

**Legal Department**

Exelon Business Services Company  
2301 Market Street/S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Telephone 215.841.4000  
Fax 215.568.3389  
www.exeloncorp.com

John C. Halderman  
Associate General Counsel  
Direct Dial: 215-841-4263  
Direct Fax: 215-841-4474  
[john.halderman@exeloncorp.com](mailto:john.halderman@exeloncorp.com)

January 18, 2011

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

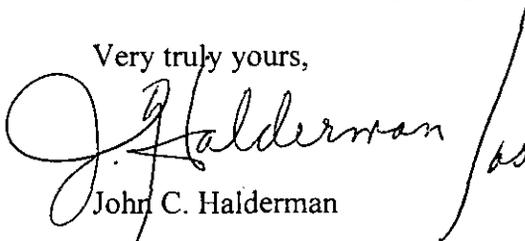
RE: Widening of Lewis Road, Limerick Township, Montgomery County

Dear Mr. McNulty:

Enclosed for filing and approval pursuant to §507 of the Public Utility Code are two copies of a Letter Agreement, a Drainage Easement and two Deeds in Lieu of Condemnation and a copy of the Resolution by Limerick Township regarding the above-referenced matter.

Kindly advise me of the Commission's approval thereof. Enclosed for your convenience is a self-addressed U.S. postage paid envelope.

Very truly yours,



John C. Halderman

JCH/as  
enclosures

cc: Suzanne Lydzinski

RECEIVED  
2011 JAN 21 AM 10:04  
PA.P.U.C.  
SECRETARY'S BUREAU



PECO Energy Company  
Real Estate & Facilities

Telephone 215 841 5385  
Fax 215 841 5419  
www.exeloncorp.com  
www.exeloncorp.com

2301 Market Street N3-3  
Philadelphia, PA 19103

December 16, 2010

Mr. Daniel Kerr  
Limerick Township Manager  
646 West Ridge Pike  
Limerick, PA 19468

Re: Sale in Lieu of Condemnation  
Lewis Road & D&L Drive  
Limerick, PA  
PE 5011-2; 5248-1; 5247-1

RECEIVED  
2011 JAN 21 AM 10:05  
PA P.U.C.  
SECRETARY'S BUREAU

Dear Mr. Kerr:

This letter represents an agreement (the "Agreement") for PECO Energy Company (the "Company") to sell in lieu of condemnation to Limerick Township (the "Township"), for road widening purposes (the "Work"), two strips of land located on both sides of Lewis Road, Limerick Township containing a total area of 0.1883 acres as shown on the Plans attached hereto as Exhibit A. Also included is a Drainage Easement on the Northwest side of Lewis Road containing 0.0185 acres shown on the Plan attached as Exhibit B and temporary construction easements on both sides of Lewis Road as shown on attached Plans as Exhibit C and C-1 respectively (the "Property").

The consideration for the sale in lieu of condemnation is Twenty Thousand Two Hundred Fifty (\$20,250.00) Dollars. This amount was based upon an Appraisal dated July 30, 2010 prepared by Michael J. Barth Company on behalf of the Company. A PUC 507 Filing will be required for the Deed.

The Township agrees that the Work done on the Property is under and subject to the following:

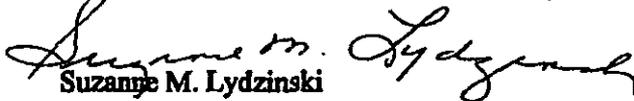
1. The underground gas facilities are properly located and marked prior to any excavations along Lewis Road or D&L Drive.
2. A PA One Call is done to locate all underground existing PECO lines.
3. The Township will pay the cost of relocation (if needed) of existing aerial or underground circuits.
4. Company will have right of way access and will be reimbursed for any facilities in the existing right of way that must be relocated.
5. If Township elects not to have an environmental site assessment done and the Property is later found to contain environmental conditions, whether or not

Company has also conducted an environmental site assessment, then Township agrees to indemnify and hold harmless the Company, its officers, agents and employees from and against any and all claims, actions, demands, damages, costs and expenses (including, without limitation, including reasonable attorneys' fees) caused by or arising from the presence of such environmental conditions.

6. Insofar as the construction easements, Township must comply with all Federal, State and local environmental regulations during construction and for the duration of the temporary construction easements. This includes but is not limited to appropriate erosion and sedimentation control permits and plans, clean up of all hydraulic or oil spills from equipment or otherwise.
7. Insofar as the drainage easement, Township must comply with all Federal, State and local environmental regulations for the duration of the structures being in place. This includes but is not limited to erosion and sedimentation control permits and plans and continuing upkeep of the structures to keep them flowing and to not create an adverse impact to Company's or neighboring property.
8. The Work on the Property is to be done in compliance with PECO Energy Electric Construction Standards S-7070 S-7074 and Surge Basin Guidelines, a copy of which is attached.

Any questions in this matter, please do not hesitate to contact me at (215) 841-5379. Please acknowledge the Township's agreement by signing a copy of this letter and returning to my attention.

Very truly yours,

  
Suzanne M. Lydzinski  
Sr. Real Estate Representative

Attachments

**AGREED: LIMERICK TOWNSHIP**

By:  Date: 12/21/10  
Name: KENNETH A. PERRIN, JR.  
Title: CHAIRMAN







- DRAINAGE EASEMENT  
 AREA A = 805.09 SQ FT  
 (0.0185 ACRES)

| DISTRICT          | COUNTY     | ROUTE | SECTION | SHEET   |
|-------------------|------------|-------|---------|---------|
| 6-0               | MONTGOMERY | 4022  |         | 1 OF 1  |
| LIMERICK TOWNSHIP |            |       |         |         |
| REVISIONS         |            |       |         | DATE BY |
|                   |            |       |         |         |
|                   |            |       |         |         |

REQUIRED  
RIGHT-OF-WAY

LANDS NOW OR FORMERLY  
OF PHILADELPHIA  
ELECTRIC COMPANY  
\*\* BLOCK 35 LOT 1

D&L DRIVE

PROPOSED  
DRAINAGE  
EASEMENT

\*\* BLOCK 35 LOT 18  
PECO RIGHT OF WAY

TEMPORARY CONSTRUCTION  
EASEMENT

LEGAL RIGHT-OF-WAY LINE

131

132

133

LEWIS ROAD (SR 4022)

POSTED SPEED LIMIT 45 MPH

LEGAL RIGHT-OF-WAY LINE

LANDS NOW OR FORMERLY OF  
TELEFLEX INC  
640 LEWIS ROAD  
DEED BOOK 4980 PAGE 664  
BLOCK 45 LOT 2

LANDS NOW OR FORMERLY  
OF PECO ENERGY  
PECO RIGHT-OF-WAY  
BLOCK 45 LOT 12

REQUIRED RIGHT-OF-WAY TO BE  
DEEDED TO THE COMMONWEALTH

25' 0' 25' 50'

SCALE IN FEET

EXHIBIT "B"

**TRAFFIC PLANNING AND DESIGN, INC.**

LEHIGH VALLEY SOUTH ENERGY

DATE: 08/20/08 PROJECT: LIMERICK TOWNSHIP

SHEET "B" - PHILADELPHIA DISTRICT OFFICE - DRAINAGE EASEMENT

ALL INFORMATION IS BASED ON RECORDS AND FIELD SURVEY. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF TRAFFIC PLANNING AND DESIGN, INC.



