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Business Services
Company

John C. Halderman
Associate General Counsel
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RECEIVED
2011 DEC -8 AM 10:29
PA P.U.C. BUREAU
SECRETARY'S BUREAU

December 5, 2011

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

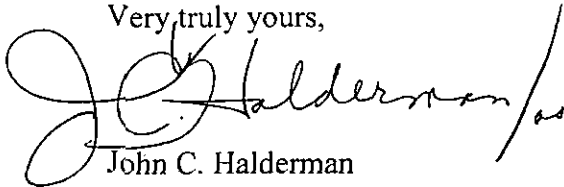
RE: Letter Agreement, Deed in Lieu of Condemnation and Traffic Signal Easement
between PECO Energy Company and East Coventry Township, Chester County

Dear Ms. Chiavetta:

Enclosed for filing and approval pursuant to §507 of the Public Utility Code are two
copies each of a Letter Agreement, Deed in Lieu of Condemnation and Traffic Signal
Easement between PECO Energy Company and East Coventry Township, Chester
County

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



PECO Energy Company
Real Estate & Facilities

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

3701 Market Street, N3 3
Philadelphia PA 19104

Rec'd
RE&F
DEC 02 2011

October 6, 2011

Mr. Bernard A. Rodgers
Township Manager
East Coventry Township
855 Ellis Woods Roads
Pottstown, PA 19465

Re: Traffic Signal Easement and
Land for Right of Way
Sale in Lieu of Condemnation
PA Route 724 & Linfield Road
East Coventry Township, Chester County
PE 5445 - SR 00687735

RECEIVED
2011 DEC -8 AM 10:29
PA P.U.C.
SECRETARY'S BUREAU

Dear Mr. Rodgers:

PECO Energy Company (the "Company") agrees to grant an easement for a traffic signalization upgrade (the "Easement") on a strip of ground containing 42.03 square feet (0.001 acres) shown on a plan attached as Exhibit "A", and to sell land in lieu of condemnation for right of way and road widening purposes (the "Right-of-Way") on a second strip of ground containing 0.04 acres shown on the plan attached as Exhibit "A-1" (the Easement and the Right-of-Way are sometimes hereinafter referred to collectively as the "Property"), to East Coventry Township (the "Township"). The signalization upgrade and road widening shall hereinafter sometimes be referred to collectively as the "Work".

The consideration for the conveyances is Three Thousand Seven Hundred (\$3,700.00) Dollars. This Agreement is subject to approval under PUC 507. Closing on the conveyances will take place within 30 days after receipt of PUC approval.

The Township agrees that the Work will be performed under and subject to the following conditions:

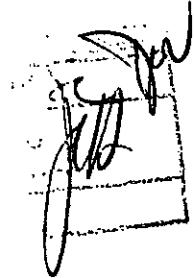
1. Prior to the Work, all underground facilities are properly located and marked.
2. Prior to the Work, a PA One Call is done to locate all existing underground PECO lines.
3. The Township will be responsible for and pay for all facility relocation costs incurred by Company (if any) for the relocation of any existing aerial or underground circuits as a result of the Work. Township will obtain fee simple ownership for a required PECO facility relocation, if any.
4. Company will have right of way access to the Right-of-Way and will be reimbursed for any facilities in the Right-of-Way that must be relocated as a result of the Work.
5. In the event that the Township does not perform an environmental site assessment of the Right-of-Way, 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 environmental conditions.
6. With regard to any work performed by the Township with respect to the signalization upgrade within the Easement, Township shall comply with all applicable Federal, State and local regulations, including but not limited to, the use of appropriate erosion and sedimentation control measures and any requirements pertaining to the clean up of hydraulic or oil spills from the Township's equipment (or the equipment of the Township's agents or contractors) during the course of such work.
7. The wooden poles shown on the plan cannot be moved or placed closer horizontally or vertically to the 220-61 transmission line.
8. Location of the poles and traffic signals by the Township within the Easement shall not result in the relocation of the Company's distribution poles under the 220-61 line.
9. No roadway construction machinery or material shall be stored under any transmission line.
10. Final construction plans are to be submitted to PECO Energy Company, Transmission & Substations, Attention Mr. Antoine Morgan, 1040 W. Swedesford Road, Berwyn, PA 19312. (610) 648-7956. Include SR Number 00687735
11. The Township shall include the PECO Energy Electric Construction Standards, S-7070, S-7073; and S-7074 (copies attached) in the bid documentation for the Work and the Township's selected contractor shall agree to complete all intersection and traffic signal improvements in accordance with all applicable PECO specifications in such standards.

Any questions in this matter, please contact Suzanne Lydzinski at (215) 841-5379. Please acknowledge the Township's agreement by signing a copy of this letter and returning a copy to the attention of Suzanne Lydzinski.

