

APPROVED

First Reading: 01/12/11

Passed 8-0: 02/09/11

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2011-04
SPONSORED BY COMMISSIONER HANSELL
REQUESTED DATE: DECEMBER 28, 2010
ORDINANCE NO. 2011-107**

**APPROVING A RIGHT OF WAY AGREEMENT WITH PPL FOR THE
CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC AND
COMMUNICATION LINES IN THE TOWNSHIP OF NORTH WHITEHALL**

WHEREAS, the County of Lehigh (hereinafter referred to as "the County") is the owner of a certain lot located along Game Preserve Road in the Township of North Whitehall, Lehigh County, Pennsylvania (hereinafter referred to as "the Property"); and

WHEREAS, PPL Electric Utilities Corporation desires to obtain a right-of-way from the County for the privilege and authority to construct, reconstruct, operate and maintain its electric and communication lines consisting of five (5) poles and overhead facilities to replace existing overhead electric lines on the 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 recitals are incorporated herein by reference and made a part hereof.

2. The County Executive is hereby authorized and empowered to sign the Right-of-Way 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, 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 Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.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 9th day of February, 2011 by the following vote:

<u>Commissioners</u>	<u>AYE</u>	<u>NAY</u>
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:

Daniel Bevel
Clerk to The Board of Commissioners

APPROVED this 16th day of February, 2011.

Donald T. Cunningham, Jr.
County Executive

ENACTED this 16th day of February, 2011.

2. The County Executive is hereby authorized and empowered to sign the Right-of-Way 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, 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.

Prepared by: PPL Electric Utilities
Return to: PPL Electric Utilities
1047 North Plymouth St.
Allentown, PA 18109-8838
Attn: Alfred L. Birt
(610)782-5814

PIN: 545889595575 1

Form 4337 (2/2002)

