

APPROVED

First Reading: 06/27/12

Passed 9-0: 07/11/12

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2012-22
SPONSORED BY COMMISSIONER MAZZIOTTI
REQUESTED DATE: JUNE 20, 2012
ORDINANCE NO. 2012-121**

**APPROVING A RIGHT-OF-WAY AGREEMENT WITH VERIZON
PENNSYLVANIA INC., (VERIZON) FOR THE CONSTRUCTION,
OPERATION, MAINTENANCE AND REMOVAL OF COMMUNICATION
LINES IN THE TOWNSHIP OF SALISBURY**

WHEREAS, the County of Lehigh (hereinafter referred to as "the County") is the owner of a certain lot located at 1600-1620 Riverside Drive, Bethlehem, Pennsylvania in the Township of Salisbury, Lehigh County, Pennsylvania (hereinafter referred to as "the Property"); and

WHEREAS, Verizon Pennsylvania Inc., (hereinafter referred to as "Verizon"), desires to obtain a right-of-way from the County for the privilege and authority to construct, reconstruct, operate, maintain and remove its communication facilities; and

WHEREAS, said right-of-way will benefit the County because it will allow the removal from the County's Community Corrections Center of Verizon lines serving a neighboring property; 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 Whereas clauses are incorporated herein by reference and made a part hereof.

2. The County Executive is hereby authorized and empowered to sign a Right-of-Way Agreement in a form substantially the same as the Agreement attached hereto and marked as Exhibit "A".

3. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action 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 Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.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 BY THE LEHIGH COUNTY BOARD OF COMMISSIONERS

on this 11th day of July, 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	
2 Brad Osborne	X	
Scott Ott	X	
Lisa Scheller	X	
Michael Schware	X	

ATTEST: _____

Clerk to the Board of Commissioners

APPROVED this 16th day of July, 2012.

THOMAS S. MULLER
Acting Lehigh County Executive

ENACTED this 16th day of July, 2012.

Prepared by: Lisa Pergine
Return to: Verizon Pennsylvania Inc.
Right of Way Department
1050 Virginia Drive, Flr 3.5
Fort Washington, PA 19034
215-591-6287

PIN 641774450397 1



Building Entrance Facility & Underground

This agreement, made June , 2012, between VERIZON PENNSYLVANIA INC., a Pennsylvania corporation having an address at 1350 Welsh Road, North Wales, PA 19454 ("Verizon") and COUNTY OF LEHIGH having an address of 17 S 7th St, Allentown, PA 18101 (the "Grantor").

SEE EXHIBIT A RW CASE# EN-8011

BUILDING ENTRANCE

WHERE AS it is known that the "Grantor" hereby acknowledged, and received good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound, grant(s) unto said "Verizon", its successors, assigns, lessees and agents, the right, privilege and authority to construct, reconstruct, operate, maintain and remove its entrance facilities to the Rate Demarcation Point (RDP) with associated terminals and other facilities, Hereinafter referred to as "utility facilities", at a mutually agreed upon location, required to provide communication service to proposed buildings located at 1600 RIVERSIDE DR to be known as: n/a, in SALISBURY TOWNSHIP, LEHIGH COUNTY In the Commonwealth of Pennsylvania with the right of access to and from land and said building(s) to construct, maintain, upgrade, replace, operate, repair, and remove said "utilities facilities".

UNDERGROUND

WHERE AS it is known that the "Grantor" hereby grants unto said "Verizon" its successors, assigns, lessees and agents, the right, privilege and authority to construct, reconstruct, and to supplement, operate and maintain communications facilities, including distribution laterals connected to said "utility facilities" consisting of, but not limited to such conduits, innerducts, manholes, handholes, copper cables, fiber cables, wires, loading coil cases, pedestals, terminals, and other appurtenances as "Verizon" may from time to time require on, under, along, and across the lands being located at specified location stated above.

WHERE AS the "Grantor" grants the right of access over said land(s) to construct, maintain, and upgrade said underground facilities (hereinafter referred to as "utility facilities") constructed hereunder with the further right to lease and or convey any part or all of the of the rights hereunder to an electric light, power or other company for the purpose of the transmission and distribution of electric energy or communications signals.

