

APPROVED

First Reading: 01/12/11

Passed 8-0: 02/09/11

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2011-03
SPONSORED BY COMMISSIONER HANSELL
REQUESTED DATE: JANUARY 3, 2011
ORDINANCE NO. 2011-106**

**APPROVING A LICENSE AGREEMENT WITH THE BOROUGH OF
SLATINGTON TO PLACE A SIGN ON COUNTY TRAILHEAD PROPERTY
LOCATED IN THE BOROUGH OF SLATINGTON**

WHEREAS, the County of Lehigh ("County") is the owner of the Trailhead formerly comprised of the main line of the Lehigh Valley Railroad and which ran to the north and south of Main Street in the Borough of Slatington; and

WHEREAS, the Borough of Slatington and the Northern Lehigh Community Service Coalition, Inc., a nonprofit organization, have approached the County with a proposal for the placing of a "Welcome to Slatington" lighted sign on said property; and

WHEREAS, the placement of said sign will be an improvement to the trailhead; and

WHEREAS, the County has approved a license agreement with Northern Lehigh Community Service Coalition, Inc., per Ordinance 2010- No.184, dated September 13, 2010; and

WHEREAS, the Borough of Slatington and the Northern Lehigh Community Service Coalition, Inc., have requested that said agreement be voided and that a substantially similar agreement with the Borough of Slatington be approved; and

WHEREAS, Section 811 of the Administrative Code requires that all

agreements conveying an interest in County property shall be subject to approval through the Ordinance process.

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

1. The above recitals are incorporated herein by reference and made a part hereof.
2. The proposed License Agreement with the Borough of Slatington, marked as Exhibit "A" attached hereto and made a part hereof by this reference is hereby approved.
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 Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance. Specifically, Ordinance 2010-No. 184 is hereby repealed.
6. This Ordinance shall become effective in ten (10) days after enactment.

ADOPTED this 9th day of February, 2011, by the following vote:

Commissioners

AYE

NAY

Dean N. Browning	X
Thomas C. Creighton, III	X
Percy H. Dougherty (absent)	
Glenn Eckhart	X
Gloria L. Hamm	X
William H. Hansell	X
David S. Jones, Sr.	X
Daniel K. McCarthy	X
Andy Roman	X

ATTEST:

Deirdre Bevelly
Clerk to The Board of Commissioners

APPROVED this 16th day of February, 2011.


Donald T. Cunningham, Jr.
Lehigh County Executive

ENACTED this 16th day of February, 2011.

COUNTY OF LEHIGH ORDINANCE 2011 – NO. 106

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 9th day of February, 2011, and approved on the 16th day of February, 2011 by the Lehigh County Executive, and effective on the 26th day of February, 2011.



David Barilla

DAVID BARILLA, Clerk
Board of Commissioners

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2011-03
SPONSORED BY COMMISSIONER HANSELL
REQUESTED DATE: JANUARY 3, 2011
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agreements conveying an interest in County property shall be subject to approval through the Ordinance process.

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

1. The above recitals are incorporated herein by reference and made a part hereof.
2. The proposed License Agreement with the Borough of Slatington, marked as Exhibit "A" attached hereto and made a part hereof by this reference is hereby approved.
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.
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6. This Ordinance shall become effective in ten (10) days after enactment.

ADOPTED this _____ day of _____, 2011, by the following vote:

Commissioners

AYE

NAY

Dean N. Browning
Thomas C. Creighton, III
Percy H. Dougherty
Glenn Eckhart
Gloria L. Hamm
William H. Hansell
David S. Jones, Sr.
Daniel K. McCarthy
Andy Roman

ATTEST: _____
Clerk to The Board of Commissioners

APPROVED this _____ day of _____, 2011.

Donald T. Cunningham, Jr.
Lehigh County Executive

ENACTED this _____ day of _____, 2011.

License Agreement

This license agreement dated the _____ day of _____, 2010 is by and between

COUNTY OF LEHIGH., a county form of government organized and existing under the laws of the Commonwealth of Pennsylvania which maintains its principal place of business at 17 S. 7th Street, Allentown, Lehigh County, PA 18101 (owner),

and

BOROUGH OF SLATINGTON, a borough form of government organized and existing under the laws of the Commonwealth of Pennsylvania which maintains its principal administrative offices at 125 S. Walnut Street, Slatington, Lehigh County, Pennsylvania Lehigh.

