

**RESOLUTION NO. 2 OF 2017**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH  
OF PLYMOUTH, LUZERNE COUNTY, PENNSYLVANIA, GRANTING A PUBLIC  
UTILITY RIGHT-OF-WAY IN A PORTION OF BOROUGH LAND TO UGI PENN  
NATURAL GAS, INC.**

**WHEREAS**, UGI Penn Natural Gas, Inc. received a request to provide natural gas service to 61 East Main Strret, Plymouth. Pa.;

**WHEREAS**, the in order to install the service pipeline and meters for said service, it needs to install the same on the edge of the borough's parking lot property at #47 East Main Street, and therefore, UGI seeks and needs a right-of-way on the premises described in the documents attached hereto;

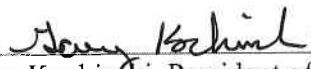
**WHEREAS**, the land involved in the right-of-way has a value of less than \$1500.00 and thus can be transferred under section 1201.1 of the Borough Code without advertisement and bidding;

**NOW, THEREFORE, BE IT RESOLVED AND ADOPTED** by the Borough Council of Plymouth, that the Borough herby approves the granting of a Public Utility Right-of-Way to UGI Penn Natural Gas, Inc. as specifically described in the attached Public Utility Right-of-Way Grant and accompanying drawings. The Council further approves Gary Kochinski, President of Council to execute the Public Utility Right-of-Way Grant on behalf of the Borough and the Borough Secretary to attest to his signature.

Adopted at a Regular meeting of the Borough Council of the Borough of Plymouth, Luzerne County, Pennsylvania, held on this 11<sup>th</sup> day, of April, 2017.

**BOROUGH OF PLYMOUTH:**

ATTEST:

  
\_\_\_\_\_  
Gary Kochinski, President of Council

  
\_\_\_\_\_  
Holly Spece, Secretary  
[Seal]

Prepared by and Return To:  
UGI Utilities, Inc.

Attn:  
Frank Mizdail  
UGI PNG  
One UGI Center  
Wilkes-Barre, PA 18701-0601  
570-829-8784

PIN: 48-H8SE4-040-018

## ***PUBLIC UTILITY RIGHT-OF-WAY GRANT***

KNOW ALL MEN BY THESE PRESENTS, THAT **BOROUGH OF PLYMOUTH, a Pennsylvania Municipality**, hereinafter **GRANTOR**, in consideration of the sum of One (\$1.00) Dollar to it paid at the date hereof by **UGI Penn Natural Gas, Inc.**, a Pennsylvania Corporation having a place of business in Wilkes-Barre, (hereinafter **COMPANY**), the receipt whereof is whereby acknowledged, does hereby for itself, its successors, and assigns, irrevocably grant and convey unto the said **COMPANY**, its successors, assigns and lessees, the right to construct, operate, maintain and repair, and from time to time to reconstruct, replace and renew a gas pipeline and/or pipelines, including pipes, service laterals, fixtures and apparatus in, upon, over, under and along a portion of the property it owns or in which it have an interest in the Borough of Plymouth, County of Luzerne, Commonwealth of Pennsylvania, bounded and described as follows: In Deed to GRANTOR from Stanley Fainberg and Jeanne F. Fainberg, his wife, dated October 31<sup>st</sup>, 2012 and recorded in The Luzerne County Recorder of Deeds Office as Record Book 3012 Page 197370.

It is the intent of this instrument to grant a permanent easement and right-of-way for the gas pipeline substantially as shown on the plan attached hereto and made a part hereof, and also in, upon, over and along the roads, streets and highways adjoining the said property, including the right of ingress, egress and regress to and from the said gas pipeline and/or pipelines over and across the said property at all times for any of the purposes aforesaid. It is understood and agreed that no buildings or permanent structures are to be built within five (5) feet of the gas pipeline and/or pipelines, and that the cover material over, under and around said gas pipeline and/or pipelines shall not be removed, re-graded, replaced, covered, added to in depth or elevation, or disturbed in any manner by the **GRANTOR**, its successors or assigns, without the express

written permission of **COMPANY. GRANTOR**, its successors and assigns, shall indemnify, defend and hold harmless **COMPANY** for any damages and/or injury resulting or arising from **GRANTOR** changing the grade of the designated right-of-way areas.

**GRANTOR** represents and warrants that, to the best of its knowledge, as of the date on which this Agreement is executed by **GRANTOR**, the property complies in all material respects with any applicable federal or state environmental laws and regulations, and that **GRANTOR** has not (and has no knowledge of any other person or entity which has) caused any production, use, release, threatened release, or disposal of any hazardous materials at the property in any material quantity, and that the **GRANTOR** has no notice or knowledge of any actual, pending, or threatened environmental claims against the property.

**COMPANY**, by its acceptance of this easement and in future consideration thereof, releases and hold harmless the said **GRANTOR**, and assigns, from and assumes all responsibility and liability for any and all damages and/or injury and all claims therefor which may occur to any persons and/or property as a result of or in connection with the laying, construction, maintenance, operation or use of said gas pipeline or lines, apparatus and fixtures, provided such damages and/or injury are a direct result of a negligent act or omission of **COMPANY**, its agents, contractors, or employees.

**P.I.N.: 48 - H8 SE4 - 040 - 018**

IN WITNESS WHEREOF, the said **BOROUGH OF PLYMOUTH** has caused this instrument to be executed by affixing hereto its common and corporate seal and duly attested by the signature of its proper officer, this 12 day of April, A.D., 2017.