Very truly yours,



M. A. Williams, Director
Real Estate & Facilities



Attachments

AGREED: EAST COVENTRY TOWNSHIP

By: 

Date: 11.30.11

Name: Bernard A. Rodgers
Title: Township Manager

GENERAL NOTES:

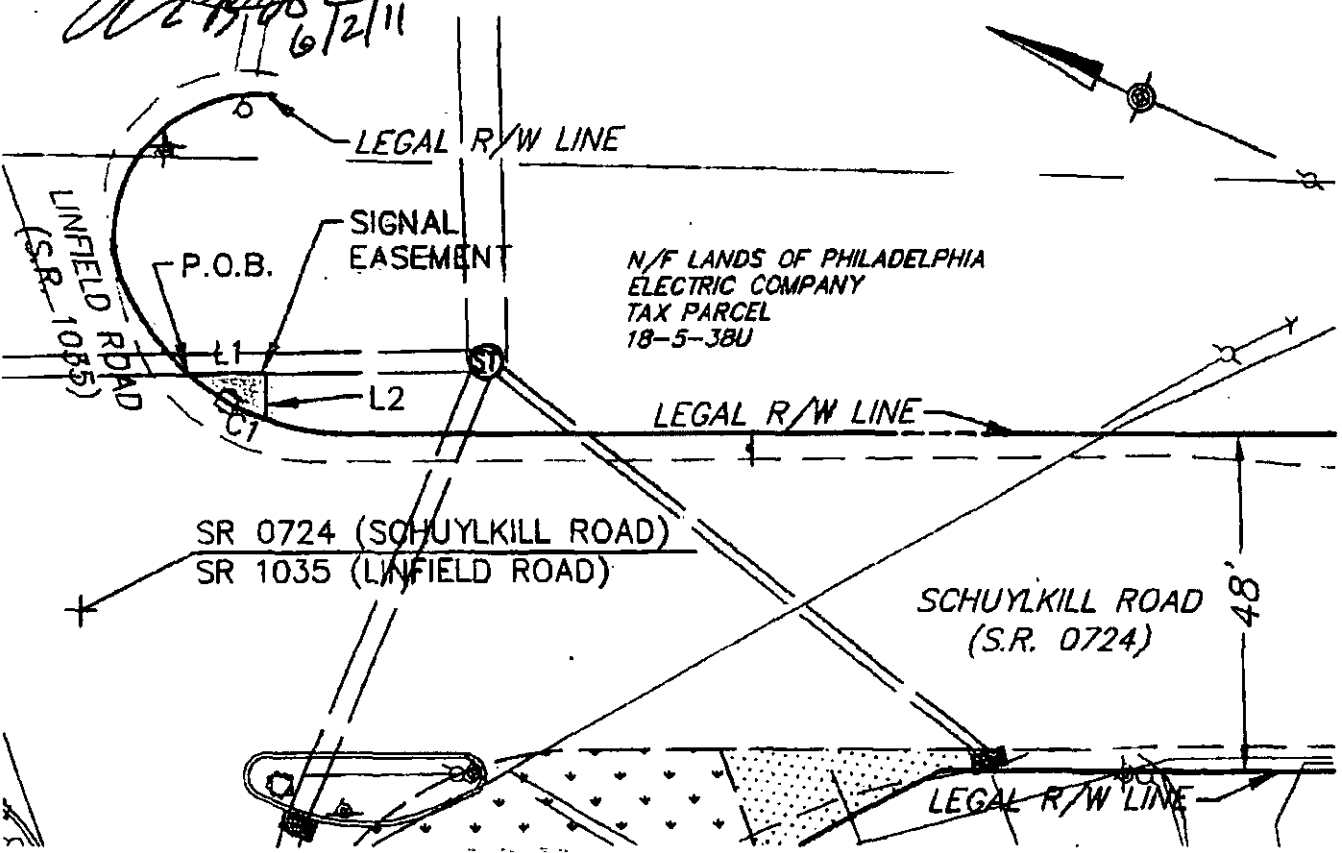
1. ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, OR FROM FIELD SURVEY. PROPERTY LINES NOT ESTABLISHED BY FIELD SURVEY WERE PLOTTED BASED ON EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA.
2. BOUNDARY DETERMINATION AND TOPOGRAPHIC INFORMATION PROVIDED BY HOWELL KLINE SURVEYING, LLC.

TOTAL AREA OF EASEMENT
= 42.03 SF, 0.001 AC

EASEMENT LINE TABLE		
LINE/CURVE	BEARING	LENGTH
L1	S34°07'32"E	11.15
L2	S55°42'35"W	6.59



EASEMENT CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	13.05	35.00	12.97	N03°34'40"W



SIGNAL EASEMENT TO BE ACQUIRED FROM N/F LANDS OF PHILADELPHIA ELECTRIC COMPANY (TAX PARCEL 18-5-38U) BY THE TOWNSHIP OF EAST COVENTRY

DATE MAY 23, 2011
JOB # 810065.00
SCALE 1" = 25'



2AL NOTES

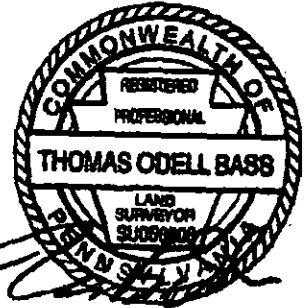
ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, OR FROM FIELD SURVEY. PROPERTY LINES NOT ESTABLISHED BY FIELD SURVEY WERE PLOTTED BASED ON EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA.