WITNESSETH:

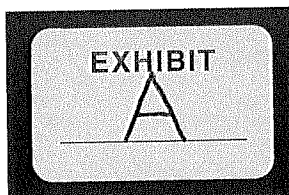
WHEREAS, owner is the record owner of land which formerly comprised the main line of the Lehigh Valley Railroad and which ran to the north and south of Main Street, Slatington, Lehigh County, PA, and which land is more particularly described in the deed dated July 26, 2002 and record as Document Number 7050945 in the Office of Recorder of Deeds of Lehigh County, Pennsylvania, and known as tax parcel identification number (PIN) 556233416231-1 (old parcel number 18-03-B07SW1A-0020-002) in the property assessment records of Lehigh County, Pennsylvania (subject property);

WHEREAS, owner is willing to allow a lighted sign bearing the words "Welcome To Slatington" and reasonable complimentary embellishments and/or descriptive words associated therewith placed on the property at the behest and sole cost and expense of occupant, provided the following the terms and conditions hereinafter enumerated are met.

NOW THEREFORE, for the sum of One and 00/100 Dollar (\$1.00), the mutual covenants and agreements hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound hereby, agree as follows:

1. Occupant and its appropriate licensed agents is/are hereby granted permission to install and maintain on the subject property, provided there is no cost or expense to owner, the following:

- (a) a lighted sign not to exceed eighty (80) square feet in size bearing the words "Welcome To Slatington" and reasonable complimentary embellishments and/or descriptive words associated therewith placed at the location specifically described as "Proposed Sign/Landscaping Bed" in Exhibit A attached hereto; and



- (b) all electrical cables, improvements and electricity necessary and/or incidental to provide electrical service to the sign which welcomes all vehicular and pedestrian traffic to the Borough of Slatington, provided such installation is conducted in accordance with all laws, ordinances, rules, regulations, policies, and directives promulgated by all legal authority property having jurisdiction in connection therewith, and in accordance with the best management practices of the public utility serving said subject property.

2. In exchange, occupant shall and hereby does agree to indemnify and hold harmless owner and its employees from and against all claims, demands, costs, losses, and/or damage, including payment of reasonable attorneys fees, on account of any injury or property damage either, any, or all of them may suffer which is attributable to the lights and lighting placed on the property by occupant, including claims asserted against owner by agents of occupant and any operator of any motor vehicle whose vision shall have been temporarily impaired by the lighting installed by occupant and which impairment was a significant factor in causing personal injury or property damage. In addition, occupant shall be responsible for repairing and/or restoring any fixtures and the subject property owned by owner located on the subject property, provided such fixtures and/or property were damaged by work performed by agents of occupant during the course of installing, maintaining, and/or removing the Welcome to Slatington sign, light fixtures, and lighting.

3. Owner shall not utilize or disturb the electrical cables, improvements and electricity serving the said sign, nor inhibit occupant or its appropriate licensed agents from entering the subject property for the purpose of installing, maintaining or inspecting such sign and related electrical improvements, or tolerate any others who might do so.

4. This Agreement shall become effective on the date this Agreement is signed by the last party to do so.

5. The failure of a party hereto to insist upon strict performance of this Agreement or of any of the terms or conditions hereof shall not be construed as a waiver of any of its rights under, or for a more favorable interpretation of, this Agreement.

6. This Agreement shall bind and inure to the benefit of the parties hereto and their respective successors and assigns.

7. This Agreement shall be construed according to, be subject to and be governed by the laws of the Commonwealth of Pennsylvania. Any and all disputes concerning the parties' obligations hereunder shall only be heard in the Court of Common Pleas of Lehigh County, Pennsylvania, subject to any rights of appeal therefrom.

8. This Agreement shall not be recorded by any party hereto. The recording of the Agreement shall not be a prerequisite to the commencement of any proceeding under this Agreement.

9. Either party may terminate this agreement upon 3 months written notice to the other, which notice shall be sent to the addresses set forth in this agreement. Such notice will not affect any claim asserted prior to the end of the 3 month notice period. In the event this agreement is terminated, occupant shall terminate electrical service to such sign and remove all improvements associated with the provision of electrical service to such sign. In no case, however, shall occupant be required to remove any underground electrical lines which have been previously laid by the electrical utility provider serving the subject property.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers and their respective seals to be hereunto affixed.

