

# APPROVED

First Reading: 05/23/12

Passed 8-0: 06/13/12

**COUNTY OF LEHIGH, PENNSYLVANIA  
COMMISSIONERS BILL 2012-19  
SPONSORED BY COMMISSIONER MAZZIOTTI  
REQUESTED DATE: MAY 16, 2012  
ORDINANCE NO. 2012-118**

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**APPROVING A DEED OF EASEMENT AND RIGHT-OF-WAY TO THE  
COPLAY-WHITEHALL SEWER AUTHORITY**

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**WHEREAS**, the County of Lehigh is the owner of a certain tract of land located along Water Street in the Township of Whitehall, Lehigh County; and

**WHEREAS**, the Coplay-Whitehall Sewer Authority is requesting a twenty foot (20') wide perpetual Right-of-Way and Easement, and adjoining temporary construction easement for the Lehigh River Interceptor Sanitary Sewer Replacement; and

**WHEREAS**, a proposed Deed of Easement and Right-of-Way is attached hereto and marked Exhibit "A"; and

**WHEREAS**, section 310(a)(6) of the Home Rule Charter of the County of Lehigh requires ordinance approval for the conveyance of any interest in real estate.

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

1. The above clauses are incorporated herein and made a part hereof by this reference.
2. The proposed Deed of Easement and Right-of-Way attached hereto is hereby approved, under the terms and subject to the conditions expressly set forth therein.

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 Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.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 13<sup>th</sup> day of June, 2012 by the following vote:

Commissioners

AYE

NAY

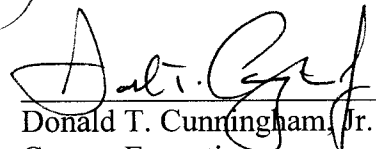
Thomas C. Creighton, III	X	
Percy H. Dougherty	X	
David S. Jones, Sr.	X	
Daniel K. McCarthy	X	
Vic Mazziotti	X	
Brad Osborne	X	
Scott Ott	X	
Lisa Scheller (absent)		
Michael Schware	X	

ATTEST:

  
Clerk to the Board of Commissioners

2012.

APPROVED this 20<sup>th</sup> day of June,

  
Donald T. Cunningham, Jr.  
County Executive

ENACTED this 20<sup>th</sup> day of June, 2012

Prepared by and return to:  
Law Offices of John O. Stover, Jr.  
537 Chestnut Street  
Emmaus, PA 18049  
(610) 967-6602

PIN #

**COUNTY OF LEHIGH PROPERTY**  
**CWSA PERMANENT DEED OF EASEMENT AND RIGHT-OF-WAY**  
**LEHIGH RIVER INTERCEPTOR SANITARY SEWER RELOCATION**  
**STATE ROUTE 1014, SECTION LSB LEHIGH BRIDGE RECONSTRUCTION**

THIS DEED, made this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the COUNTY OF LEHIGH, a Third Class County, incorporated under the laws of the Commonwealth of Pennsylvania, with its principal office located at 17 South 7<sup>th</sup> Street, Allentown, Lehigh County, Pennsylvania, 18101, Party of the First Part, (hereinafter referred to as "Grantor"),

AND

COPLAY-WHITEHALL SEWER AUTHORITY, a Pennsylvania Municipal Authority organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office located at 3213 MacArthur Road, Whitehall, Lehigh County, Pennsylvania, and doing business within the Township of Whitehall and the Borough of Coplay, County of Lehigh and Commonwealth of Pennsylvania, Party of the Second Part, (hereinafter referred to as "Grantee").