2. BOUNDARY DETERMINATION AND TOPOGRAPHIC INFORMATION PROVIDED BY HOWELL KLINE SURVEYING, LLC.

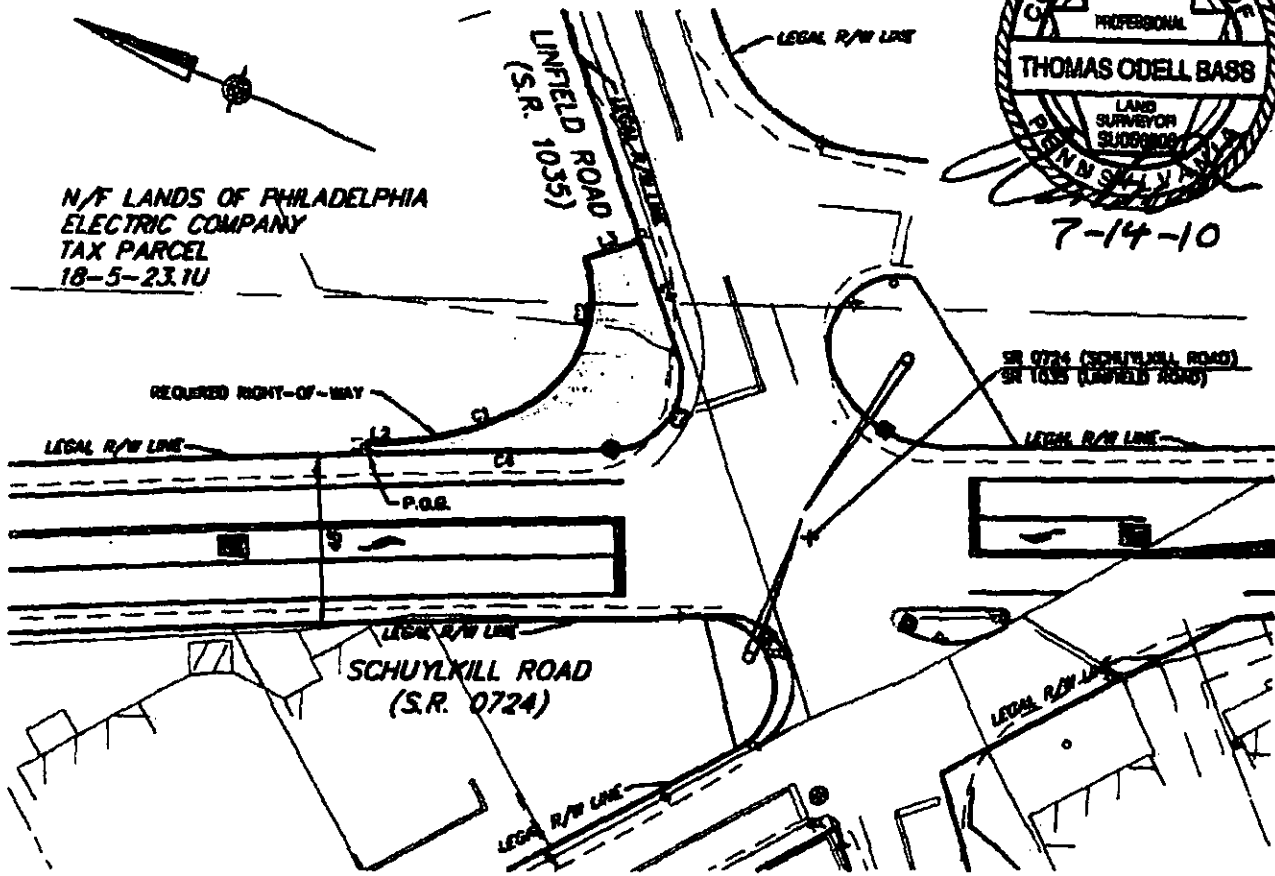
RIGHT-OF-WAY LINE TABLE		
LINE/CURVE	BEARING	LENGTH
L1	N54°47'10"E	3.06
L2	S35°12'50"E	5.00
L3	S52°46'05"E	16.00
L4	S37°13'55"W	34.92

RIGHT-OF-WAY CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	41.36	85.41	40.93	S49°03'08"E
C2	48.75	35.00	44.91	N77°08'15"E
C3	37.69	20.00	32.35	N88°46'56"W
C4	68.41	5754.58	68.41	N35°08'13"W

TOTAL AREA OF RIGHT-OF-WAY
= 1,840 SF, 0.04 AC



7-14-10



RIGHT-OF-WAY TO BE ACQUIRED FROM N/F LANDS OF PHILADELPHIA ELECTRIC COMPANY (TAX PARCEL 18-5-23.1U) BY THE TOWNSHIP OF EAST COVENTRY

DATE JULY 7, 2010
JOB # 810065
SCALE 1" = 50'



EXHIBIT "A-1"

**CONDITIONS FOR WORKING IN THE VICINITY OF
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES**

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS

**CALL PECO AT 610-648-7926 or 7913 BEFORE WORKING IN THE
VICINITY OF PECO ELECTRIC TRANSMISSION LINES**

1 DEFINITIONS: As used in this Standard:

- 1.1 PECO means PECO and its subsidiaries.
- 1.2 Contractor means natural person, firm, business association, company, partnership, corporation, tenant, lessee, grantee or licensee who or which is controlling or performing the job or activity that necessitates the approval and notification required by this standard.
- 1.3 In the vicinity of PECO electric transmission lines means construction or other work activities on or adjacent to rights-of-way or easements that contain PECO electric transmission lines, including but not limited to any use of cranes, booms, hoists, ladders or other equipment or items that might come within the clearance distances set forth in Table I, below.

**TABLE I
Clearance Distance to Transmission Lines**

<u>Nominal Operating Voltage</u> (volts)	<u>PECO Recommended Distance</u>		<u>OSHA (1926.1408) Regulatory Distance</u>	
	(feet)	(meters)	(feet)	(meters)
500,000	35	10.7	25	7.7
230,000	25	7.7	20	6.1
138,000	20	6.1	15	4.6
69,000	15	4.6	15	4.6
34,000 and below	12	3.7	10	3

- 2 **APPROVAL:** All contractors engaged in construction or other work activities on PECO rights-of-way must obtain the specific advance written approval of PECO Real Estate Department, 2301 Market Street, Philadelphia, Pa. 19101, Telephone (215) 841-5471.