ATTEST:

**BOROUGH OF PLYMOUTH**

BY: Holly Spece

HOLLY SPECE  
Secretary of Council

BY: Gary Kochinski

GARY KOCHINSKI  
President of Council

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COMMONWEALTH OF PENNSYLVANIA )

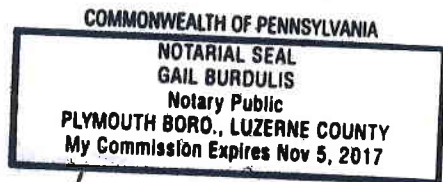
) §§:

COUNTY OF LUZERNE )

On this 12 day of April, A.D., 2017, before me, the undersigned officer personally appeared GARY KOCHINSKI, who acknowledged himself to be the President of **BOROUGH OF PLYMOUTH Council** and that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes contained, by signing the name of the corporation by himself as President.

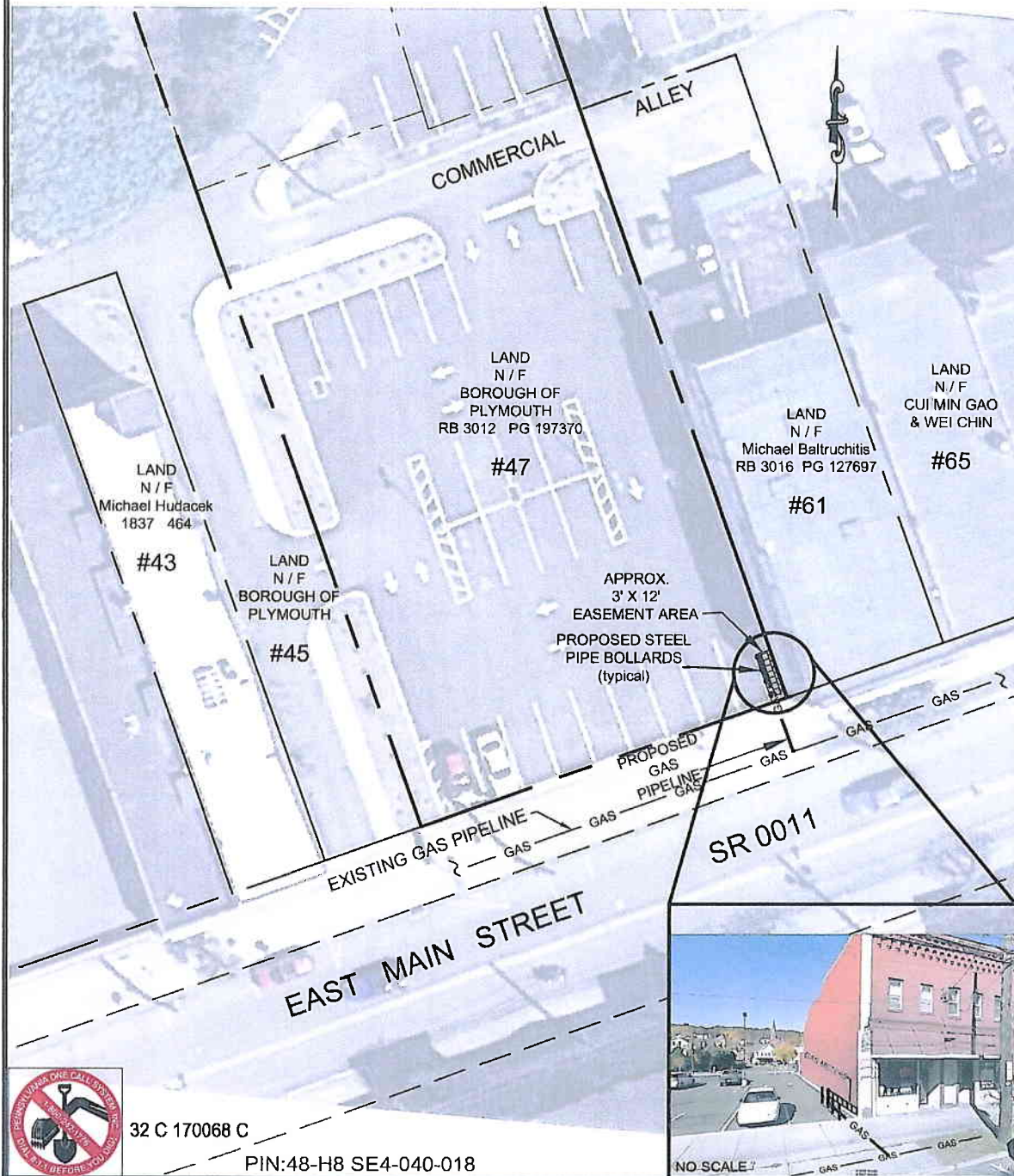
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Garry Kochinski



Gail Burdulis  
April 12, 2017

No.	Revision	Date/By
	Added Bollards on Plan with Note	4-6-2017 / FM



PLAN SHOWING PROPOSED GAS PIPELINE ON LANDS OF  
BOROUGH OF PLYMOUTH TO SERVE # 61 EAST MAIN STREET  
PLYMOUTH BOROUGH, LUZERNE CO.,PA

Drwn. By: F. Mizdail	Scale: 1" = 30'	Sheet: 1 of 1	Drwg. No. RE - 4 - 7451 - A/L
Trcd. By:	Date: Feb. 17, 2017		



No.	Revision	Date/By
	Added Bollards on Plan with Note	4-6-2017 / FM



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PLAN SHOWING PROPOSED GAS METERS AND PIPELINE ON LANDS OF  
BOROUGH OF PLYMOUTH TO SERVE 61 EAST MAIN STREET  
PLYMOUTH BOROUGH, LUZERNE CO.,PA

Drwn. By: F. Mizdail	Scale: none	Sheet: 2 of 2	Drwg. No. RE - 4 - 7451 - A/L
Trcd. By:	Date: Feb. 17, 2017		