WHERE AS the "Grantor" grants the right, privilege and authority to construct, reconstruct, operate, repair, maintain the "Fiber-To-The-Premises (FTTP) network facilities". Hereinafter referred to as "utility facilities", for the provision of communications services including but not limited to: fiber cables, fiber drops, fiber jumpers, fiber splice enclosures, power supply units, battery backup units, jacks, fiber distribution hubs, fiber distribution terminals, optical network terminals, innerduct, conduits, interconnection devices, interface modules, optical network equipment cabinets and associated communications equipment and facilities.

NOW, THEREFORE, said "utility facilities", shall be installed in a good and workmanlike manner by and at the expense of "Verizon"; but any subsequent relocation or removal of said "utilities facilities" shall be done by "Verizon" at the expense of the "Grantor" unless such relocations or removals are caused by "Verizon".

It is understood that the work shall be performed in a workmanlike manner and that any damage to the premises caused thereby shall be corrected by Verizon and that while constructing, reconstructing, relocating, replacing, operating, repairing, maintaining and removing its facilities Verizon shall save harmless and indemnify the Grantor from injury to its property, its employees or the public which may occur at any time through the negligence of Verizon.

IN WITNESS WHERE OF, I have hereunto set my hand(s) and seal(s) _____

day of June, A.D. 2012.

(Signature line) X _____

(Name Printed) _____

Title: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF _____

SS.:

On the _____ day of _____ in the year 2012 before me, the undersigned, a Notary Public for the Commonwealth of Pennsylvania, personally appeared

(Name)

(Title)

(Company)

the property owner of 1600 RIVERSIDE DR., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he / she/ they executed the same in his / her / their capacity, and that by his / her / their signature(s) on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

verion**RIGHT OF WAY REQUEST FORM**

ROW CASE NO: EN-08011

DATE 4/18/2011

LOCATION: 1600-1620 RIVERSIDE DR

MUNICIPALITY/HUNDRE

SALISBURY TWP.

WIRE CENTER

BETHLEHEM

GLC:

27024

COUNTY: LEHIGH

LOT/BLOCK/UNIT #

TAX PARCEL: 17 01 G10 011 009 A

ENGINEER

PHILLIPS,J 2252

WORK AUTHORITY NUMBER:

9AAB6A5

REASON FOR REQUEST

R/W ISSUES

DATE REQUIRED: 7/20/2012

REQUEST TYPE

CONTACT NAME

TIM BOLLINGER

POLES:

PHONE: 6107823073

ANCHORS:

BURIED CABLE:

BUILDING ENTRANCE:

DEVELOP./LOT PLAN

ANTENNA SITE:

RAILROAD

CEV:

CAB/SAI TYPE

PAD SIZE

CONDUIT: 708 FT QTY 2

OTHER:

PULLOFF REQUIRED ☐LANDSCAPING REQUIRED ☐

COMMENTS/STATUS:

ROW AGENT USE ONLY

GRANTOR

SIGNER

ADDRESS

PHONE:

FAX

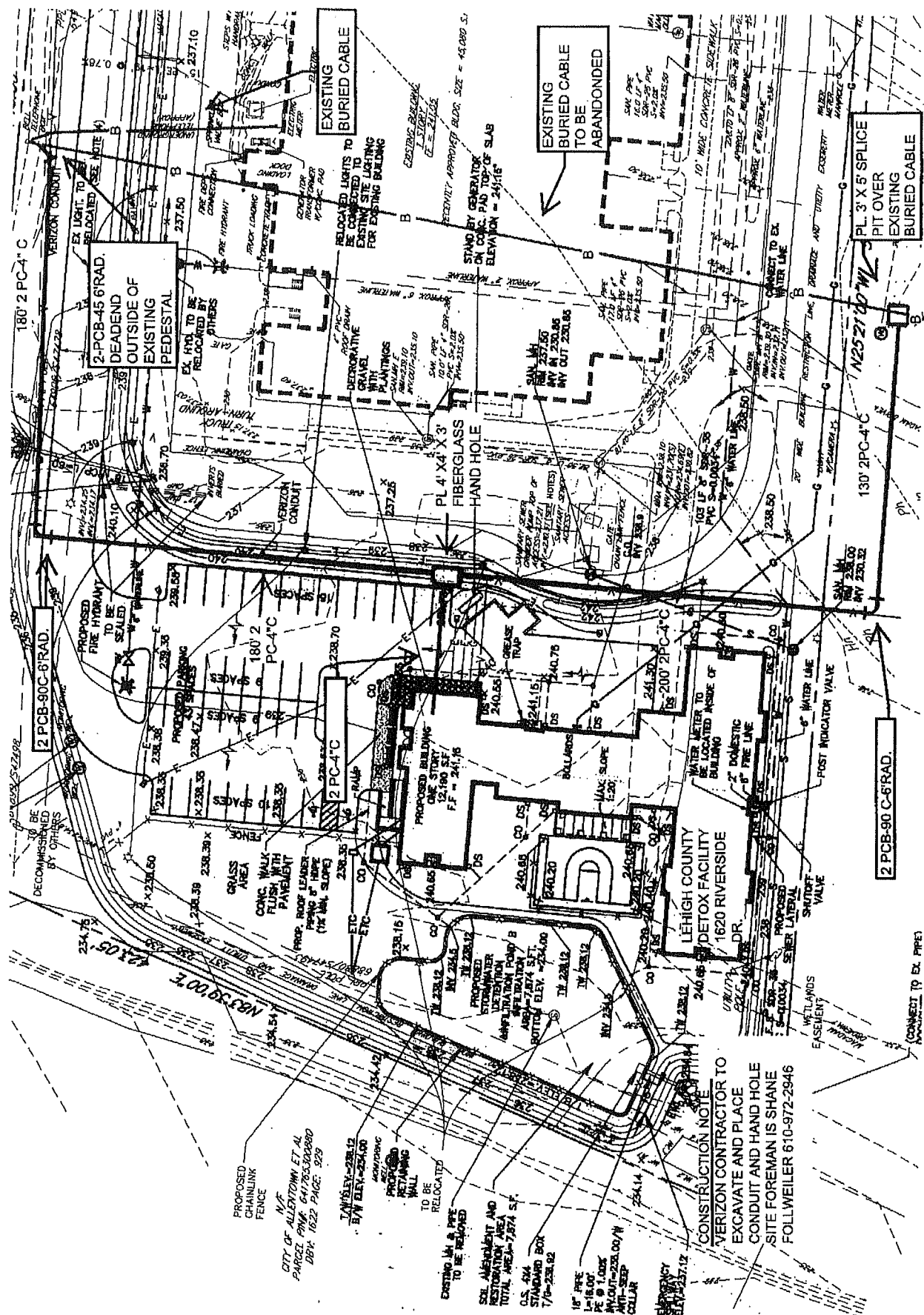
ROW AGENT

COMPENSATION PAID

ROW ACQUIRED DAT

THE CABLE RUNNING UNDER THIS PROPERTY WAS PLACED IN 1969 WHEN THIS AREA MAY HAVE BEEN PART OF A CAMPUS ENVIRONMENT. THE CUSTOMER (LEHIGH COUNTY) IS WILLING TO PROVIDE AN EASEMENT BUT WE NEED TO GET THIS SURVEYED AND PROVIDE SURVEYED PLANS SHOWING THE LOCATION OF THE LINES. THEY ARE BUILDING AN ADDITION TO THE BUILDING AND DISCOVERED THE CONFLICT. THE LINES HAVE BEEN MARKED BY OUR LOCATOR AND CAN BE USED AS A REFERENCE BY THE SURVEYOR TO INDICATE ON THE PLANS. I'M NOT SURE WHO YOU WANT TO USE. LEE HAS USED KIM MOORE IN THE PAST FOR THIS TYPE OF WORK. PLEASE CONTACT PAT KLINE TO ADVISE ON THE STATUS OF THE REQUEST. PatKline@lehighcounty.org--THE CABLE FEEDS 1700 RIVERSIDE DR.--NEW UPDATE 6/5/12--ATTACHED IS THE NEW CONDUIT SKETCH PLACING CONDUIT AROUND THE

ATTACH WORK AUTHORITY AND SUBMIT TO ROW AGENT



COUNTY OF LEHIGH ORDINANCE 2012 – NO. 121

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 11th day of July, 2012, and approved on the 16th day of July, 2012 by the Acting Lehigh County Executive, and effective on the 26th day of July, 2012.

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

DAVID BARILLA, Clerk
Board of Commissioners