- 3 **CONTRACTOR'S DUTY AND RESPONSIBILITY:** It is the contractor's duty and responsibility to ensure that all construction or other work activities in the vicinity of PECO electric transmission lines shall be performed in accordance with the latest applicable federal, state and local statutes and regulations governing the safe operation of cranes, booms, hoists, ladders or other equipment and safe work practices of personnel in the vicinity of electric transmission lines.
- 4 **RESPONSIBILITY FOR SUB-CONTRACTORS:** The prime contractor shall be responsible for supplying copies of the S-7070 to all sub-contractors and determining that the sub-contractors are familiar with the information contained therein.
- 5 **NOTIFICATION:** In addition to the advance approval required in paragraph 2, the contractor shall contact PECO in accordance with the following schedule:
- 5.1 As soon as possible, but no less than thirty (30) calendar days before construction or other work activities are to start, if at any time any construction or work activities may or could take place in the vicinity of PECO electric transmission lines, the contractor shall contact PECO New Business Group (800-841-4141) and Transmission and Substations OHT Supervisor, Overhead Transmission Center, 1040 Swedesford Road, Berwyn, Pa. 19312, Telephone 610-648-7926 or 610-648-7913. After this notification, PECO will review the project and coordinate with the contractor on what precautionary safety measures, if any, are appropriate: If transmission line outages are required, the contractor and representatives of the T&S will work together to develop a tentative schedule.
- 5.2 The contractor shall also contact the T&S OHT Supervisor at 610-648-7926 or 7913 at least ten (10) working days before construction or other work activity is to begin to confirm scheduling and arrangements.
- 5.3 If at any time during construction or other work activities, a previously unanticipated need for equipment or personnel in the vicinity of PECO electric transmission lines occurs, the contractor shall immediately contact the OHT Supervisor at 610-648-7926 or 7913. Construction or other work activities in the vicinity of PECO transmission lines without prior notice to PECO in accordance with paragraphs 5.1 and 5.2 is potentially dangerous and is absolutely forbidden.
- 5.4 In addition to electric transmission lines, PECO rights-of-way and easements may also contain distribution lines. Contractor shall treat all overhead power lines as energized and potentially dangerous.

Contractor shall notify PECO at 610-648-7926 or 7913 if at any time any construction or other work activities may or could take place in the vicinity of any overhead power lines.

- 5.5 In the event of any contact with PECO facilities, the contractor shall call the PECO System Operations at 215-841-5144 as soon as possible.

6 OUTAGES:

6.1 PECO shall determine the available time periods for line outages in the event de-energizing conductors is necessary. If the contractor insists on a specific day or time for an outage which results in the use of inefficient generation, the contractor shall reimburse PECO for the additional generating costs, as determined by PECO System Operations Division.

6.2 If an emergency occurs on the PECO system during a scheduled line outage period and that line is required to maintain system integrity, the contractor shall, within one hour, make the transmission line available for PECO's use and shall cease work within the vicinity of the line.

- 7 **REIMBURSEMENT BY CONTRACTOR:** PECO shall be reimbursed by the contractor for all costs and expenses incurred in implementing any precautionary safety measures.

- 8 **BLASTING:** No blasting shall be permitted in the vicinity of transmission line facilities without specific advance written approval by PECO. Notification of intent to blast shall be made in accordance with paragraph 5.2.

9 EXCAVATIONS:

9.1 No one shall excavate closer than 35 feet to PECO transmission structures or anchors without specific advance written approval by PECO. Notification of intent to excavate shall be made in accordance with paragraphs 5.1 and 5.2.

9.2 Contractors shall comply with the provisions of the Pennsylvania or Maryland One-Call Systems. In Pennsylvania, call 1-800-242-1776. In Maryland, call 1-800-257-7777.

- 10 **GROUNDING SYSTEM:** The contractor shall notify the OHT Supervisor in the event he/she or any subcontractor uncovers or destroys any transmission line grounding leads. The repairs to this equipment shall be made by PECO personnel at the contractor's expense. Contractors and their personnel shall not touch, handle or attempt to repair any exposed or severed grounding leads.
- 11 **STORAGE:** No buildings, storage sheds, trailers, combustible or hazardous materials shall be placed or stored under a transmission line conductor or within 50 feet of a structure.
- 12 **CLEAN-UP OPERATIONS:** After completing construction, the contractor shall remove all unused material and debris, re-establish all roads and trails and return the right-of-way to its original condition within thirty (30) calendar days of work completion. The contractor shall notify PECO at the address described in paragraph 5.1 upon completion of the clean-up operations so that PECO may arrange an inspection to assure compliance with these requirements.

