

APPROVED

First Reading: 05/23/12

Passed 7-1: 06/13/12

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2012-18
SPONSORED BY COMMISSIONER MAZZIOTTI
REQUESTED DATE: MAY 16, 2012
ORDINANCE NO. 2012-117**

**AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY AND EASEMENTS
BY EMINENT DOMAIN FOR THE PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION FOR THE MAINTENANCE, REPAIR AND
REPLACEMENT OF THE THREE BRIDGE PROJECT**

WHEREAS, the County of Lehigh has undertaken a program of maintenance, repair and replacement for many of the County's bridges; and

WHEREAS, the County and the Pennsylvania Department of Transportation (PennDOT), entered into an agreement dated February 7, 2008 wherein they agreed to participate in a Federal-Aid Bridge Project for the replacement of (3) bridges; and

WHEREAS, this bridge project consists of the removal of three bridges and their replacement with one bridge and one culvert/tunnel. The bridges are situated in Whitehall Township, Lehigh County, PA and North Catasauqua Borough, Northampton County, PA, and carry State Route 1014 (Lehigh Street) over the Ironton Rail-Trail, a vacant Norfolk Southern Property; Water Street; the Lehigh River; the Lehigh Canal and an active Norfolk Southern track (all of the above hereinafter referred to as the "Project"); and

WHEREAS, the County must acquire right-of-way, temporary construction easements, drainage easements, and slope easements for completion of the Project; and

WHEREAS, the County is authorized, through Section 2603 of the County Code,

16 P.S. §2603, to purchase, take by gift or acquire by the power of eminent domain, real property of all kinds consistent with County's authority to provide and maintain bridges; and

WHEREAS, pursuant to Resolution 2011-18, the County Executive, or his designee, was authorized to acquire by agreement or eminent domain if necessary, such Right-of-Way and easements that are necessary for the Project; and

WHEREAS, agreements in lieu of condemnation have been acquired for most of the parcels involved, and it has become necessary to proceed with condemnation for the following the properties listed on Exhibit "A", attached hereto; and

WHEREAS, Ordinance approval is required for the exercise of eminent domain pursuant to Section 310 (a)(9) of the Home Rule Charter.

**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. The County Executive, or his designee, is hereby authorized to acquire by eminent domain the interests in the properties listed on Exhibit A, attached hereto, and to initiate same by the filing of Declarations of Takings at case numbers 2012-C-1963, 2012-C-1964 and 2012-C-1965.
3. 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.

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

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

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

ADOPTED this 13th day of June, 2012, by the following vote:

<u>Commissioners</u>	<u>AYE</u>	<u>NAY</u>
Thomas C. Creighton, III	X	
Percy H. Dougherty		X
David S. Jones, Sr.	X	
Daniel K. McCarthy	X	
Vic Mazziotti	X	
Brad Osborne	X	
Scott Ott	X	
Lisa Scheller (absent)		
Michael P. Schware	X	

ATTEST: _____

Deirdre Barrella
Clerk to the Board of Commissioners

APPROVED this 20th day of June, 2012.

Donald T. Cunningham, Jr.
County Executive

ENACTED this 20th day of June, 2012.

Exhibit A

- NOTES:
1. PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.
 2. THIS PROPERTY PLOT PLAN IS NOT TO BE SUBSTITUTED FOR A BOUNDARY SURVEY.
 3. TEMPORARY CONSTRUCTION EASEMENT, AN EASEMENT TO USE THE LAND AS NECESSARY DURING CONSTRUCTION OF THE PROJECT, THE EASEMENT IS REQUIRED ONLY UNTIL THE PERMANENT CONSTRUCTION OF THE PROJECT IS COMPLETED, UNLESS SOONER REIMPOUNDED IN WRITING BY THE DEPARTMENT AND LEHIGH COUNTY.
 4. REQUIRED RIGHT-OF-WAY FOR TOWNSHIP ROAD RIGHT-OF-WAY ACQUIRED FOR THE BENEFIT OF THE APPLICABLE MUNICIPALITY IN THE STATE INTEREST AS DESIGNATED HEREIN FOR REQUIRED RIGHT-OF-WAY FOR STATE HIGHWAY PURPOSES, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH, THE STATE SHALL VEST IN THE APPLICABLE LOCAL MUNICIPALITY UPON COMPLETION OF THE PROJECT. THE APPLICABLE MUNICIPALITY SHALL MAINTAIN UPON THE COMPLETION OF CONSTRUCTION.