TEMPORARY CONSTRUCTION EASEMENT  
 AREA A = 886.57 SQ FT  
 (0.0204 ACRES)

| DISTRICT          | COUNTY     | ROUTE | SECTION | SHEET  |    |
|-------------------|------------|-------|---------|--------|----|
| 6-0               | MONTGOMERY | 4022  |         | 1 OF 1 |    |
| LIMERICK TOWNSHIP |            |       |         |        |    |
| REVISIONS         |            |       |         | DATE   | BY |
|                   |            |       |         |        |    |

PROPOSED DRAINAGE EASEMENT

LANDS NOW OR FORMERLY OF PHILADELPHIA ELECTRIC COMPANY  
 \*\* BLOCK 35 LOT 1

AREA A

TEMPORARY CONSTRUCTION EASEMENT

\*\* BLOCK 35 LOT 15  
 PECO RIGHT OF WAY

D&L DRIVE

LEGAL RIGHT-OF-WAY LINE

132

+34.98  
 19.2'

133

LEWIS ROAD (SR 4022)

POSTED SPEED LIMIT 45 MPH

LEGAL RIGHT-OF-WAY LINE

LANDS NOW OR FORMERLY OF PECO ENERGY  
 PECO RIGHT-OF-WAY  
 BLOCK 45 LOT 12

REQUIRED RIGHT-OF-WAY TO BE DEEDED TO THE COMMONWEALTH

LANDS NOW OR FORMERLY OF TELEFLEX INC  
 640 LEWIS ROAD  
 DEED BOOK 4980 PAGE 664  
 BLOCK 45 LOT 2

TELEFLEX DRIVE #3

25' 0' 25' 50'

SCALE IN FEET

EXHIBIT 'c'

TRAFFIC PLANNING AND DESIGN, INC

POTTSDOWN (301) 350-3100

LEWIS VALLEY (301) 350-4242

HARRISBURG (717) 727-9300

SOUTH JERSEY (856) 980-4242

WWW.TRAFFICPLAN.COM

DATE: 08/23/03 PROJECT NUMBER: 03-0133 JOB NO: LMT.B.0004

EXHIBIT 'c' - PHILADELPHIA ELECTRIC COMPANY - CONSTRUCTION EASEMENT

TRAFFIC PLAN FOR THE PROPOSED CONSTRUCTION EASEMENT AND LEGAL RIGHT-OF-WAY LINE TO THE COMMONWEALTH OF PENNSYLVANIA

P.L. ENGINEERS, Inc. 4000 W. Lehigh Valley Blvd., Suite 100, Pottstown, PA 19368  
 610-326-1111  
 10/15/03