**CONDITIONS FOR WORKING IN THE VICINITY OF
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

Page 1 of 3 Revised 5/2011

INFORMATION REQUIRED TO EVALUATE PROPOSED TRANSMISSION LINE RIGHT-OF-WAYS SECONDARY USES OF PECO AND ITS SUBSIDIARIES

PECO considers proposed secondary uses of transmission line rights-of-way in accordance with its electric construction standards S-7072, "Secondary Uses for Rights-of-Way Along Electric Transmission Lines of PECO and Its Subsidiaries" and S-7074, "General Conditions Regulating Approved Secondary Uses for Transmission Line Rights-of-Way of PECO and Its Subsidiaries" respectively. In order to properly evaluate these proposed secondary uses, PECO requires that certain information be submitted to its Real Estate Department as follows:

1.0 PRELIMINARY PLANS

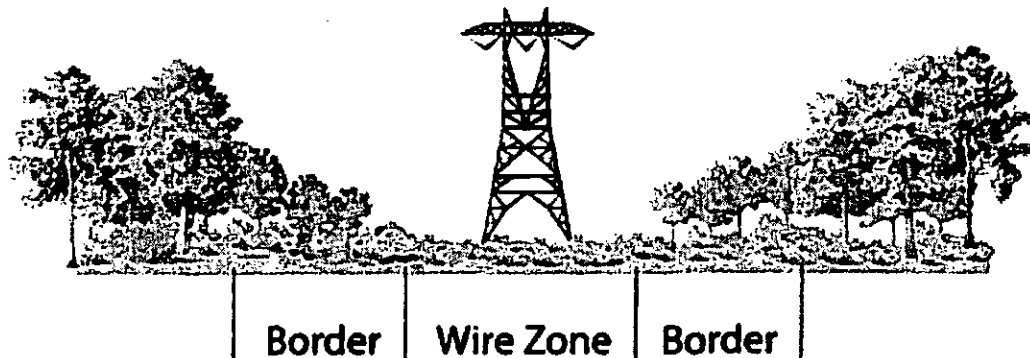
PECO will accept for review and comment a preliminary sketch or concept plan prepared in advance of formal drawings for the purpose of determining the feasibility of a particular right-of-way use. This plan shall indicate the proposed use and general location in relation to PECO's facilities. Six (6) copies of this preliminary report shall be submitted to PECO Real Estate Department, 2301 Market Street, Philadelphia, PA 19101.

2.0 FINAL DRAWINGS - Submission of the final drawings shall be required before PECO will consider granting final approval of the project and before any work may begin on PECO property. Six (6) copies of the final drawings containing the following information shall be submitted for approval to the PECO Real Estate Department:

- 2.1** Location of all PECO transmission and distribution structures, including identification numbers, poles, guys manholes, and all underground facilities.
- 2.2** Grade elevations at the base of all PECO facilities.
- 2.3** Proposed road and parking lot details including location, type of construction, grade elevations, drainage plans, and the location of any curbs, sidewalks or protective barriers.
- 2.4** The location and height of all proposed street lights.
- 2.5** Where regarding is necessary, include both existing and final grades on the plans.
- 2.6** Where plantings are proposed, the location, the height above final grade at maturity, the number and the species shall be specified.

SECONDARY USES FOR RIGHTS-OF-WAY ALONG ELECTRIC TRANSMISSION LINES OF PECO AND ITS SUBSIDIARIES ELECTRIC CONSTRUCTION STANDARDS

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2.7 The diagram above provides guidance for planting within the electric transmission right-of-way. Grasses and herbaceous plants are permitted in the wire zone. Trees may not be planted in the wire zone. Small growing trees or shrubs may be permitted in the border zone of the right-of-way.

2.8 The location, size, and, depth of all proposed underground facilities such as water and sewer lines shall be specified.

2.9 All plans shall be drawn to a suitable scale and elevations shall be referenced to U.S. Coast & Geodetic datum or other datum acceptable to PECO.

3.0 **SAFETY** - All plans and drawings, preliminary and final, involving work in the vicinity of PECO electric lines must include the following:

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 and its Subsidiaries" and comply with its provisions.

**SECONDARY USES FOR RIGHTS-OF-WAY ALONG
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

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4.0 REFERENCES

4.1 PECO Construction Standards

- 4.1.1 S-7070: "Conditions for Working in the Vicinity of Electric Transmission Lines of PECO and Its Subsidiaries"**
- 4.1.2 S-7072: "Secondary Uses for Rights-of-Way along Electric Transmission Lines of PECO and Its Subsidiaries"**
- 4.1.3 S-7074: "General Conditions Regulating Approved Secondary Uses for Transmission Line Rights-of-Way of PECO and It Subsidiaries."**

**SECONDARY USES FOR RIGHTS-OF-WAY ALONG
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

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**GENERAL CONDITIONS REGULATING APPROVED SECONDARY
USES FOR TRANSMISSION LINE RIGHTS-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS

**CALL PECO AT 610-648-7926 OR 610-648-7913 BEFORE WORKING IN THE
VICINITY OF PECO ELECTRIC TRANSMISSION LINES**

The following GENERAL CONDITIONS regulate approved secondary uses of PECO transmission line rights-of-way, whether owned in fee or controlled by easement. The acceptable non-transmission line uses are summarized in PECO Electric Construction Standard S-7072, "Secondary Uses for Rights-of-Way Along Electric Transmission Lines of PECO and Its Subsidiaries."

1.0 UNDERSTANDING

- 1.1** User understands that PECO's business includes construction, installation, maintenance, operation and use of structures, fixtures, facilities and instrumentation, with appurtenances, which now exist or which may hereafter be placed on the right-of-way, which are used or useful for the generation, conversion, transmission or distribution of electricity, or gas or telecommunications services.
- 1.2** User agrees to comply with all requirements of any of the constituted public authorities, and with the terms of any federal or state statute or local ordinance or regulation applicable to the use of the right-of-way, and agrees to indemnify and hold PECO harmless from penalties, fines, costs or damages resulting from User's failure to do so.
- 1.3** User understands that PECO, its successors and assigns, shall have the right to continue to use its rights-of-way for the purposes listed in paragraph 1.1 hereof. PECO reserves the right to require User to relocate or remove any installations, improvements, or plantings. Any relocation or removal shall be accomplished in accordance with the terms and conditions of User's written lease agreement, if applicable, or in accordance with terms and conditions specified by PECO.