WITNESSETH:

WHEREAS, that the Grantor, for itself, its successors, assigns and lessees, and in consideration of the sum of ONE DOLLAR (\$ 1.00) paid by Grantee to Grantor, at and before the sealing and delivery hereof, the receipt of which is hereby acknowledged, does hereby irrevocably grant, bargain, sell and convey to Grantee, its successors, assigns and lessees, a generally twenty foot (20') wide perpetual Right-of-Way and Easement as well as an adjoining temporary construction easement to construct, lay, operate, renew, alter, inspect, maintain, repair, add to, change the size of, replace or remove such parts of its sanitary sewer system, lines, drainage structures, and other appurtenances pertaining thereto, as the Grantee, its successors, assigns and lessees, may from time to time require, including any pipes, conduits, manholes, interceptor lines, valves, boxes, drains, wire, structures, pumps, meters, and any and all other facilities used or useful in connection therewith, under the premises owned by the Grantor, said Right-of-Way and Easement being more fully described in the legal description W.4-01 attached hereto and incorporated herein by reference as Exhibit "A", and as shown on Drawing Nos.

EXHIBIT

A

100192.0022-W.4-01A, W.4-01B and W.4.01C, hereinafter collectively referred to as Exhibit "B", prepared by SSM Group, Inc., for the Coplay-Whitehall Sewer Authority through lands of the County of Lehigh, situate in the Township of Whitehall, County of Lehigh and Commonwealth of Pennsylvania.

**TOGETHER** with the free and uninterrupted full right of Grantee, its successors, assigns and lessees, to enter upon said premises with its agents, workmen, employees, tools, appliances, materials and equipment, at all times as it may need and require for the purpose of constructing, operating, renewing, altering, inspecting, maintaining, repairing, adding to, replacing, or removing said facilities, as the occasion may require. The surface of said Right-of-Way shall remain unencumbered by Grantor of all buildings and structures of any kind, and the grade will not be changed over said sanitary sewer line or lines. Grantee shall also have the right to cut down, trim, remove, and to keep cut down by mechanical means or otherwise, any and all trees, tree roots, brush or undergrowth on said Right-of-Way and Easement or adjoining the same which, in the judgment of the said Grantee, its successors and assigns, may at any time injure, endanger or interfere with the construction, operation, maintenance and repair of said sanitary sewer lines and in connection therewith the right to remove, if necessary, the root systems of the said trees, brush or undergrowth, all costs of which are to be assumed and paid for by the Grantee without any charge whatsoever against the Grantor.

The said temporary construction easement is to expire upon completion of construction and its area is to be restored to its preconstruction condition as nearly as is reasonably possible.

**RESERVING** unto Grantor, its successors, assigns, and lessees, the right to use and enjoy the surface of said Right-of-Way and Easement subject only to the rights granted herein, and the Grantee covenants to replace and restore the surface of the land to its original good order and condition as near as possible or practical; and Grantor does hereby release, remise and quitclaim Grantee, its successors and assigns, from all claims for damages from whatsoever cause incidental to the exercise by the Grantee of the rights herein granted.

**AND FURTHER**, in consideration of said payment, Grantor hereby covenants and agrees for itself, its successors, assigns and lessees, that none of the following shall occur unless prior written approval of the Grantee is obtained:

- (1) No property right or permission shall be granted in any fashion allowing the construction of other underground facilities and / or utilities including but not limited to, electrical line, telephone lines, water lines, gas lines, cable television lines, etc., above or below Grantee's sanitary sewer lines; and
- (2) That no connection shall be made to Grantee's sanitary sewer lines of any other system.
- (3) That there will be no change in the grade (filling or cutting of ground) over the surface of the Easement and Right-of-Way.

**TO HAVE AND TO HOLD**, the said Rights-of-Way and Easements and appurtenances

hereby granted or mentioned unto the said Grantee, its successors, assigns and lessees forever.

IN WITNESS WHEREOF, Grantor, on behalf of itself, its successors, assigns and lessees, intending to be legally bound hereby, has hereunto set its hand and seal the day and year first above written.

COUNTY OF LEHIGH

By: \_\_\_\_\_ (SEAL)  
Donald T. Cunningham, Jr., County Executive

Attest: \_\_\_\_\_

COPLAY-WHITEHALL SEWER AUTHORITY

By: \_\_\_\_\_ (SEAL)  
JOHN F. SCHREINER, Chairman

Attest: \_\_\_\_\_ (SEAL)  
JAMES A. HAHN, Secretary

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF LEHIGH )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, a Notary Public, the undersigned officer, personally appeared Donald T. Cunningham, Jr., County Executive of the County of Lehigh, who acknowledged himself to be said officer, and that he as such officer being authorized to do so, executed the within document for the purposes therein contained by signing as such officer.