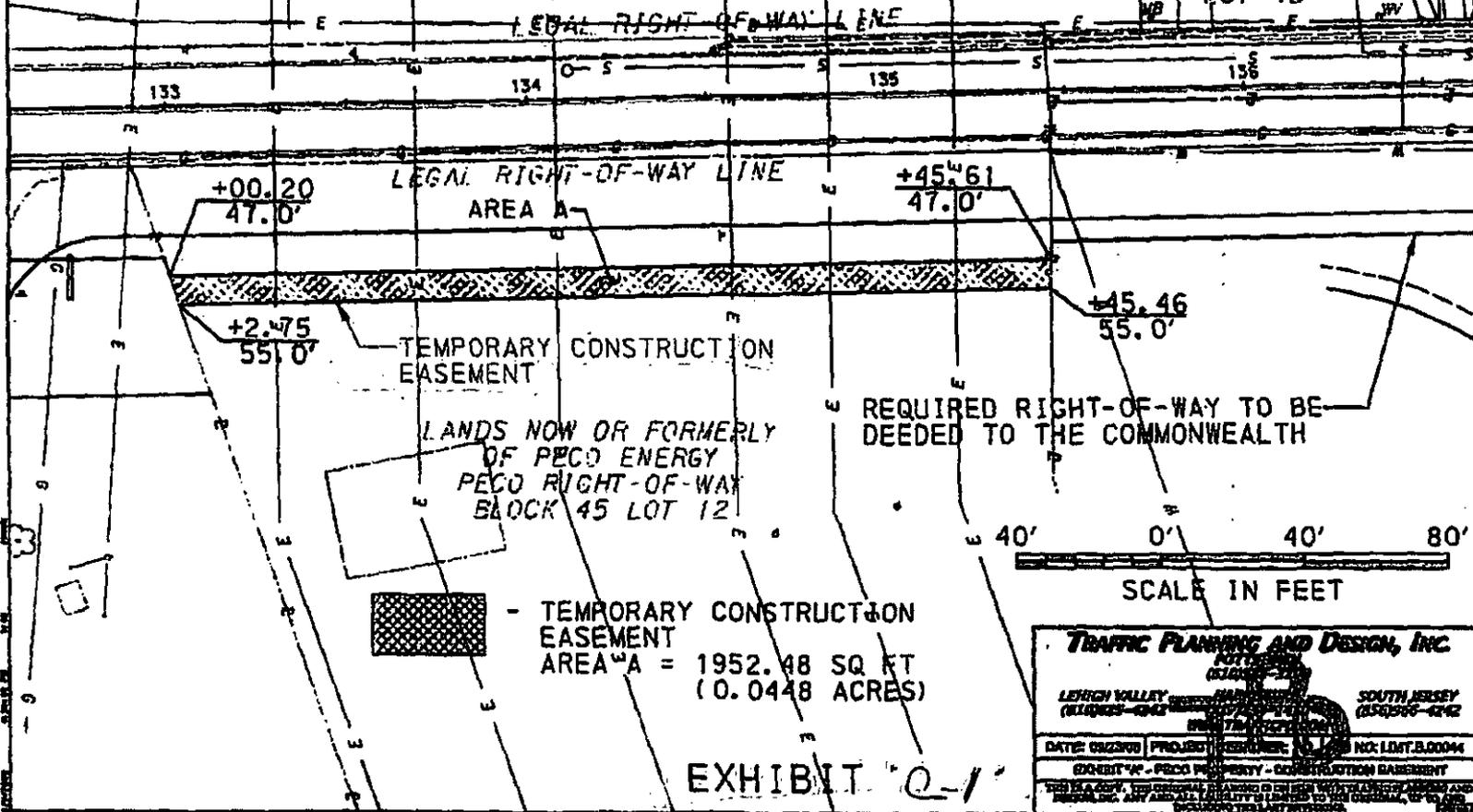
LANDS NOW OR FORMERLY  
OF PHILADELPHIA  
ELECTRIC COMPANY  
\*\* BLOCK 35 LOT

\*\* BLOCK 35 LOT 18  
PECO RIGHT OF WAY

LEWIS ROAD (SR 4022)  
POSTED SPEED LIMIT 45 MPH

LANDS NOW OR  
FORMERLY OF  
FALCO CHARLES  
E. JR & TERI M  
\*\* BLOCK 35A  
LOT 45

| DISTRICT          | COUNTY     | ROUTE     | SECTION | SHEET  |
|-------------------|------------|-----------|---------|--------|
| B-0               | MONTGOMERY | 4022      |         | 1 OF 1 |
| LIMERICK TOWNSHIP |            |           |         |        |
| DATE              | BY         | REVISIONS | DATE    | BY     |
|                   |            |           |         |        |



ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET. EASEMENT BOUNDARIES ARE SHOWN BY DASHED LINES. SEE EXHIBIT "A" FOR PECO PROPERTY.

EXHIBIT "Q-1"

**RESOLUTION NO. 2010-35  
LIMERICK TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

RECEIVED  
2011 JAN 21 AM 10:05  
PA.P.U.C.  
SECRETARY'S BUREAU

---

**A RESOLUTION AUTHORIZING THE CONDEMNATION OF PORTIONS OF CERTAIN REAL ESTATE OWNED BY PECO ENERGY LOCATED WITHIN LIMERICK TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA FOR THE PURPOSE OF OBTAINING TEMPORARY CONSTRUCTION EASEMENTS, DRAINAGE EASEMENTS AND THE REQUIRED RIGHT-OF-WAY FOR A PORTION OF THE LEWIS ROAD CORRIDOR IMPROVEMENT PROJECT.**

---

**WHEREAS**, the PECO Energy Property is improved with electrical utility infrastructure;  
and

**WHEREAS**, the PECO Energy Property has frontages on Lewis Road (S.R. 4022) and D&L Drive.

**WHEREAS**, Limerick Township ("Township") is engaged in a municipal project in Limerick Township known as the Lewis Road Corridor Improvement Project (hereinafter the "Project"), for the purpose of making improvements to Lewis Road and abutting properties (hereinafter the "Proposed Improvements").

**WHEREAS**, Township is desirous of taking the actions necessary to acquire portions of certain real estate located on the PECO Energy Property for the purpose of obtaining temporary construction easements, drainage easements and the required right-of-way for a portion of the Project;

**WHEREAS**, the Temporary Construction and Drainage Easements needed from PECO Energy for the Project are more particularly described by metes and bounds in legal descriptions prepared by Pennoni Associates, Inc. and shown on plans, prepared by Traffic Planning and

Design ("TPD") collectively attached hereto, and made a part hereof in Exhibit "A" ("Temporary Construction Easements Areas") and Exhibit "B" (Drainage Easement").

**WHEREAS**, the Required Right-of-Way needed from PECO Energy for the Project is more particularly described by metes and bounds in the legal description prepared by Pennoni Associates, Inc. and shown on the plan, prepared by TPD, attached hereto as Exhibit "C" ("The Required Right-of-Way Area").

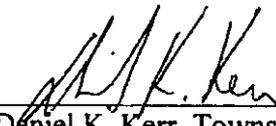
**NOW, THEREFORE**, be it resolved, and it is hereby resolved as follows:

1. Limerick Township hereby authorizes its Solicitor to file a Declaration of Taking, and to take those actions which are necessary to commence the condemnation proceeding to acquire the Temporary Construction Easements Areas, Drainage Easement Areas and the Required Right-of-Way Area.

2. Limerick Township authorizes its Supervisors and Township Manager to execute those documents that are necessary to give effect to this Resolution.

**DULY PRESENTED AND ADOPTED** by the Board of Supervisors of Limerick Township, Montgomery County, Pennsylvania, in a public meeting held the 21<sup>th</sup> day of December, 2010.

**ATTEST:**

  
\_\_\_\_\_  
Daniel K. Kerr, Township Secretary

**LIMERICK TOWNSHIP  
BOARD OF SUPERVISORS**

By:   
\_\_\_\_\_  
Kenneth W. Sperring, Jr., Chairman

RECEIVED

2011 JAN 21 AM 10:06

P.A.P.U.C.  
SECRETARY'S BUREAU

**Prepared By:**

**Return To:**

**Site Location: Lewis Road Right of Way, North Side**

LPA - 13 (6/07)

|                     |   |
|---------------------|---|
| FEDERAL PROJECT NO. |   |
| PROJECT NAME/ROUTE  | Lewis Road Right of Way                                       |
| COUNTY              | Montgomery  |
| MUNICIPALITY        | Limerick Township   |
| PARCEL NO.          | 37-00-01771-109   |
| CLAIM NO.           | PE File No. 5011-2  |
| CLAIMANT            | PECO Energy Company<br>F/K/A Philadelphia Electric<br>Company |

**DEED**  
**(Fee Simple)**

THIS INDENTURE, made \_\_\_\_\_, 2010 by PECO ENERGY COMPANY F/K/A PHILADELPHIA ELECTRIC COMPANY owner(s) of property affected by the construction or improvement of the above mentioned State Route, its heirs, executors, administrators, successors, and/or assigns, hereinafter, whether singular or plural, called the GRANTOR, and LIMERICK TOWNSHIP, a municipal corporation of Montgomery County having an address of 646 West Ridge Pike, Limerick PA 19468 hereinafter called the GRANTEE,

**WITNESSETH:**

WHEREAS the GRANTEE intends to record a plan in the Recorder of Deeds Office of the aforesaid County indicating its authorization to condemn property for the above highway from the aforesaid property; and

WHEREAS the parties hereto have agreed that, in lieu of condemnation, the GRANTOR will convey in fee simple and such other estate(s) as designated, if any, to the GRANTEE the property or portion thereof required by the GRANTEE,

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, the GRANTOR does hereby grant and convey to the GRANTEE

That portion of the aforesaid premises designated as required right-of-way on a Plan prepared by Traffic Planning and Design, Inc. titled "Required Right of Way" attached hereto and made part hereof as Exhibit "A"; and described by metes and bounds in the legal description attached hereto and made part hereof as Exhibit "B".