2.0 APPROVAL

All proposed secondary uses of PECO rights-of-way shall be subject to the prior written approval of the PECO Real Estate Department, 2301 Market Street, Philadelphia, PA 19101, Telephone (215) 841-5471. All related notifications, submissions and requests for approval, unless otherwise specified, shall be directed to the PECO Real Estate Department.

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

ELECTRIC CONSTRUCTION STANDARDS

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3.0 SAFETY AND CLEARANCES

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS. User shall treat all overhead power lines as energized and potentially dangerous. If at any time, construction or other work activities in the vicinity of PECO transmission lines may occur, User and all contractors and subcontractors must obtain from the PECO Real Estate Department the current version of PECO Electric Construction Standard S-7070, "Conditions for Working In the Vicinity of Electric Transmission Lines of PECO and Its Subsidiaries" and must comply with its provisions. **Construction or other work activities in the vicinity of PECO transmission lines without prior notice to PECO in accordance with the S-7070 is potentially dangerous and is absolutely forbidden.**

4.0 DRAWINGS

Prior to the start of any construction on the right-of-way, User shall submit to PECO, for its approval, plans prepared in accordance with Electric Construction Standard S-7073, "Evaluation of Proposed Transmission Line Rights-of-Way Secondary Uses."

5.0 RELOCATION

User must obtain the prior written approval of PECO Real Estate Department for any relocation of PECO facilities. Approved relocations shall be performed only by PECO or its agents at Users sole cost and expense.

6.0 INSTALLATION

- 6.1** User agrees that all construction work performed by User or its agents within the right-of-way shall be performed in accordance with accepted engineering practices. User understands that PECO may require the bonding and/or grounding of improvements to eliminate the effects of induced voltage.
- 6.2** User agrees that no charge or assessment for the installation of any underground facility shall be made or imposed upon any part of PECO's right-of-way through which any underground facility passes and User shall save PECO harmless from any such charge or assessment at User's sole cost and expense. PECO shall be permitted to connect to Users facilities without a connection charge.

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES

ELECTRIC CONSTRUCTION STANDARDS

(6/95) Page 2 of 7 REV (3/2011)

7.0 EXCAVATIONS

- 7.1** There shall be no construction or excavation within 25 feet of any tower, steel pole structure, wood pole structure or guy anchor without the prior specific written approval of PECO. No construction or excavation shall be permitted in the area between a pole or structure and its associated guy wire anchor. User shall exercise care to prevent cave-ins which could disturb PECO facilities.
- 7.2** User shall comply with the provisions of the Pennsylvania or Maryland One-Call Systems. In Pennsylvania, call 1-800-242-1776. In Maryland, call 1-800-257-7777.
- 7.3** To prevent injuries, User is required to cover all open ditches at night or whenever otherwise unattended.
- 7.4** User agrees that any trenches dug during the installation or subsequent repair of underground facilities shall be properly planked to insure PECO's access across its right-of-way at all times.

8.0 IMPROVEMENTS

User, at Users sole cost and expense, shall install and maintain any public improvements required or necessary for the proposed use, such as sewer or water main extensions, curbs, sidewalks or roadway paving. User also agrees that no charge or assessment shall be made or imposed upon any part of PECO's right-of-way arising or resulting from Users improvements.

9.0 ACCESS

- 9.1** At all times, User shall provide an access route at least 16 feet wide for ingress and egress of PECO vehicles as necessary for the construction and maintenance of its structures and facilities within the right-of-way and adjacent premises, unless this provision is waived in writing by PECO.
- 9.2** When permission is granted by PECO for a highway, road or driveway to cross its right-of-way at an elevation different from the existing elevation of the right-of-way, the construction shall include a ramp from each side of the road to meet the existing right-of-way elevation. Access ramps shall be at least 16 feet wide with a maximum grade of 15%.

10.0 GATES

All fencing within the right-of-way shall include a 16 foot wide gate(s) or wire barricade(s) as described in PECO Electric Construction Standard S-7071, "Right-of-Way Fences, Gates and Barricades."

11.0 LOCKS

PECO shall have the right to install its own lock on any gates within the right-of-way. User shall provide, at its sole cost and expense, a dual/multiple locking system for this purpose.

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES

ELECTRIC CONSTRUCTION STANDARDS

(6/95) Page 3 of 7 REV (3/2011)

12.0 EXPLOSIVES

User shall not use or store explosives or flammable materials in any form within the right-of-way.

13.0 DRAINAGE

In order to prevent erosion or other drainage problems and to prevent dirt from being placed above any concrete tower foundations, User shall not alter the grade of the right-of-way except as approved under paragraph four hereof.

14.0 PARKING LOTS AND DRIVEWAYS

PECO shall have the right to use any driveway or parking lot located within the right-of-way without being responsible for any damage caused thereto. User shall construct driveways and parking lots to withstand the weight of vehicles which distribute 38,000 pounds per axle.

15.0 LIMITATION OF DAMAGES FOR PLANTINGS

If required by PECO, User shall remove or relocate plantings blocking access to PECO facilities within 30 days after receiving notice. If prior notice cannot be given or if such removal or relocation is not timely completed, PECO shall gain access to its facilities and compensation for damage to User, if any, shall not exceed pro rata rental for the portion of the right-of-way used by PECO for its corporate purposes.