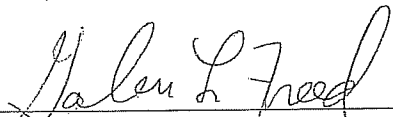
ATTEST:

COUNTY OF LEHIGH

Secretary

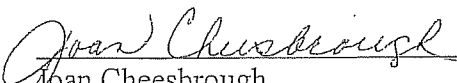
By: _____
Donald T. Cunningham, Jr.
County Executive

BOROUGH OF SLATINGTON,
Lehigh County



Galen L. Freed, Council President

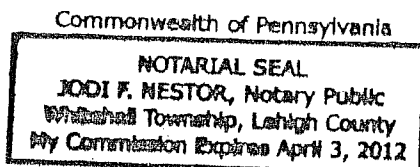
ATTEST:

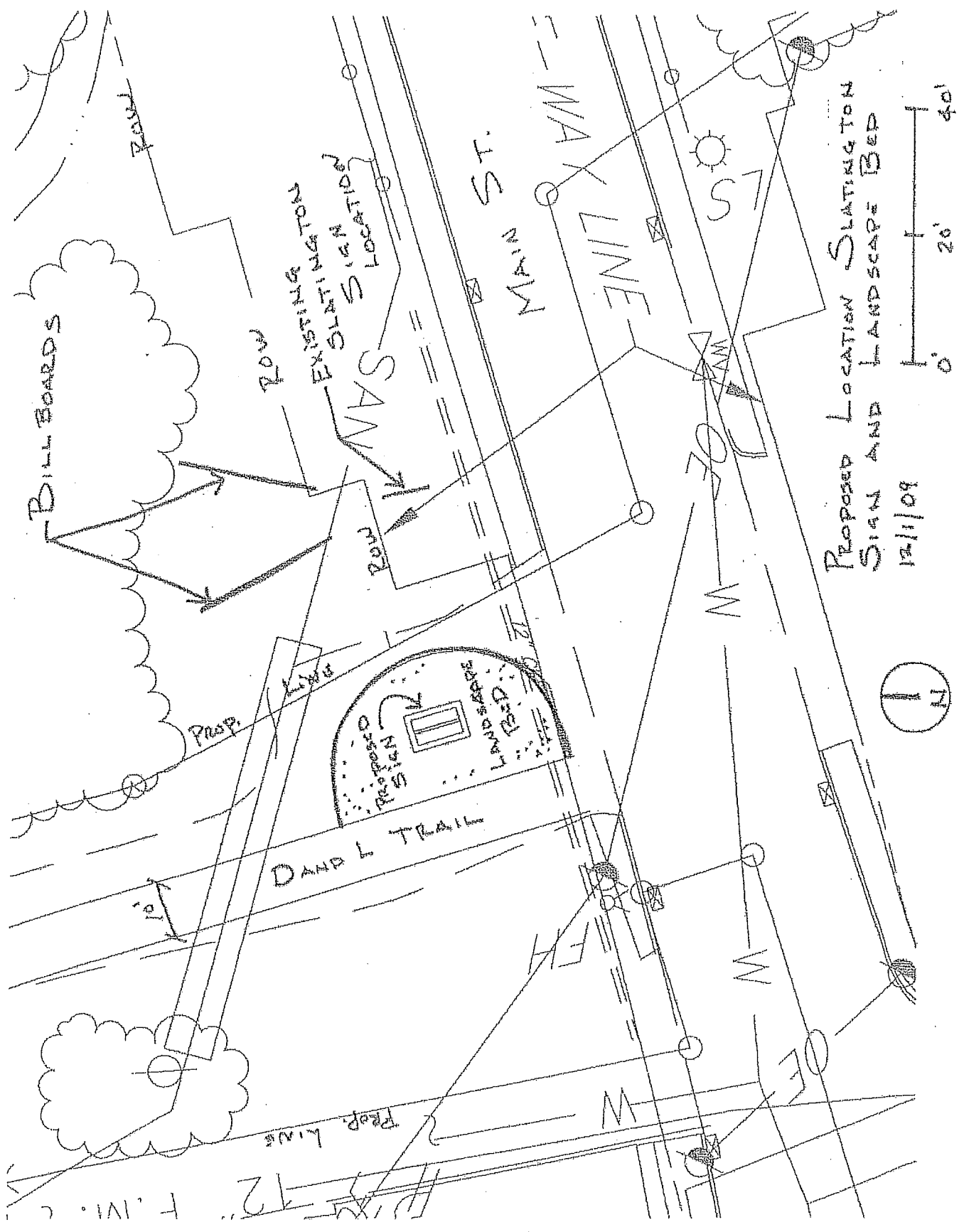

Joan Cheesbrough
Assistant Borough Treasurer

Approved, this 27 day of Oct, 2010.

SS:

SS:





PROPOSED LOCATION STATION
SIGN AND LANDSCAPE BED
12/11/09