BEING a portion of the same property conveyed to the GRANTOR by Deed of Record, dated May 22, 1963 and recorded in Montgomery County, in Deed Book 3338, Page 1087. This conveyance contains a total of 0.0138 acres and is identified on GRANTEE plans as Area A, together with the improvements, hereditaments and appurtenances thereto.

Under and Subject to exceptions, reservations, easements, rights, privileges, etc. as may be contained in any instruments of record.

RESERVING, however, to the GRANTOR the right to deep mine minerals and remove gas and oil within the areas hereunder acquired from a minimum depth to be determined by the GRANTEE from mine shafts or by means of wells located off the right-of-way. ALSO Reserving to Grantor, its successors and assigns the ownership of its utility facilities on the property together with the uninterrupted right, liberty and privilege to cross over the property with aerial wires and cables for the transmission and distribution of electricity and communications.

The GRANTOR does further remise, release, quitclaim and forever discharge the GRANTEE or any agency or political subdivision thereof or its or their employees or representatives of and from all suits, damages, claims and demands which the GRANTOR might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, 26 Pa.C.S. § 101 et seq., for or on account of this conveyance and any injury to or destruction of the aforesaid property of the GRANTOR through or by reason of the aforesaid highway construction or improvement, except damages, if any, under Section 710 (Limited Reimbursement of Appraisal, Attorney and Engineering Fees) and Section 711 (Payment on Account of Increased Mortgage Costs) of the Eminent Domain Code; provided, however, that if relocation of a residence or business or farm operation is involved, this release shall likewise not apply to damages, if any, under Section 902 (Moving Expenses) and/or Section 903 and/or 904 (Replacement Housing) of the Eminent Domain Code.

The GRANTOR does further indemnify the GRANTEE against any claim made by any lessee of the aforesaid property who has not entered into a Settlement Agreement with the GRANTEE.

### Certificate of Address

I hereby certify the Grantee's precise address to be:

Limerick Township  
646 West Ridge Pike  
Limerick, PA 19468

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Agent for the GRANTEE

Date

The GRANTOR has executed or caused to be executed these presents, intending to be legally bound thereby.

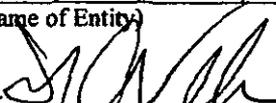
**INDIVIDUALS**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ENTITIES\***

GRANTOR: PECO Energy Company F/K/A

Philadelphia Electric Company  
(Name of Entity)

BY: 

M. A. Williams, Director  
Real Estate & Facilities



Attest:

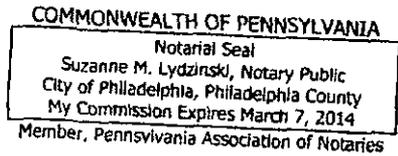
By:   
Assistant Corporate Secretary

**INDIVIDUAL**

STATE OF PENNSYLVANIA  
 COUNTY OF \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 before me, \_\_\_\_\_,  
 the undersigned officer, personally appeared \_\_\_\_\_,  
 \_\_\_\_\_, known to me  
 (or satisfactorily proven) to be the person(s) whose  
 name(s) \_\_\_\_\_ subscribed to the within instrument,  
 and acknowledged that \_\_\_\_\_ executed the  
 instrument for the purposes contained in it.  
 In witness whereof, I hereto set my hand and official  
 seal.  
 \_\_\_\_\_ [Signature]  
 \_\_\_\_\_ [Title]  
 [Seal]

**ENTITY**

STATE OF PENNSYLVANIA  
 COUNTY OF Philadelphia  
 On this 17<sup>th</sup> day of December, 2010, before me,  
 \_\_\_\_\_, the undersigned officer,  
 personally appeared M. A. Williams, Director, Real  
 Estate & Facilities, who acknowledged himself to be the  
 Director, Real Estate & Facilities of PECO Energy  
 Company, and that as such Director, Real Estate &  
 Facilities, being authorized to do so, executed the  
 foregoing instrument for the purposes contained in it by  
 signing on behalf of the entity as Director, Real Estate &  
 Facilities.  
 In witness whereof, I hereto set my hand and official seal.  
Suzanne M. Lydzinski [Signature]  
Notary Public [Title]  
 [Seal]





- REQUIRED RIGHT-OF-WAY  
 AREA A = 601.97 SQ FT  
 (0.0138 ACRES)

| DISTRICT          | COUNTY     | ROUTE | SECTION | SHEET  |
|-------------------|------------|-------|---------|--------|
| 6-0               | MONTGOMERY | 4022  |         | 1 OF 1 |
| LIMERICK TOWNSHIP |            |       |         |        |
| REVISION NUMBER   | REVISIONS  | DATE  | BY      |        |
|                   |            |       |         |        |

REQUIRED RIGHT-OF-WAY

D&L DRIVE

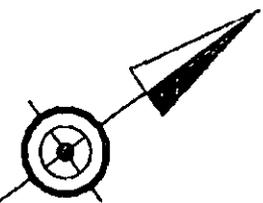
LANDS NOW OR FORMERLY OF PHILADELPHIA ELECTRIC COMPANY  
 \*\* BLOCK 35 LOT 1

PROPOSED DRAINAGE EASEMENT

AREA A

\*\* BLOCK 35 LOT 18 - PECO RIGHT OF WAY

TEMPORARY CONSTRUCTION EASEMENT



LEGAL RIGHT-OF-WAY LINE

131

132

133

LEWIS ROAD (SR 4022)

POSTED SPEED LIMIT 45 MPH

LEGAL RIGHT-OF-WAY LINE

LANDS NOW OR FORMERLY OF TELEFLEX INC  
 640 LEWIS ROAD  
 DEED BOOK 4989 PAGE 654  
 BLOCK 45 LOT 2

LANDS NOW OR FORMERLY OF PECO ENERGY  
 PECO RIGHT-OF-WAY  
 BLOCK 45 LOT 12

REQUIRED RIGHT-OF-WAY TO BE DEEDED TO THE COMMONWEALTH

25' 0' 25' 50'