IN WITNESS WHEREOF, I have set my hand and official seal the day and year aforesaid.

Notary Public

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF LEHIGH )

On this, the \_\_\_\_ day of \_\_\_\_\_, 2012, before me, a Notary Public, personally appeared John F. Schreiner, who acknowledged himself to be the Chairman of the COPLAY-WHITEHALL SEWER AUTHORITY, a Pennsylvania Municipal Authority, and that he, as such Chairman being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as such officer.

IN WITNESS WHEREOF, I have set my hand and official seal the day and year aforesaid.

Notary Public

**I HEREBY CERTIFY** that the precise address of the Grantee is:  
3213 MacArthur Road  
Whitehall, PA 18052

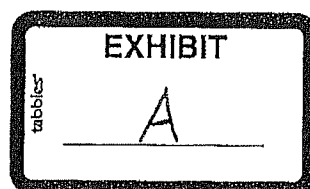
Created on 4/24/2012  
Revised on 05/14/2012 DAH (title only)

Prepared by: SSM Group, Inc.  
 City Line Plaza, Suite 300  
 2005 City Line Road  
 Bethlehem, PA 18017  
 Phone: 610-849-9700

Return to: Coplay-Whitehall Sewer Authority  
 3213 MacArthur Road  
 Whitehall, PA 18052  
 Phone: 610-437-4461

Description to Accompany a Release  
 To Be Obtained For the Construction  
 Of Sanitary Sewer Facilities, Situate  
 In the Township of Whitehall, County  
 Of Lehigh and Commonwealth Of  
 Pennsylvania, From:

**A – COUNTY OF LEHIGH**

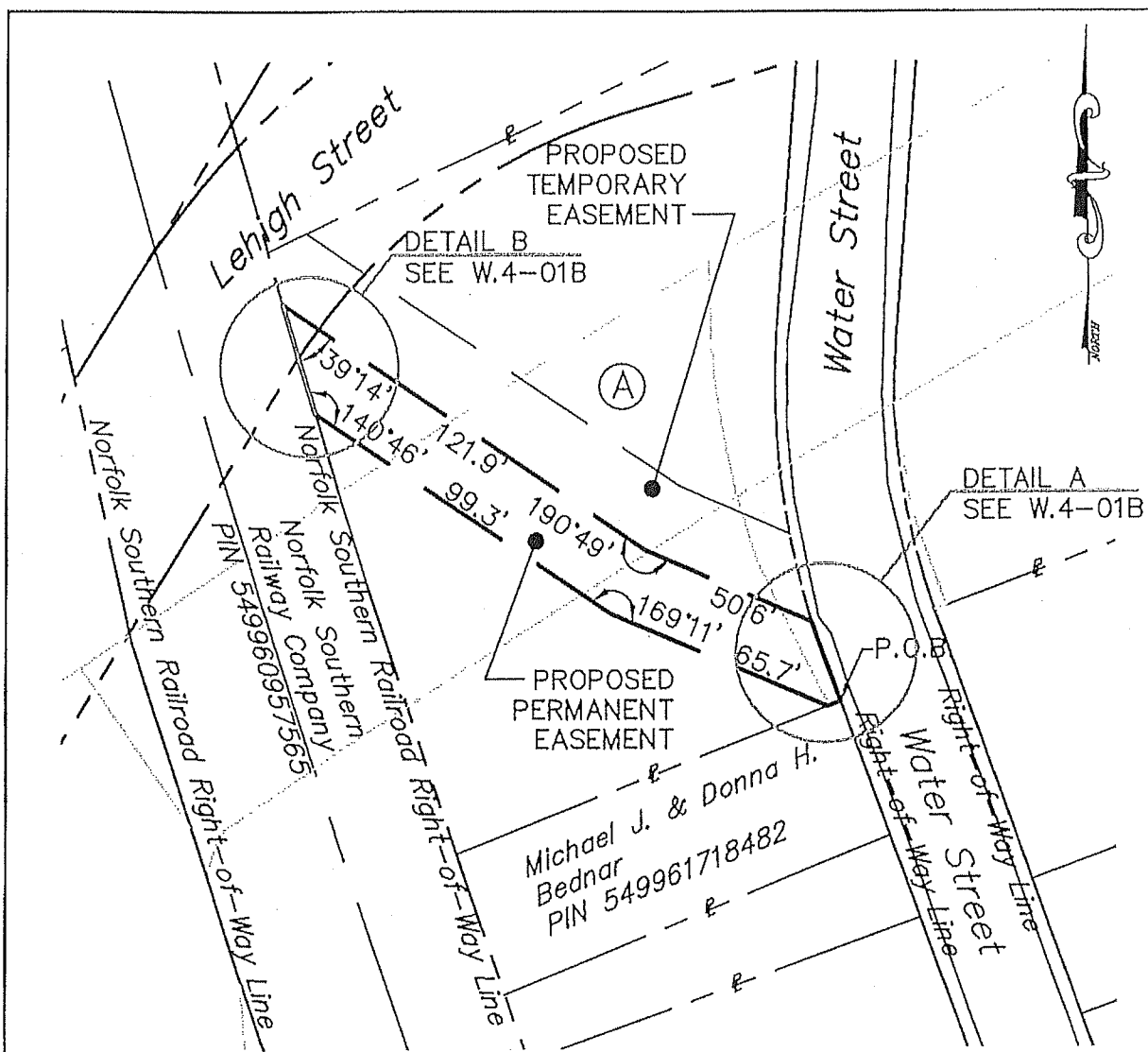


ALL THAT CERTAIN generally twenty feet (20') wide Permanent Sanitary Sewer Easement as shown on Drawing Nos. 100192.0022-W.4-01A, W.4-01B and W.4-01C, prepared by the SSM Group, Inc. for the Coplay-Whitehall Sewer Authority, situate in the Township of Whitehall, County of Lehigh and Commonwealth of Pennsylvania, being more fully described as follows, TO WIT:

BEGINNING at the point of intersection of the western right-of-way line of Water Street and a line separating property of Michael J. Bednar and Donna H. Bednar and property of the County of Lehigh, grantor herein, thence in a southwesterly direction along the aforesaid line separating property of Michael J. Bednar and Donna H. Bednar and property of the County of Lehigh, grantor herein, for a distance of three and eight tenths feet [3.8' (+/-)] to a point; thence in and through the aforesaid property of the County of Lehigh, grantor herein the following two courses and distances, VIZ: 1. in a northwesterly direction, forming an interior angle to the left of one hundred thirty-five degrees eighteen minutes [135° 18' (+/-)] with the last described line, for a distance of sixty-five and seven tenths feet [65.7' (+/-)] to a point; 2. in a northwesterly direction, forming an interior angle to the left of one hundred sixty-nine degrees eleven minutes [169° 11' (+/-)] with the last described line, for a distance of ninety-nine and three tenths feet [99.3' (+/-)] to a point on a line separating property of the aforesaid County of Lehigh, grantor herein and property of Norfolk Southern Railroad Company; thence in a northwesterly direction, along the aforesaid line separating property of the County of Lehigh, grantor herein and property of Norfolk Southern Railroad Company, along the chord of a curve to the right, having a radius of four thousand two hundred thirty-three and five tenths feet [4,233.5' (+/-)], a central angle of zero degrees twenty-six minutes [0° 26' (+/-)], and an arc length of thirty-one and six tenths feet [31.6' (+/-)], forming an interior angle to the left of one hundred forty degrees forty-six minutes [140° 46' (+/-)] with the last described line, for a distance along the chord of thirty-one and six

