorize and empower any attorney of any court of record in Pennsylvania or elsewhere, to appear for and to enter judgment against them, jointly and severally, for the cost of proper restoration of the State Highway(s) affected by the permitted work, not to exceed the aforementioned sum, with or without defalcation, with costs of suit, with release of errors, without stay of execution and with ten percent (10%) attorney's fees added for collection; and waiving inquisition on any real estate and exemption of any property whatsoever, authorizing condemnation of same and immediate issuance of a Writ of Execution, and releasing and waiving relief from any and all appraisement, stay of execution, or exemption laws of any state, now in force or hereinafter to be passed.

PROVIDED, FURTHER, that in the absence of default, this Bond shall remain in full force and effect and may not be cancelled by the SURETY without the written permission of the OBLIGEE's Permit Office.

Time limitations set forth in this Bond shall not be deemed to relieve the PRINCIPAL of liability for items exceeding the time limitations set forth in 67 Pa. Code Chapter 459.

EXECUTED ON November 10, 1989 with the intention to be
Date

legally bound hereby.

ATTEST:

Hopewell Township

James M. Eichenlaub
(Assistant) Secretary James M. Eichenlaub
(Assistant) Treasurer
Other: _____ **

BY Tim Force
PRINCIPAL - PERMITTEE
(XXXX) President Tim Force
(Other) _____ **

(SEAL)

ATTEST:

BY _____
PRINCIPAL

(SEAL)

WITNESS:

Deane Anderson

United Pacific Insurance Company
BY Richard J. Taylor ***
Title: _____ SURETY
Richard J. Taylor, Attorney-in-fact

(SEAL)

Pennsylvania Resident Agent - When Required

APPROVED AS TO LEGALITY AND FORM

BY _____
Chief Counsel

**If PRINCIPAL is a Governmental Unit, Resolution authorizing signature must be attached.

***Power of Attorney, properly executed and dated, must be attached. Power of Attorney must have the same date as the Bond (effective or executed date).

UNITED PACIFIC INSURANCE COMPANY
HOME OFFICE, FEDERAL WAY, WASHINGTON

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That the UNITED PACIFIC INSURANCE COMPANY, a corporation duly organized under the laws of the State of Washington, does hereby make, constitute and appoint Paul C. Read, Richard J. Collins and Richard J. Taylor, individually, of Pittsburgh, Pennsylvania

its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, one of the following bonds:

- ADMINISTRATOR, EXECUTOR, PERSONAL REPRESENTATIVE, COMMISSIONER, SALE OF REAL ESTATE, CONSERVATOR, COMMITTEE, GUARDIAN, TRUSTEE UNDER WILL, TRUSTEE OR RECEIVER IN BANKRUPTCY or RECEIVER IN STATE COURT in an amount not to exceed \$1,000,000.00
ANY PLAINTIFF'S COURT BOND in an amount not to exceed \$100,000.00
COST ON APPEAL OR REMOVAL OF CAUSE in an amount not to exceed \$2,000.00
ANY LICENSE AND PERMIT BOND in an amount not to exceed \$25,000.00
ANY PUBLIC OFFICIAL BOND (EXCLUDING SCHEDULE AND BLANKET BONDS) in an amount not to exceed \$50,000.00

and to bind the UNITED PACIFIC INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the UNITED PACIFIC INSURANCE COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that is said Attorney(s)-in-Fact may do in pursuance hereof.

The Power of Attorney is granted under and by authority of Article VII of the By-Laws of UNITED PACIFIC INSURANCE COMPANY which became effective September 7, 1987, which provisions are now in full force and effect, reading as follows:

ARTICLE VII—EXECUTION OF BONDS AND UNDERTAKINGS

1. The Board of Directors, the President, the Chairman of the Board, any Senior Vice President, any Vice President or Assistant Vice President or other officer designated by the Board of Directors shall have power and authority to (a) appoint Attorneys-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (b) to remove any such Attorney-in-Fact at any time and revoke the power and authority given to him.

2. Attorneys-in-Fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

3. Attorneys-in-Fact shall have power and authority to execute affidavits required to be attached to bonds, recognizances, contracts of indemnity or other conditional or obligatory undertakings and they shall also have power and authority to certify the financial statement of the Company and to copies of the By-Laws of the Company or any article or section thereof.

The power of attorney is signed and sealed by facsimile under and by authority of the following Resolution adopted by the Board of Directors of UNITED PACIFIC INSURANCE COMPANY at a meeting held on the 5th day of June, 1979, at which a quorum was present, and said Resolution has not been amended or repealed:

"Resolved, that the signature of such directors and officers and the seal of the Company may be affixed to any such power of attorney of any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, the UNITED PACIFIC INSURANCE COMPANY has caused these presents to be signed by its Vice President, and its corporate seal to be hereto affixed, this 12th day of January, 1989

STATE OF Pennsylvania
COUNTY OF Philadelphia ss.



UNITED PACIFIC INSURANCE COMPANY

Vice President

On this 12th day of January, 1989, personally appeared Raymond R. MacNeil to me known to be the Vice President of the UNITED PACIFIC INSURANCE COMPANY, and acknowledged that he executed and attested the foregoing instrument and affixed the seal of said corporation thereto, and that Article VII, Section 1, 2, and 3 of the By-Laws of company and the Resolution, set forth therein, are still in full force.

My Commission Expires:

August 10, 1992



Notary Public in and for State of Pennsylvania

Residing at Philadelphia

I, James F. Marckstein, Assistant Secretary of the UNITED PACIFIC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by UNITED PACIFIC INSURANCE COMPANY, which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company this 10th day of November 1989



Assistant Secretary