SCALE IN FEET

**TRAFFIC PLANNING AND DESIGN, INC.**

PITTSBURGH  
 (610) 329-3100

LEHIGH VALLEY  
 (610) 625-4242

HARDENBURG  
 (717) 723-1880

SOUTH JERSEY  
 (856) 366-4242

WWW.TRAFFICPD.COM

DATE: 08/23/08 PROJECT: DESIGNER: AD JOB NO: LHM.B.00044

EXHIBIT "A" - PHILADELPHIA ELECTRIC COMPANY - REQUIRED ROW

THIS IS A COPY. THE ORIGINAL DRAWING IS ON FILE WITH TRAFFIC PLANNING AND DESIGN, INC. ANY AND ALL LIABILITY IS LIMITED TO THE ORIGINAL, UP TO AND INCLUDING THE LAST REVISION.

EXHIBIT "A"

ALL INFORMATION IS SUBJECT TO THE TERMS AND CONDITIONS OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CLIENT AND TRAFFIC PLANNING AND DESIGN, INC. (TP&D). TP&D IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION PROVIDED TO TP&D. TP&D IS NOT A LICENSED PROFESSIONAL ENGINEER OR ARCHITECT IN ANY STATE. TP&D IS NOT PROVIDING ANY PROFESSIONAL SERVICES IN ANY STATE WHERE IT IS NOT LICENSED TO DO SO. TP&D IS NOT PROVIDING ANY PROFESSIONAL SERVICES IN ANY STATE WHERE IT IS NOT LICENSED TO DO SO. TP&D IS NOT PROVIDING ANY PROFESSIONAL SERVICES IN ANY STATE WHERE IT IS NOT LICENSED TO DO SO.



**PENNONI ASSOCIATES INC.**  
CONSULTING ENGINEERS

One Oxford Plaza  
3001 Arch Street, 2nd Floor  
Philadelphia, PA 19104-2897  
Tel: 215-222-3000  
Fax: 215-222-3588

### REQUIRED RIGHT-OF-WAY

All that certain tract, piece or parcel of land situate in Limerick Township, Montgomery County, Commonwealth of Pennsylvania, being shown on Exhibit "A" – Philadelphia Electric Company – Required ROW, exhibit prepared by Traffic Planning and Design, Inc., dated 9/23/08, job number LIMT.B.00044, and being more particularly described as follows, to wit:

BEGINNING AT A POINT, said point being on the Westerly side of Lewis Road (SR 4022, variable width), point being Station 132+51.79, offset 16.6 feet left from the centerline of said Lewis Road as shown on said Exhibit "A";

THENCE from said point of beginning the following three (3) courses and distances;

- (1) Thence, along the Westerly side of said Lewis Road, 53.26 feet to a point, being the intersection of the Northerly side of D&L Drive (50 feet wide) with the Westerly side of said Lewis Road, point being Lewis Road Station 131+98.53, offset 16.6 feet left, more or less;
- (2) Thence, along the Northerly side of said D&L Drive, 53.26 feet to a point, being Lewis Road Station 131+96.89, offset 69.8 feet left, more or less;
- (3) Thence, easterly 84.62 feet by an arc curving to the left having a radius of 55.00 feet, said arc having a chord length of 76.52 feet, from the last described point, to a point on Lewis Road, being the point and place of beginning, containing within these metes and bounds 601.97 square feet or 0.0138 acres of land, more or less.



**EXHIBIT B**

RECEIVED

2011 JAN 21 AM 10:06

PA.P.U.C.  
SECRETARY'S BUREAU

**Prepared By:**

**Return To:**

**Site Location: Lewis Road Right of Way, South Side**

LPA - 13 (6/07)

|                     |   |
|---------------------|---|
| FEDERAL PROJECT NO. |   |
| PROJECT NAME/ROUTE  | Lewis Road Right of Way                                       |
| COUNTY              | Montgomery  |
| MUNICIPALITY        | Limerick Township   |
| PARCEL NO.          | 37-00-01618-001<br>37-00-01615-004                            |
| CLAIM NO.           | PE File Nos. 5248-1; 5247-1                                   |
| CLAIMANT            | PECO Energy Company<br>F/K/A Philadelphia Electric<br>Company |

**DEED**  
(Fee Simple)

THIS INDENTURE, made \_\_\_\_\_, 2010 by PECO ENERGY COMPANY F/K/A PHILADELPHIA ELECTRIC COMPANY owner(s) of property affected by the construction or improvement of the above mentioned State Route, its heirs, executors, administrators, successors, and/or assigns, hereinafter, whether singular or plural, called the GRANTOR, and LIMERICK TOWNSHIP, a municipal corporation of Montgomery County having an address of 646 West Ridge Pike, Limerick PA 19468 hereinafter called the GRANTEE,

**WITNESSETH:**

WHEREAS the GRANTEE intends to record a plan in the Recorder of Deeds Office of the aforesaid County indicating its authorization to condemn property for the above highway from the aforesaid property; and

WHEREAS the parties hereto have agreed that, in lieu of condemnation, the GRANTOR will convey in fee simple and such other estate(s) as designated, if any, to the GRANTEE the property or portion thereof required by the GRANTEE,

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, the GRANTOR does hereby grant and convey to the GRANTEE

That portion of the aforesaid premises designated as required right-of-way on a Plan prepared by Traffic Planning and Design, Inc. titled "Required Right of Way" attached hereto and made part hereof as Exhibit "A"; and described by metes and bounds in the legal description attached hereto and made part hereof as Exhibit "B".

BEING a portion of the same properties conveyed to the GRANTOR by two separate Deeds. One thereof being part of Deed of Record dated November 27, 1964 and recorded in Montgomery County, in Deed Book 3366, Page 279 and the other being part of Deed of Record dated February 24, 1965 and recorded in Montgomery County, in Deed Book 3370, Page 835. This conveyance contains a total of 0.1745 acres and is identified on GRANTEE plans as Area A, together with the improvements, hereditaments and appurtenances thereto.

Under and Subject to exceptions, reservations, easements, rights, privileges, etc. as may be contained in any instruments of record.