tenths feet [31.6' (+/-)] to a point; thence in and through the aforesaid property of the County of Lehigh, grantor herein, the following two courses and distances, VIZ: 1. in a southeasterly direction, forming an interior angle to the left of thirty-nine degrees fourteen minutes [39° 14' (+/-)] with the chord of the last described curve, for a distance of one hundred twenty-one and nine tenths feet [121.9' (+/-)] to a point; 2. in a southeasterly direction, forming an interior angle to the left of one hundred ninety degrees forty-nine minutes [190° 49' (+/-)] with the last described line for a distance of fifty and six tenths feet [50.6' (+/-)] to a point on the aforesaid western right-of-way line of Water Street; thence in a southeasterly direction, along the aforesaid western right-of-way line of Water Street, along the chord of a curve to the left, having a radius of two hundred seventeen and five tenths feet [217.5' (+/-)], a central angle of two degrees twenty minutes [2° 20' (+/-)], and an arc length of eight and nine tenths feet [8.9' (+/-)], forming an interior angle to the left of one hundred thirty-two degree zero minutes [132° 00' (+/-)] with the last described line, for a distance along the chord of eight and nine tenths feet [8.9' (+/-)] to a point, thence in a southeasterly direction, along the aforesaid western right-of-way line of Water Street, forming an interior angle to the left of one hundred seventy-eight degrees forty-nine minutes [178° 49' (+/-)] with the chord of the last described curve, for a distance of fourteen and six tenths [14.6' (+/-)] to the TRUE PLACE OF BEGINNING and forming an interior angle to the left of ninety-one degrees thirty-two minutes [91° 32' (+/-)] with the first described line.

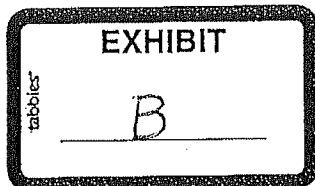
CONTAINING IN AREA: three thousand four hundred eighteen and one tenth square feet [3,418.1 (+/-)] S.F of land.



GRAPHIC SCALE

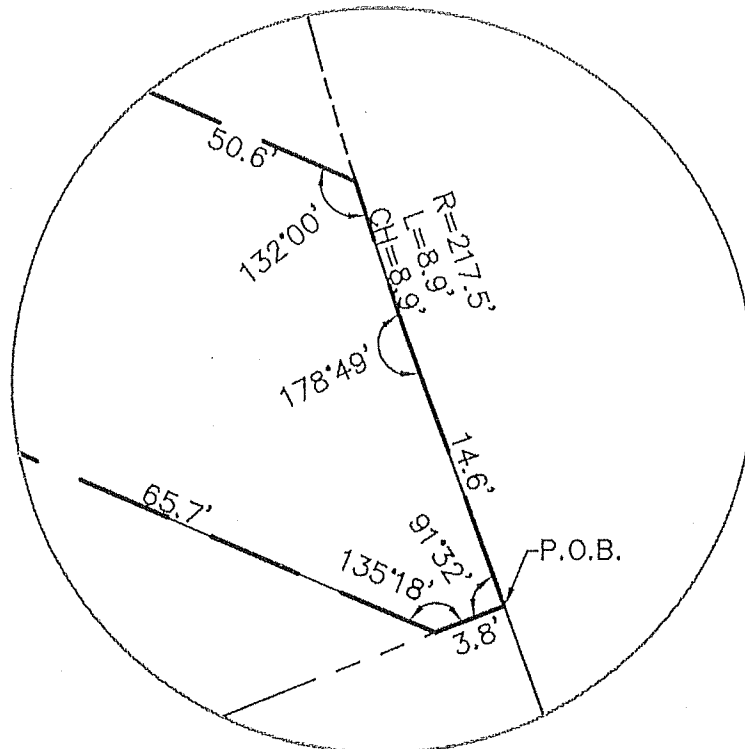


Scale 1"=50'

