

## AGREEMENT OF UNDERSTANDING

AGREEMENT, made this 7<sup>th</sup> day of December, 2005, by and between  
**TAMAQUA AREA COMMUNITY PARTNERSHIP, INC.**, a domestic nonprofit corporation  
organized under the laws of the Commonwealth of Pennsylvania (hereinafter referred to as "The  
Community Partnership")

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**SCHUYLKILL TOWNSHIP**, a municipal corporation in Schuylkill County organized  
under the laws of the Commonwealth of Pennsylvania (hereinafter referred to as "Township")

### WITNESSETH:

**WHEREAS**, The Partnership has applied for and received Ninety Seven Thousand Seven  
Hundred Fifty (\$97,750) Dollars in funding from the Pennsylvania Department of Transportation  
(hereinafter referred to as "PennDOT") through an Enhancement Funding Program, Agreement  
No. 057003;

**WHEREAS**, The Partnership received this funding to enable it to assist in the  
development of streetscape improvements and tree plantings in the Village of Mary D on  
property and/or right of way owned by the Township as described in the attached plans  
developed by the Mary D Community Association (hereinafter referred to as "Improvements",  
and;

**WHEREAS**, to facilitate the administration of the Enhancement Funding, PennDOT has  
requested that the Township authorize the Partnership to make the Improvements on Township  
property and/or right of way, and;

**NOW THEREFORE**, with the intent to be legally bound hereby, and in consideration of the foregoing recitals, the parties hereto agree as follows:

1. The Township authorizes The Partnership to make the Improvements in the Village of Mary D on Township property and/or right of way and to utilize funding received from PennDOT for this purpose.

2. The Township agrees the Partnership, its agents and contractors shall be permitted to enter the above specified portions of the properties identified in the attached plan of Improvements hereof for the purpose of performing the work contemplated by this Agreement.

3. The Partnership agrees to retain ownership of and maintain the Improvements erected or installed as a result of the use of funds received from the Enhancement Funding from PennDOT for period of five years.

4. Both The Township and the Partnership agree that the Township will retain ownership and control of the properties and/or rights of way and this agreement is intended solely for the purpose of granting permission to The Partnership to make the Improvements.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the date first above written.

**SCHUYLKILL TOWNSHIP**

BY: Joseph Boran

ATTEST: May E. Lubat

**TAMAQUA AREA COMMUNITY  
PARTNERSHIP**

BY: Pat Frank, Esq.

ATTEST: Joseph M. [Signature]