RESERVING, however, to the GRANTOR the right to deep mine minerals and remove gas and oil within the areas hereunder acquired from a minimum depth to be determined by the GRANTEE from mine shafts or by means of wells located off the right-of-way. ALSO Reserving to Grantor, its successors and assigns the ownership of its utility facilities on the property together with the uninterrupted right, liberty and privilege to cross over the property with aerial wires and cables for the transmission and distribution of electricity and communications.

The GRANTOR does further remise, release, quitclaim and forever discharge the GRANTEE or any agency or political subdivision thereof or its or their employees or representatives of and from all suits, damages, claims and demands which the GRANTOR might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, 26 Pa.C.S. § 101 et seq., for or on account of this conveyance and any injury to or destruction of the aforesaid property of the GRANTOR through or by reason of the aforesaid highway construction or improvement, except damages, if any, under Section 710 (Limited Reimbursement of Appraisal, Attorney and Engineering Fees) and Section 711 (Payment on Account of Increased Mortgage Costs) of the Eminent Domain Code; provided, however, that if relocation of a residence or business or farm operation is involved, this release shall likewise not apply to damages, if any, under Section 902 (Moving Expenses) and/or Section 903 and/or 904 (Replacement Housing) of the Eminent Domain Code.

The GRANTOR does further indemnify the GRANTEE against any claim made by any lessee of the aforesaid property who has not entered into a Settlement Agreement with the GRANTEE.

### **Certificate of Address**

I hereby certify the Grantee's precise address to be:

Limerick Township  
646 West Ridge Pike  
Limerick, PA 19468

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Agent for the GRANTEE

Date

The GRANTOR has executed or caused to be executed these presents, intending to be legally bound thereby.

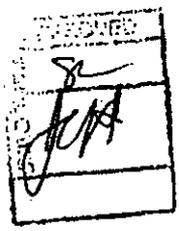
**INDIVIDUALS**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ENTITIES\***

GRANTOR: PECO Energy Company F/K/A  
Philadelphia Electric Company  
(Name of Entity)

BY: [Signature]  
M. A. Williams, Director  
Real Estate & Facilities



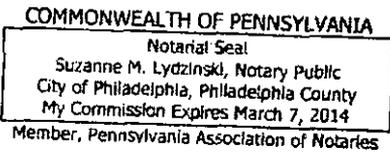
Attest: [Signature]  
By: Assistant Corporate Secretary

**INDIVIDUAL**

**ENTITY**

STATE OF PENNSYLVANIA  
 COUNTY OF \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 before me, \_\_\_\_\_  
 the undersigned officer, personally appeared \_\_\_\_\_  
 \_\_\_\_\_, known to me  
 (or satisfactorily proven) to be the person(s) whose  
 name(s) \_\_\_\_\_ subscribed to the within instrument,  
 and acknowledged that \_\_\_\_\_ executed the  
 instrument for the purposes contained in it.  
 In witness whereof, I hereto set my hand and official  
 seal.  
 \_\_\_\_\_ [Signature]  
 \_\_\_\_\_ [Title]  
 [Seal]

STATE OF PENNSYLVANIA  
 COUNTY OF Philadelphia  
 On this 17<sup>th</sup> day of December, 2010, before me,  
 \_\_\_\_\_, the undersigned officer,  
 personally appeared M. A. Williams, Director, Real  
 Estate & Facilities, who acknowledged himself to be the  
 Director, Real Estate & Facilities of PECO Energy  
 Company, and that as such Director, Real Estate &  
 Facilities, being authorized to do so, executed the  
 foregoing instrument for the purposes contained in it by  
 signing on behalf of the entity as Director, Real Estate &  
 Facilities.  
 In witness whereof, I hereto set my hand and official seal.  
[Signature] [Signature]  
Notary Public [Title]  
 [Seal]



| DISTRICT          | COUNTY                        | ROUTE | SECTION | SHEET  |
|-------------------|-------------------------------|-------|---------|--------|
| 6-0               | MONTGOMERY                    | 4022  |         | 1 OF 1 |
| LIMERICK TOWNSHIP |                               |       |         |        |
| REVISION NUMBER   | REVISIONS                     | DATE  | BY      |        |
|                   | REVISED REQUIRED RIGHT-OF-WAY |       |         |        |

LANDS NOW OR FORMERLY OF PHILADELPHIA ELECTRIC COMPANY  
 \*\* BLOCK 35 LOT

\*\* BLOCK 35 LOT 18  
 PECO RIGHT OF WAY

LANDS NOW OR FORMERLY OF FALCO CHARLES E JR & TERI M  
 \*\* BLOCK 35A LOT 43

LEWIS ROAD (SR 4022)  
 POSTED SPEED LIMIT 45 MPH

LEGAL RIGHT-OF-WAY LINE

+90.46 m  
 16.5'  
 +98.60  
 42.0'

+46.17  
 16.8'

+45.70  
 42.0'

+00.20  
 47.0'

AREA A  
 +45.61  
 47.0'

REQUIRED RIGHT-OF-WAY TO BE DEEDED TO THE COMMONWEALTH

TEMPORARY CONSTRUCTION EASEMENT

LANDS NOW OR FORMERLY OF PECO ENERGY  
 PECO RIGHT-OF-WAY  
 BLOCK 45 LOT 12

REQUIRED RIGHT-OF-WAY TO BE DEEDED TO THE COMMONWEALTH  
 AREA A = 7603.37 SQ FT  
 (0.1745- ACRES)

LANDS NOW OR FORMERLY OF TELEFLEX INC  
 640 LEWIS ROAD  
 DEED BOOK 4980  
 BLOCK 45 LOT 2



EXHIBIT "A"

**TRAFFIC PLANNING AND DESIGN, INC**  
 POTTSTOWN  
 (610)326-3100

LEHIGH VALLEY HARRISBURG SOUTH JERSEY  
 (610)625-4242 (717)329-1490 (201)998-4242

DATE: 06/20/08 PROJECT: DEWBORER RD. JOB NO: LMT.B.0004

EXHIBIT "A" - PECO PROPERTY - REQUIRED RIGHT-OF-WAY

THIS IS A COPY. THE ORIGINAL DRAWING IS ON FILE WITH TRAFFIC PLANNING AND DESIGN, INC. ANY AND ALL LIABILITY IS LIMITED TO THE ORIGINAL COPY AND RELEASED THE LAST REVISION.

