

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2015-30
SPONSORED BY COMMISSIONER HOLT
REQUESTED DATE: SEPTEMBER 17, 2015
ORDINANCE NO. 2015 -**

**DELEGATING TO THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, THE AUTHORITY TO ACQUIRE
RIGHTS-OF-WAY FOR THE WIRE MILL BRIDGE PROJECT**

WHEREAS, the County of Lehigh and the Commonwealth of Pennsylvania, Department of Transportation, have coordinated through appropriate officials a project for the SR 145 Wire Mill bridge over Little Lehigh Creek ("Project") in Lehigh County; and

WHEREAS, Section 402(j) of the Lehigh County Home Rule Charter authorized the County Executive to execute, for and on behalf of the County of Lehigh, an agreement for the Commonwealth's performance of the Project; and

WHEREAS, Agreement No. R15050016 for the Project was fully effective on September 14, 2015; and

WHEREAS, the Secretary of Transportation, acting for and on behalf of the Governor as well as himself, wishes to proceed in a prompt manner with the acquisition of all necessary right-of-ways for the Project.

WHEREAS, pursuant to Sections 2305 and 2307 of the General Local Government Code, 53 Pa.C.S. §§2305, 2307, and Agreement No. R15050016, the County of Lehigh is authorized to make this delegation of authority.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY
THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH,
PENNSYLVANIA, THAT,**

1. The foregoing Whereas clauses are incorporated herein as if set forth in their entirety.
2. Delegation of Authority; The County of Lehigh hereby delegates to the Secretary of Transportation its authority to acquire the right-of-way necessary for the bridge project described and enumerated in Agreement No. R15050016, PUBLIC UTILITY EASEMENT effective September 14, 2015, said Agreement containing all applicable Project terms and conditions incorporated by reference herein as if fully set forth.
3. Duration; This delegation shall continue until all Project terms and conditions of Agreement No. R15050016 shall be fully satisfied or, at the election of the parties as set forth therein, the same shall be otherwise terminated.
4. Purpose and Scope of Delegation; The Secretary of Transportation shall have the authority to acquire the right-of-way necessary for the Project described and enumerated in Agreement No. R15050016, effective September 14, 2015.
5. Financing; One hundred percent of right-of-way acquisition costs, along with all other costs under Agreement No. R15050016, is being funded with state and federal funding, subject to a five percent (5%) charge back to the County.
6. Organizational Structure; All pre-construction phases of the project shall be managed, directed and performed by the Commonwealth of Pennsylvania, Department of

Transportation.

7. Property; The Secretary of Transportation shall acquire property pursuant to all applicable policies and procedures as necessary for the Project as authorized by Section 2003(e) of the Administrative Code, 71 P.S. §513(e), for all transportation purposes which shall include, and not be limited to, acquisitions for local roads and streets.

8. The proper officers and other personnel of the Commonwealth of Pennsylvania, Department of Transportation are hereby authorized and empowered to negotiate and execute the Right-of-Way Grant and any other ancillary documents that serve the purpose of this Ordinance in final recordable form, if applicable, and take all such further action as they may deem appropriate to carry out the purpose of this Ordinance.

9. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action, including any necessary transfers of funds, and execute additional documents as they may deem appropriate to carry out the purpose of this Ordinance.

10. The County Executive shall distribute copies of this Ordinance to the proper officers and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.

11. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

12. This Ordinance shall become effective in ten (10) days after enactment.

ADOPTED this ____ day of _____, 2015, by the
following vote:

Commissioners

AYE

NAY

Geoff Brace
Thomas C. Creighton, III
Percy H. Dougherty
Amanda Holt
David S. Jones, Sr.
Vic Mazziotti
Brad Osborne
Lisa Scheller
Michael P. Schware

ATTEST: _____
CLERK TO THE BOARD OF COMMISSIONERS

APPROVED this ____ day of _____, 2015.

Thomas S. Muller
Lehigh County Executive

ENACTED this ____ day of _____, 2015.