Where plantings are installed without the prior written consent of PECO, User shall remove or relocate plantings as requested by PECO. No compensation will be paid by PECO for this work.

16.0 UNDERGROUND FACILITIES

16.1 The installation of any underground facilities required by User shall be completed at User's expense, in accordance with the Erosion and Sedimentation Control Regulations of the Pennsylvania Department of Environmental Resources (PA-DER) or any other environmental regulatory agency or governmental agency, and with the minimum possible damage to the ground within the PECO right-of-way.

16.2 Any underground installation shall meet applicable standards for minimum cover unless otherwise specified by PECO. PECO reserves the right to require greater than minimum cover. User is aware PECO intends to cross over underground facilities with vehicles generally weighing 38,000 pounds per axle, and the pipeline(s) shall be installed accordingly. PECO does not warrant that any approved or specified cover will protect the pipeline(s).

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

ELECTRIC CONSTRUCTION STANDARDS

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- 16.3 User shall furnish engineering plans of pipeline cathodic protection systems for PECO review and approval prior to installation. Cathodic protection interference tests shall be performed on the completed facility at the expense of User. User shall furnish any other information required by PECO.
- 16.4 User shall take special care to avoid leakage at pipe joints or seepage into open ditches during the construction, installation, use, maintenance, repair, renewal, removal or replacement of the pipeline(s).
- 16.4.1 In the event of a leak or a spill involving gasoline, oil or other toxic or hazardous materials or pollutants, User agrees to satisfy all requirements specified by, PECO, the PA DER, the Environmental Protection Agency (EPA), or any environmental regulatory agency or other governmental agency for the cleanup of said leak or spill. User further agrees to assume full responsibility for the cost of the cleanup and any future liability resulting from the leak or spill.
- 16.5 All proposed pipeline or metallic communication line installations which will longitudinally occupy any transmission line right-of-way for a distance greater than 200 feet must have an inductive interference study completed at Users sole cost and expense and reviewed by PECO prior to construction of the proposed facility.
- 16.5.1 At a minimum, inductive interference study shall include the following:
- 16.5.1.1 Induced voltage on the proposed facility at emergency rating of each transmission line (individually) on the right-of-way.
 - 16.5.1.2 Induced voltage on the proposed facility at emergency rating of each distribution line (individually) on the right-of-way.
 - 16.5.1.3 Induced voltage on the proposed facility at emergency rating of all electric lines on the right-of-way.
 - 16.5.1.4 Induced voltage on the proposed facility during a fault (both phase to ground and three phase) on each transmission line on the right-of-way. Faults on the electric transmission lines shall be located at either end of the proposed facility to be installed on the right-of-way and at the middle of the occupation. Fault studies shall also be conducted at any additional locations specified by the PECO engineer.
 - 16.5.1.5 If the proposed facility to be installed on the right-of-way is a bare metal structure (i.e. metal pipe), User shall supply to PECO voltage gradient plots of the area around any transmission structure within 50 feet of the facility. If the voltage gradients around any electric structure increase, User, at its sole cost and expense, must install mitigation prior to the proposed pipeline installation.

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

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16.5.2 Electric transmission and distribution facilities will be added or removed from the right-of-way from time to time. Before PECO adds or removes facilities, the owners of any pipeline or metallic communication line on the PECO right-of-way shall be responsible for completing an initial or revised inductive interference study, submitting it to PECO for review and installing required mitigation, including on PECO's facilities, and at Users sole cost and expense, in a timely manner.

16.5.3 User shall maintain all Inductive interference mitigation systems in good operating condition and check for proper operation once each year.

17.0 MARKINGS FOR UNDERGROUND FACILITIES

In order to minimize the number of future dig-ins, User shall be required, as part of any underground installation, to install and maintain at Users expense, permanent markers to identify the location of the underground facility. Pipelines and other similar installations shall be marked where the line enters and exits the right-of-way, at intermediate points along straight runs of pipe and at all angle points where the line changes direction.

18.0 BARRIERS

User shall take precautions to protect PECO structures and facilities, including but not limited to protective barriers. The location of any protective barriers shall be delineated on plans prepared by User and approved by PECO.

19.0 DAMAGE TO PECO FACILITIES

User shall be responsible for any damage caused to PECO facilities and shall be required to reimburse PECO for the cost of repairing the damage. All such damage shall be promptly reported to PECO System Operations, 800-841-4141.

20.0 OUTDOOR ADVERTISING

User shall furnish plans for PECO's prior approval. Plans must show both horizontal and vertical views of Users proposed structure(s) in relationship to PECO facilities.

21.0 INSPECTIONS

User understands and agrees that PECO or its authorized agents have the right to enter the right-of-way at any time for any corporate purpose.

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES

ELECTRIC CONSTRUCTION STANDARDS

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22.0 RESTORATION OF PROPERTY

User agrees upon completion of any work done to: (1) restore the ground to a condition at least equal to that existing prior to such installation, including but not limited to back filling, properly tamping and reseeding the surface of the ground above the facilities and, if necessary, refilling and reseeding following any subsequent settlement of the ground in order to maintain the drainage pattern existing prior to such installation; and (2) repair and put into good condition to the satisfaction of PECO, any and all fences and other improvements injured thereby, and landscaping damaged during the course of users work.