NOTE: CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS. TREAT ALL OVERHEAD POWER LINES AS ENERGIZED AND POTENTIALLY DANGEROUS. ALL CONTRACTORS AND SUBCONTRACTORS MUST OBTAIN COPIES OF PECO ENERGY ELECTRIC CONSTRUCTION STANDARD S-7070, "CONDITIONS FOR WORKING IN THE VICINITY OF ELECTRIC TRANSMISSION LINES OF PECO ENERGY AND ITS SUBSIDIARIES" AND COMPLY WITH ITS PROVISIONS.

South Side Taking Plan

DATE PLOTTED: 06/20/08 10:11:46AM



**PENNONI ASSOCIATES INC.**  
**CONSULTING ENGINEERS**

One Drexel Plaza  
3001 Market Street, 2nd Floor  
Philadelphia, PA 19104-2897  
Tel 215-222-3000  
Fax 215-222-3588

## REQUIRED RIGHT-OF-WAY

All that certain tract, piece or parcel of land situate in Limerick Township, Montgomery County, Commonwealth of Pennsylvania, being shown on Exhibit "A" – PECO Property - Required Right-of-Way, being a portion of Tax Parcel Block 45 Lot 12 and Block 45 Lot 14, exhibit prepared by Traffic Planning and Design, Inc., dated 9/23/08, last revised 01/09/09, job number LIMT.B.00044, and being more particularly described as follows, to wit:

BEGINNING AT A POINT, said point being on the Easterly side of Lewis Road (SR 4022, variable width), a common corner with Block 45 Lot 12, lands now or formerly of PECO (a variable width PECO Right-of-Way), point being Station 132+90.46, offset 16.5 feet right from the centerline of said Lewis Road as shown on said Exhibit "A";

THENCE from said point of beginning, along said PECO Right-of-Way the following six (6) courses and distances;

- (1) northeasterly along the easterly side of Lewis Road, 255.71 feet to a point, said point being Lewis Road Station 135+46.17, offset 16.8 feet right, more or less;
- (2) Thence, leaving the easterly side of said Lewis Road 25.18 feet to a point, point being Lewis Road Station 135+45.70, offset 42.0 feet right, more or less;
- (3) Thence, 5.00 feet to a point, point being Lewis Road Station 135+45.61, offset 47.0 feet right, more or less;
- (4) Thence, southwesterly 245.41 feet to a point, point being Lewis Road Station 133+00.20, offset 47.0 feet right, more or less;
- (5) Thence, 5.25 feet to a point, point being Lewis Road Station 132+98.60, offset 42.0 feet right more or less;
- (6) Thence, 26.79 feet to a point, point being the point and place of beginning, containing within these metes and bounds 7,603.37 square feet or 0.1745 acres of land, more or less.

BEING PORTIONS OF LIMERICK TOWNSHIP TAX ASSESSORS MAP NUMBER  
BLOCK 045 UNIT 012 AND PORTIONS OF LIMERICK TOWNSHIP ASSESSORS  
MAP NUMBER BLOCK 045 UNIT 014

EXHIBIT B

Prepared by:  
John J. Iannozzi, Esquire  
Hamburg, Rubin, Mullin, Maxwell & Lupin

Record and Return to:  
John J. Iannozzi, Esquire  
Hamburg, Rubin, Mullin, Maxwell & Lupin  
375 Morris Road, P. O. Box 1479  
Lansdale, PA 19446-0773  
215-661-0400

Parcel Number: 37-00-01771-109  
Block 35 Lot 1

RECEIVED  
2011 JAN 21 AM 10:06  
PA.P.U.C.  
SECRETARY'S BUREAU

**DRAINAGE EASEMENT**  
**AGREEMENT**

THIS INDENTURE, is made this 21<sup>ST</sup> day of DECEMBER 2010, between  
PECO ENERGY COMPANY hereinafter referred to as "Grantor," and  
LIMERICK TOWNSHIP, a Municipal Corporation of Montgomery County, Pennsylvania  
(hereinafter referred to as "Grantee.").

**WITNESSETH:**

Grantor wishes to grant and Grantee desires to obtain a drainage Easement through  
Grantor's Property (herein after referred to as the "Easement") as further shown on the plan and  
described in the legal description attached hereto and made a part hereof as Exhibits "A" and  
"B", respectively.

NOW, THEREFORE, in consideration of the mutual promises and covenants  
contained herein, and in consideration of the sum of One Dollar (\$1.00) paid to Grantor by  
Grantee, the receipt and sufficiency of which are hereby acknowledged, the parties hereto,  
intending to be legally bound hereby, agree as follows:

1. Easements to Grantee. Grantor hereby grants to Grantee, and Grantee's  
successors and assigns, the full and uninterrupted, right, privilege, easement, and authority to  
enter upon that area of the Grantor's Property described in Exhibit "A" from time to time, for the

purpose of constructing, repairing, inspecting, renewing, adding to and maintaining the aforementioned improvements necessary for proper storm water drainage.

2. Cost of Installation. All costs and expenses incurred in the installation of the proposed improvements shall be borne solely by Grantee, including, inter alia, all permit fees, construction costs, inspection fees, and any other service fees which may be imposed by any governmental authority.

3. Restoration of Easement Area. Grantee shall cause the proposed drainage improvements to be installed in a good and workmanlike manner in accordance with the rules and regulations of Limerick Township and all other applicable municipal and state laws and regulations. Immediately after the installation of the drainage improvements and at all times thereafter, Grantee shall cause the surface of the Easement area to be restored as near as possible to the condition in which the Easement existed prior to the installation of the drainage improvements, aside from the drainage improvements.

4. Permits. To the extent that any permits are required for the construction and operation of the drainage improvements, Grantee shall obtain all permits at Grantee's sole cost and expense.

5. Indemnity. Grantee and Grantee's successors and assigns agree to indemnify, protect and hold harmless Grantor and Grantor's successors and assigns from all costs, expenses, losses and/or damages resulting from any loss of life or property or injury or damage to any person or the property of any person, including without limitation, Grantor's Property, and from and against any and all claims, demand or actions of such loss, death, injury or damage in any manner arising out of, resulting from, or connected with the Easement and the use thereof, including without limitation, the installation, maintenance and repair of the drainage improvements.

6. General Provisions.

A. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

B. Recording. This Easement Agreement shall be recorded in the Office for the Recording of Deeds of Montgomery County, Pennsylvania.

C. Obligations to Run with the Land. The covenants and obligations of this Agreement shall be covenants running with the Grantor's Property and with the Grantee's Property, and the parties hereto agree for themselves and their successors and assigns that in any deed of conveyance of the Grantor's Property and the Grantee's Property, or any portion thereon, to any person, partnership, corporation or other entity, the covenants and obligations shall be incorporated therein by reference to this Agreement and the recording hereof as fully as if the same were contained therein. Any and all real estate taxes with respect to the Easement shall be the obligation of the Grantee only.