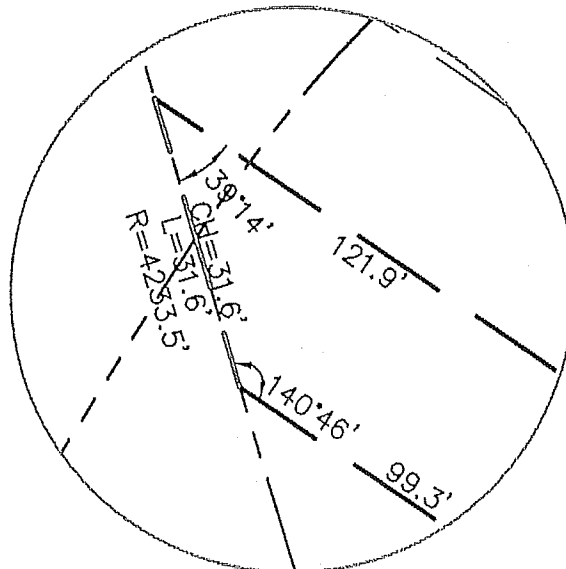


NOTE:  
PROPERTY LINES  
HAVE NOT BEEN  
FIELD VERIFIED.

RELEASED FOR:		COPLAY-WHITEHALL SEWER AUTHORITY LEHIGH COUNTY - PENNSYLVANIA		4-18-12	100192.0022
NOT FOR CONSTRUCTION				DATE	DIGITAL FILENAME
PROJECT MANAGER:		LEHIGH RIVER BRIDGE - SANITARY SEWER RELOCATION		100192.0022	
BASE BY:		REQUIRED EASEMENTS		WORK ORDER NUMBER	
DESIGNED BY:		LEHIGH COUNTY PROPERTY		W.4-01A	
LEHIGH VALLEY 610.849.9700 F. 610.846.9701 READING 610.821.2000 F. 610.821.2001		SSM SSM Group, Inc.		COPYRIGHT 2012 SPOTTS, STEVENS AND MCCOY, INC.	



DETAIL B  
NO SCALE




DETAIL A  
NO SCALE

RELEASED FOR:		COPLAY-WHITEHALL SEWER AUTHORITY		4-18-12		100192.0022	
NOT FOR CONSTRUCTION				DATE		TOTAL PLANS	
PROJECT MANAGER:		LEHIGH COUNTY - PENNSYLVANIA		100192.0022		WORK ORDER NUMBER	
BASE BY:		LEHIGH RIVER BRIDGE - SANITARY SEWER RELOCATION		W.4-01B		DRAWING NUMBER	
DRAWN BY:		REQUIRED EASEMENTS					
DESIGNED BY:		LEHIGH COUNTY PROPERTY					
SSM		COPYRIGHT 2012 SPOTTS, STEVENS AND MCCOY, INC.					
SSM Group, Inc.							

(A) County of Lehigh

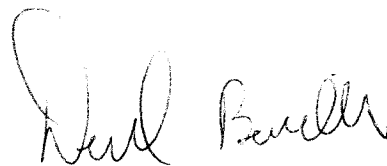
Being the same premises which Dolores M. Heleva, widow, granted and conveyed unto the County of Lehigh, by Deeds dated, February 27, 2012, and recorded in the Office of the Recorder of Deeds, in and for Lehigh County, at Allentown, in Instrument Numbers 2012012767 and 2012012768.

RELEASED FOR:		<b>COPLAY-WHITEHALL SEWER AUTHORITY</b> LEHIGH COUNTY -- PENNSYLVANIA		4-18-12	100192.0022
NOT FOR CONSTRUCTION				DATE	DIGITAL FILENAME
PROJECT MANAGER:		DATE:		100192.0022	
BASE BY:		H.B.:		WORK ORDER NUMBER	
DRAWN BY:		DESIGNED BY:		W.4-01C	
LEHIGH VALLEY 610.849.9700 F. 610.849.9701		 <b>SSM</b> SSM Group, Inc.		LEHIGH RIVER BRIDGE -- SANITARY SEWER RELOCATION	
READING 610.421.2000 F. 610.421.2001				REQUIRED EASEMENTS	
		LEHIGH COUNTY PROPERTY			
		COPYRIGHT 2012 SPOTTS, STEVENS AND MCCOY, INC.		DRAWING NUMBER	

COUNTY OF LEHIGH ORDINANCE 2012 – NO. 118

**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