LINE	DIRECTION	DISTANCE
1	N 67°42' E	4.18 54'
2	N 71°55' W	2.12 00'
3	N 72°42' E	1.46 00'
4	N 72°42' E	1.64 00'
5	N 72°42' E	2.10 00'
6	N 72°42' E	1.54 00'
7	N 72°42' E	1.54 00'
8	N 72°42' E	1.54 00'
9	N 72°42' E	1.54 00'
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13	N 72°42' E	1.54 00'
14	N 72°42' E	1.54 00'
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67	N 72°42' E	1.54 00'
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89	N 72°42' E	1.54 00'
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93	N 72°42' E	1.54 00'
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98	N 72°42' E	1.54 00'
99	N 72°42' E	1.54 00'
100	N 72°42' E	1.54 00'

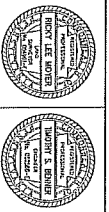
ALONG WESTERN BANK OF THE LEHIGH RIVER

LEGEND:

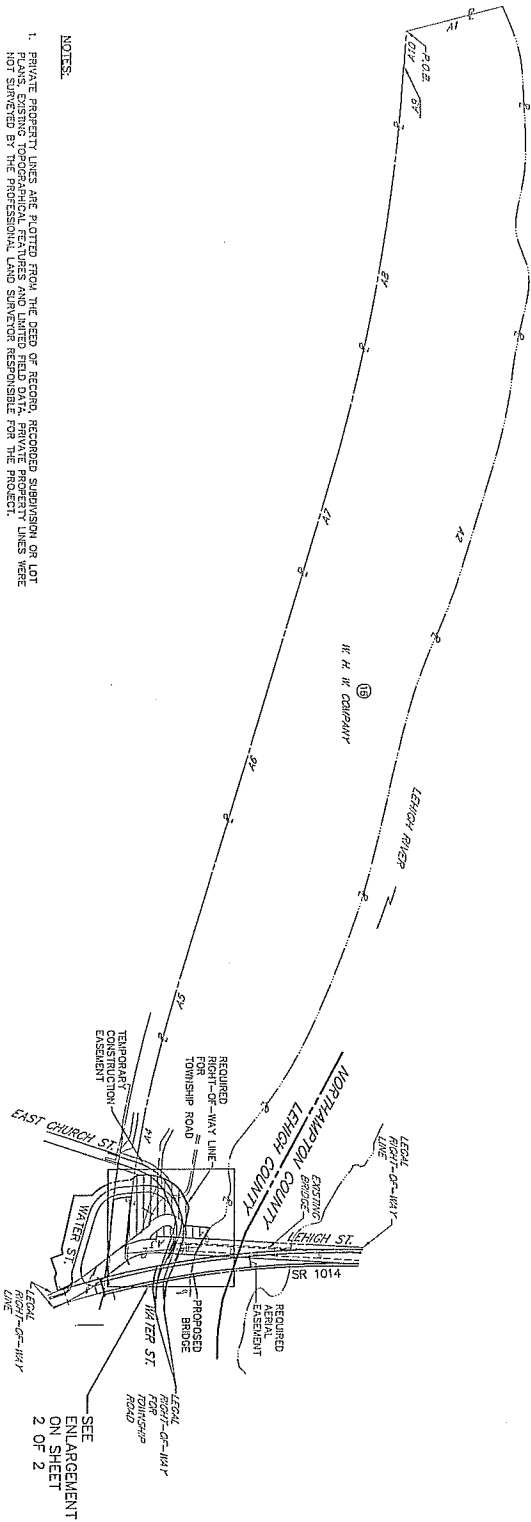
REQUIRED RIGHT-OF-WAY FOR TOWNSHIP ROAD

INDICATES A SCALED DIMENSION

PLOT PLAN



DISTRICT	COUNTY	ROUTE	SECTION	SHEET
5-0	LEHIGH/NORTHAMPTON	SR 1014	LSB R/W	13 OF 28
WHITEHALL TOWNSHIP/BOROUGH OF NORTH CATAWAUGA				
PROJECT NUMBER	REGION	DATE		



RIGHT-OF-WAY CLAIM INFORMATION

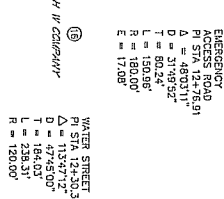
STATE NO.	COMMONWEALTH OF PENNSYLVANIA-DEPARTMENT OF TRANSPORTATION	LEHIGH COUNTY
DATE OF DEED	11-15-1987	11-15-1987
CONVEYANCE	W.H. COMPANY A PENNSYLVANIA CORPORATION	W.H. COMPANY A PENNSYLVANIA CORPORATION
GRANTOR(S)	HARRIS T. WEINSTEIN AN INDIVIDUAL	HARRIS T. WEINSTEIN AN INDIVIDUAL