D. Governing Law. This Agreement shall be interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above-written.

GRANTOR:

PECO ENERGY COMPANY

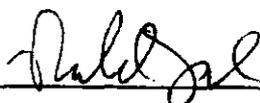
By: 

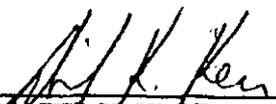
M. N. Williams, Director,  
GRANTEE: Real Estate & Facilities

LIMERICK TOWNSHIP

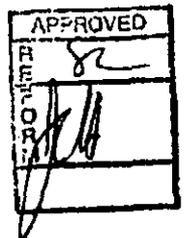
By: 

Kenneth W. Sperring, Jr.

Attest: 

Witness: 

DANIEL K. KERR  
TOWNSHIP MANAGER



COMMONWEALTH OF PENNSYLVANIA : ss.  
COUNTY OF PHILADELPHIA :

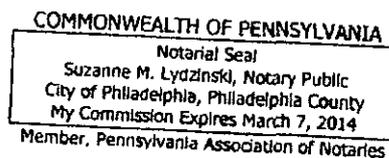
**AFFIDAVIT OF GRANTOR**

On the 17<sup>th</sup> day of December A.D., 2010 before me, the undersigned

officer, personally appeared M. A. Williams, who acknowledged himself to be the  
Director, Real Estate  
& Facilities of PECO Energy Company, a corporation, and that he as such  
Director, Real Estate  
& Facilities, being authorized to do so, executed the foregoing instrument for  
the purposes therein contained by signing the name of the corporation by himself as  
Director, Real Estate  
& Facilities.

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

By: Suzanne M. Lydzinski  
NOTARY PUBLIC

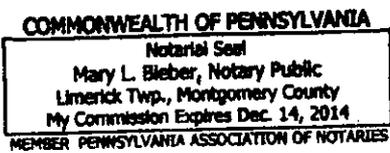


COMMONWEALTH OF PENNSYLVANIA : ss.  
COUNTY OF MONTGOMERY :

**AFFIDAVIT OF GRANTEE**

On this 21<sup>st</sup> day of Dec., A.D., 2008, before me, the subscriber, a Notary Public, personally appeared Kenneth W. Sperring, Jr. who acknowledges that he was personally present at the execution of the above Agreement and saw the common or corporate seal of the said Township duly affixed thereto; that the said seal so affixed thereto is the common or corporate seal of the Township; that the said Agreement was duly sealed and delivered by the Chairman and the Township Secretary of said Township as and for the Act and Deed of said Township for the uses and purposes therein mentioned and that they desired the same to be recorded as such.

-By: Mary L. Bieber  
NOTARY PUBLIC



**Exhibit A**

**Legal Description  
Drainage Easement**



PENNONI ASSOCIATES INC.  
CONSULTING ENGINEERS

One Orzel Plaza

3001 Market Street, 2nd Floor

Philadelphia, PA 19104-2897

Tel: 215-222-3500

Fax: 215-222-3588

## DRAINAGE EASEMENT

All that certain tract, piece or parcel of land situate in Limerick Township, Montgomery County, Commonwealth of Pennsylvania, being shown on Exhibit "A" - Philadelphia Electric Company - Drainage Easement, exhibit prepared by Traffic Planning and Design, Inc., dated 9/23/08, job number LIMT.B.00044, and being more particularly described as follows, to wit:

**BEGINNING AT A POINT**, said point being on the Westerly side of Lewis Road (SR 4022, variable width), point being Station 132+34.98, offset 19.2 feet left from the centerline of said Lewis Road as shown on said Exhibit "A";

**THENCE** from said point of beginning the following three (3) courses and distances;

- (1) Thence, Westerly 67.54 feet by an arc curving to the right having a radius of 55.00 feet to a point on the Northerly side of D&L Drive (50 feet wide), point being Lewis Road Station 131+96.89, offset 69.9 feet left, more or less, said arc having a chord length of 63.37 feet, from the last described point;
- (2) Thence, along the Northerly side of said D&L Drive, 20.39 feet to a point, being Lewis Road Station 131+96.26, offset 90.3 feet left, more or less;
- (3) Thence Easterly 80.90 feet to a point on Lewis Road, being the point and place of beginning, containing within these metes and bounds 805.09 square feet or 0.0185 acres of land, more or less.



---

**Exhibit B**

**Plan  
Drainage Easement**



**Siligrini, AnnaMarie:(BSC)**

**From:** Lydzinski, Suzanne M.:(PECO)  
**Sent:** Tuesday, January 04, 2011 3:54 PM  
**To:** Siligrini, AnnaMarie:(BSC)  
**Subject:** Lewis Road Project - PUC Approval  
**Importance:** High  
**Attachments:** Scanned from a Xerox multifunction device001.pdf; Scanned from a Xerox multifunction device001.pdf

Re: Widening of Lewis Road  
 Limerick Township, Montgomery County  
 PE 5011-2; 5247-1; 5248-1

AnnaMarie:

Attached are a letter Agreement between PECO and Limerick Township, two Deeds in Lieu of Condemnation, and a Drainage Easement Agreement pertaining to the above referenced project. .Also attached is a copy of the Resolution by Limerick Township authorizing the project.

Please forward these documents to the PUC for approval in accordance with Section 507 of the Public Utility Code.

Any questions in this matter, please do not hesitate to contact me.

Thanks.

Suzanne

*Suzanne M. Lydzinski  
 Sr. Real Estate Representative  
 PECO Energy Company  
 2301 Market Street, N3-3  
 Philadelphia, PA 19103  
 Direct: (215) 841-5379  
 Fax: (215) 841-5419  
 suzanne.lydzinski@peco-energy.com*

RECEIVED  
 2011 JAN 21 AM 10:06  
 PA PUC  
 SECRETARY'S BUREAU

*J. Halderman*

**Exelon®**

Business Services  
Company

Legal Department  
2301 Market Street; S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699



02 1M \$ 02.58<sup>00</sup>  
0004277888 JAN 19 2011  
MAILED FROM ZIP CODE 19103

*James Mc Kully*  
PA PUC

*P.O. Box 3265*

*Harrisburg, PA 17105*

PA.P.U.C.  
SECRETARY'S BUREAU

2011 JAN 21 AM 10:06

RECEIVED

*M*