W.R. Number:					
5	6	5	0	5	1

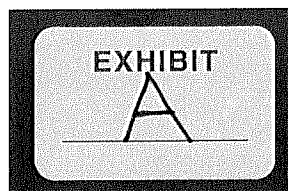


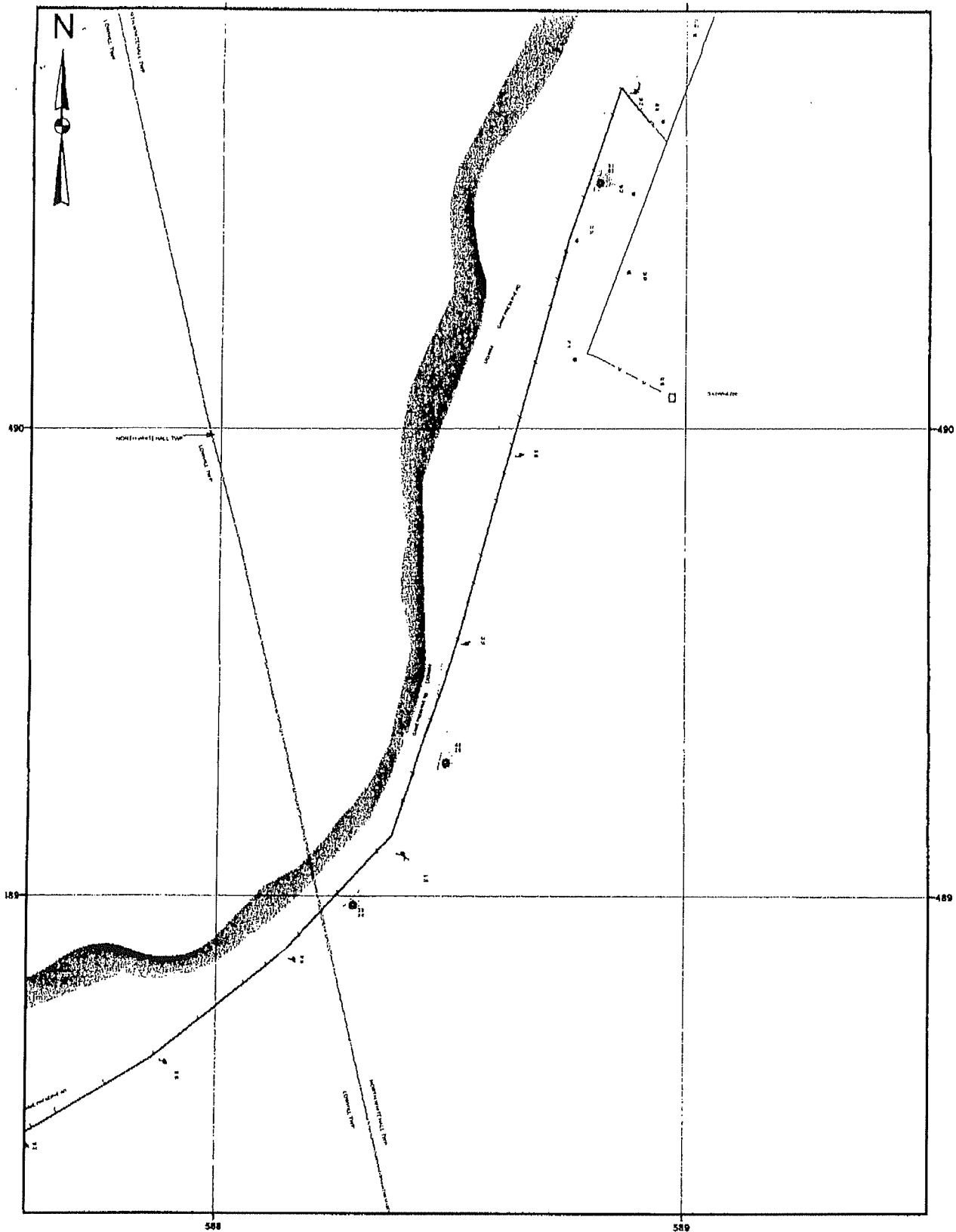
RIGHT-OF-WAY AGREEMENT

Corporation

KNOW ALL MEN BY THESE PRESENTS, That the County of Lehigh, a corporation of Pennsylvania hereinafter called "GRANTOR", intending to be legally bound, does hereby for itself and its successors and assigns grant unto PPL ELECTRIC UTILITIES CORPORATION, hereinafter referred to as "PPL", its successors, assigns and lessees, the right, privilege and authority to construct, reconstruct, operate and maintain its electric and communication lines consisting of five (5) poles and overhead facilities as shown on plan hereto attached and made a part hereof including, wires, cables, fixtures and apparatus upon, across, over, under and along the property which said Grantor owns or in which it has any interest located along Game Preserve Road, situate in the Township of North Whitehall, County of Lehigh, Commonwealth of Pennsylvania; and along the public highways adjoining the said property, including the right of ingress and egress to and from the said lines for any of the aforesaid purposes; also the right to cut down any and all trees within twenty-five (25) feet each side of centerline of the electric/communication line and the right to trim any and all trees within twenty-five (25) feet each side of centerline of the electric/communication line and to remove brush along said lines which in the judgment of said PPL menace the said lines; and also the right to permit the attachment of wires and cables of any other person or company to said poles. The said PPL, its successors and assigns shall not be limited in its or their enjoyment of the rights hereby granted as may be first constructed, but shall have at all times in the future the right to construct, operate and maintain and from time to time to reconstruct electric/communication wires, cables, fixtures and apparatus upon, across, over, under and along subject property. Any poles or facilities erected hereunder along a highway, whether within or outside the highway limits, may be relocated to conform to new or relocated highway limits.

A copy of this agreement and an acceptance hereof by PPL shall be filed by PPL with the Pennsylvania Public Utility Commission, and this agreement shall thereafter become effective in accordance with the provisions of the Public Utility Law.





Legend

- | | |
|---------------------|----------------------------|
| Anchor Guy, Replace | ▽ OH Transformer, Existing |
| ○ Pole, Proposed | ✕ OH Transformer, Remove |
| • Pole, Existing | — Overhead Wires, Existing |
| ⚡ Pole, Replace | — Overhead Wires, Replace |

Not for Construction

WG: 288641	PLAN SHOWING FACILITIES ON PROPERTY OF:	
WR: 565051		
S.R.:		
SCALE: NONE	NORTH WATERHALL TWP LEHIGH COUNTY	
PPL Electric Utilities Corporation ALLENTOWN, PENNA.		
DATE: 10/25/2010	APPROVAL:	DATE
ENGR.: Allen, Gregory D	SIGNATURE:	
		DWG NO.: 1

1
2



Legend

Anchor Guy

- Anchor Guy, Replace
- Anchor Guy, Existing
- Non-PPL Pole, Existing
- Pole, Proposed
- Pole, Existing
- Pole, Replace
- OH Transformer, Existing
- Overhead Wires, Existing
- Overhead Wires, Replace


Not for Construction

W.O.: 288641	PLAN SHOWING FACILITIES ON PROPERTY OF: NORTH WHITEHALL TWP. LEHIGH COUNTY PPL Electric Utilities Corporation ALLENTOWN, PENNA.	
W.R.: 565051		
S.R.:		
SCALE: NONE	APPROVAL:	DATE:
DATE: 10/25/2010	SIGNATURE:	
ENGR.: Allen, Gregory D	DWG. NO. 2	

1
2

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, Clerk
Board of Commissioners