DEED BOOK	1984
PAGE OF DEED	1114
DATE OF DEED	11-15-1987
CONVEYANCE	W.H. COMPANY A PENNSYLVANIA CORPORATION
TAX STAMPS	\$702.81

DOCUMENT ID	7095597
DATE OF DEED	11-15-1987
CONVEYANCE	W.H. COMPANY A PENNSYLVANIA CORPORATION
TAX STAMPS	\$702.81

AREAS	ACRE /±	REQUIRED AREA ACRE /±
CALCULATED	55.90	
ADVERSE	0.4	
LEGAL R/W	48.45	
TOTAL REQD R/W	48.45	
RESIDUE LT	48.40	
RESIDUE RT	-	

SCALE	1" = 200'
DATE	11-15-1987



1. REQUIRED RIGHT-OF-WAY FOR WATER STREET, NORTH-OF-WAY ACQUIRED FOR THE BENEFIT OF THE APPLICANT, SHALL BE ADEQUATE TO ACCOMMODATE THE TRAFFIC VOLUMES FOR REQUIRED EASEMENT FOR THE BENEFIT AND USE OF THE COMMONWEALTH. TITLE SHALL REST IN THE APPLICANT, BUT THE APPLICANT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE APPLICABLE LOCAL MUNICIPALITY UPON ACQUISITION AND MAINTAINANCE RESPONSIBILITY SHALL TRANSFER UPON THE COMPLETION OF CONSTRUCTION.
2. FUTURE CONSTRUCTION EASEMENT, AN EASEMENT TO BE USED FOR THE LAND AS NECESSARY TO ACCOMMODATE THE FUTURE CONSTRUCTION OF THE PROJECT, SHALL BE COMPLETED AND RECONSTRUCTION IN WORKING BY THE DEPARTMENT AND LEHIGH COUNTY.
3. ABANDONMENTS AS SHOWN ON THIS PLAN ARE EFFECTIVE ONLY AFTER THE ROAD HAS BEEN OPENED TO TRAFFIC AND PROPER NOTICE HAS BEEN GIVEN TO THE LOCAL AUTHORITIES

REQUIRED RIGHT-OF-WAY
FOR TOWNSHIP ROAD

THE HALF CIRCLED NUMBER
INDICATES A SCALED DIMENSION

PLOT PLAN






DISTRICT	COUNTY	ROUTE	SECTION	SHEET
5-0	LEHIGH/NORTHAMPTON	SR 1014	LSB R/W	134 OF 364

WHITEHALL TOWNSHIP/BOROUGH OF NORTH CATASAUQUA

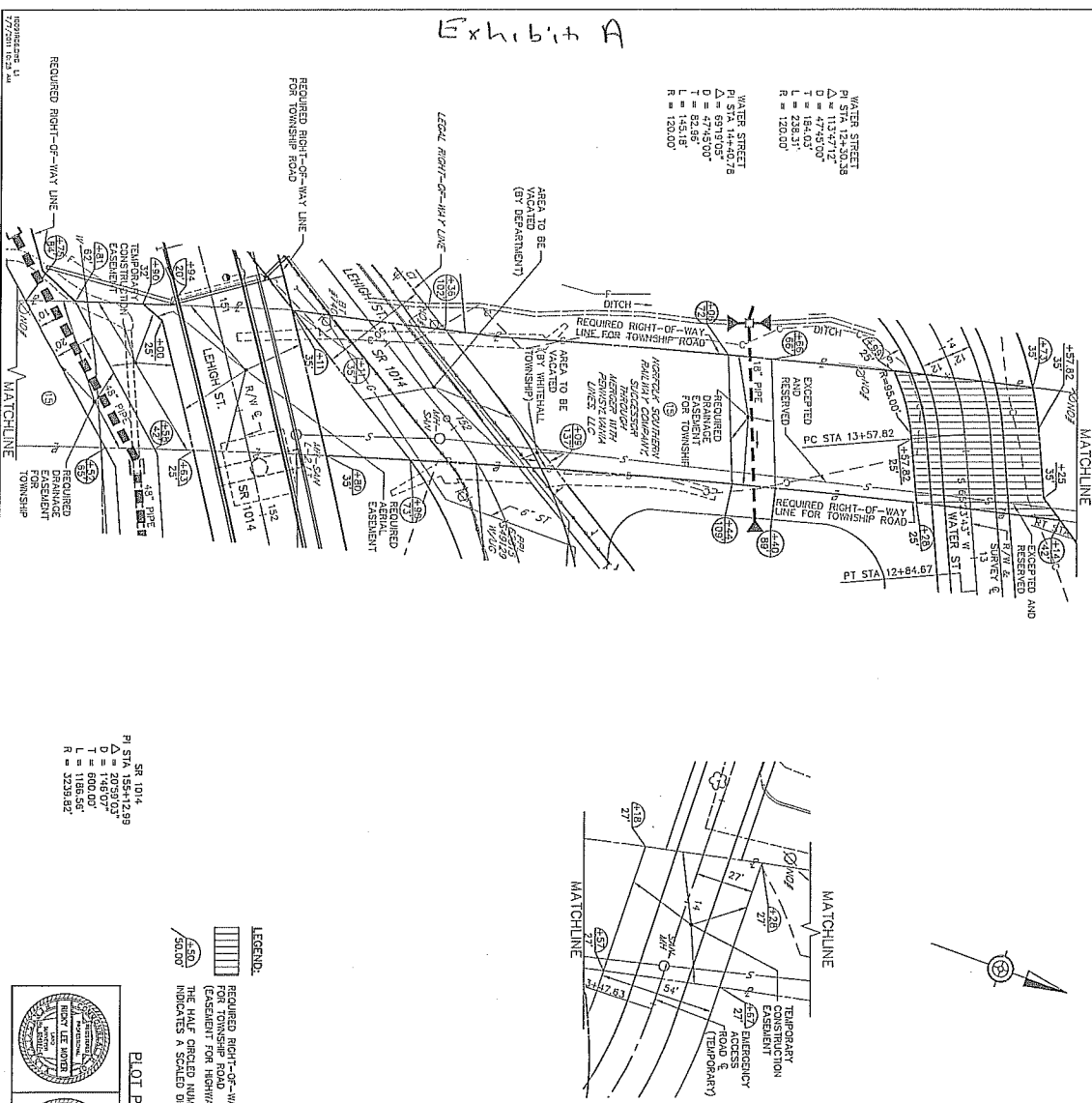
SECTION NUMBER	REVISIONS	DATE

1. PRIVATE PROPERTY LINES ARE PLOTTED FROM THE DEED OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA. PRIVATE PROPERTY LINES WERE NOT SURVEYED BY THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE PROJECT.

- LEGEND:**
-  REQUIRED RIGHT-OF-WAY
FOR TOWNSHIP ROAD
-  THE HUE CIRCLED NUMBER
INDICATES A SCALED DIMENSION
-  PLOT PLAN

PLOT PLAN

RIGHT-OF-WAY CLAIM INFORMATION				COMMONWEALTH OF PENNSYLVANIA-DEPARTMENT OF TRANSPORTATION		LEHIGH COUNTY	
STATE RTE. 102		SHEET NO. 15B R/W		SHEET NO. 15C		TOWNSHIP	
PARCEL NO. 134		SUCCESSION OF THE LAND		PROPERTY OWNER(S)		LOCALITY	
GRANTED		CONSOLIDATED		PENNSYLVANIA TURNPIKE CORPORATION A PENNSYLVANIA CORPORATION		PENNSYLVANIA TURNPIKE CORPORATION	
NEED BOOK		PAGES		REAS		-WET/5F	
1677		1677		RIGHT OF WAY		W/54'	
DATE OF RECORD 6-01-1993		LEGAL R/W/		ADJ. EASEMENT		ADJ. EASEMENT	
DATE OF RECORD 6-15-1993		ADJ. EASEMENT		ADJ. EASEMENT		ADJ. EASEMENT	
TAX STATUS		\$34,940.00		VACATED		TEMPORARY CONSTRUCTION	
		VACATED		ADJ. EASEMENT		ADJ. EASEMENT	
		TOTAL RESUME		L1		W/54.92'	
		RESUME RT		6.817'		6.817'	
SCALE		1"=50 FEET		1"=50 FEET		1"=50 FEET	
DRAWN BY		M.S.A.		M.S.A.		M.S.A.	
25		50 FEET		50 FEET		50 FEET	





ADJOINING DEEDS. 1922, REVISED SEPTEMBER 20, 1928 AND THE

[illegible]

COUNTY OF LEHIGH ORDINANCE 2012 – NO. 117

CERTIFICATION

I, DAVID BARILLA, Clerk to the Board of Commissioners of Lehigh County, do hereby certify that the attached is a true and correct copy of the ordinance adopted at a regular meeting of the Commissioners of Lehigh County held on the 13th day of June, 2012, and approved on the 20th day of June, 2012 by the Lehigh County Executive, and effective on the 30th day of June, 2012.

A handwritten signature in dark ink, appearing to read "David Barilla", is written over a horizontal line.

DAVID BARILLA, Clerk
Board of Commissioners