23.0 REFERENCES

23.1 PECO Electric Construction Standards

- 23.1.1 S-7070 - "Conditions For Working In the Vicinity of Electric Transmission Lines of PECO Energy Company and Its Subsidiaries"
- 23.1.2 S-7071 - "Rights-of-Way Fences, Gates and Wire Barricades of PECO and Its Subsidiaries"
- 23.1.3 S-7072 - "Secondary Uses For Rights-of-Way along Electric Transmission Lines of PECO and Its Subsidiaries"
- 23.1.4 S-7073 - "Information Required to Evaluate Proposed Transmission Line Rights-of-Way Secondary Uses of PECO and Its Subsidiaries"

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES

ELECTRIC CONSTRUCTION STANDARDS

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RECEIVED
2011 DEC -8 AM 10:30
PA P.U.C
SECRETARY'S BUREAU

Prepared By:
PECO Energy Company
2301 Market Street, N3-3
Philadelphia, PA 19103

Return To:

Parcel No. 18-5-23.1U

DEED IN LIEU OF CONDEMNATION

THIS INDENTURE, made this ___ day of _____, 2011, from **PECO Energy Company**, a Pennsylvania corporation (hereinafter referred to as "Grantor"), and **EAST COVENTRY TOWNSHIP**, a Pennsylvania municipality with offices at 855 Ellis Woods Roads, Pottstown, PA, East Coventry Township, Chester County, (hereinafter referred to as "Grantee").

WHEREAS, Grantor is the owner of real property in East Coventry Township, Chester County, which is identified as part of Chester County Tax Parcel No. 18-5-23.1U ("Grantor's Property"); and

WHEREAS, Grantee, by Resolution of the Board of Supervisors of East Coventry Township, can authorize the condemnation of a 0.04 acre portion of Grantors' Property, by virtue of Grantee's power of eminent domain, for right of way and road widening at the intersection of Linfield Road and Schuylkill Road in East Coventry Township; and

WHEREAS, Grantor is agreeable to convey to Grantee fee simple to the aforementioned portion of Grantor's Property by this Deed in Lieu of Condemnation.

WITNESSETH:

THAT the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid, the receipt and sufficiency whereof is hereby acknowledged, and other advantages accruing to it, as well as other diverse considerations affecting the public welfare, the said Grantor, in lieu of the condemnation thereof by the said Grantee, have granted, bargained, sold, conveyed, released and confirmed, and **BY THESE PRESENTS** does grant, bargain, sell, convey, release and confirm unto the said Grantee:

ALL THAT CERTAIN tract or piece of land now owned by Grantor, situate in East Coventry Township, Chester County, Commonwealth of Pennsylvania, more particularly shown on a Plan prepared by McMahon Transportation Engineering and Planners dated July 7, 2010; Job# 810065 attached hereto as Exhibit "A", and bounded and described as set forth in the legal description attached hereto as Exhibit "B".

Conveyance in lieu of condemnation of the above-described portion of Grantor's Property to the Grantee is being made for right of way and road widening at the intersection of Linfield Road and Schuylkill Road in East Coventry Township.

TO HAVE AND TO HOLD the tract or parcel of land above described, unto the said Grantee, its successors and assigns, forever, as and for a public street, road or highway, together with the sanitary and storm sewer lines constructed thereunder (if any), and for no other use or purpose whatsoever, and to the same extent and with the same effect as if the said road had been opened by a Decree of the Court of Common Pleas in and for the County of Chester after proceedings duly had for that purpose under and pursuant to the laws of the Commonwealth of Pennsylvania. Grantee, its successors and assigns, agrees that any work in connection with the right of way and road widening will be performed under and subject to PECO Energy Electric Construction Standards S-7070; S-7073; and S-7074 (copy attached).

AND the said Grantor, for itself, its successors and assigns, does by these presents further covenant, promise and agree, to and with the said Grantee, its successors and assigns, that they, the said Grantor, shall and will warrant and forever defend the hereinabove described tract or piece of ground, against them, the said Grantor, its successors and assigns, and against all and any person or persons whomsoever, lawfully claiming or to claim the same, or any part thereof, by, from or under it, them or any of them.

AND the said Grantor, for itself, its successors and assigns, does hereby release and discharge Grantee from all claims, damages, expenses, remuneration, costs, judgments, and awards of any kind relating to the taking, use and/or occupancy of Grantor's Property and any portion thereof as well as all claims for eminent domain damages and expenses. Reserving unto Grantor, its successors and assigns the ownership of its utility facility on the property together with the uninterrupted rights, liberty, and privilege to cross over the property with aerial wires and cables for the transmission and distribution of electricity and communications.

AND the said Grantee, by accepting and recording this Deed in Lieu of Condemnation, accepts the tract or piece of land described herein as and for a public street, road or highway.

(Signature page follows)

IN WITNESS WHEREOF, the said Grantor has caused this Deed to be signed on the
day and year first above written.


GRANTOR:

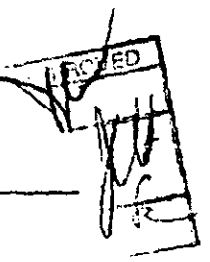
PECO ENERGY COMPANY

Attest:


Assistant Secretary

By:


M. A. Williams, Director
Real Estate & Facilities



PE 5445
Attachments

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF Philadelphia:

On this 12th day of October, 2011, before me, the undersigned officer, personally appeared M. A. Williams, Director, Real Estate & Facilities known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

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

Suzanne M. Lydzinski
Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Suzanne M. Lydzinski, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires March 7, 2014
Member, Pennsylvania Association of Notaries

Right-of-Way Acquisition Plan

EXHIBIT "A"

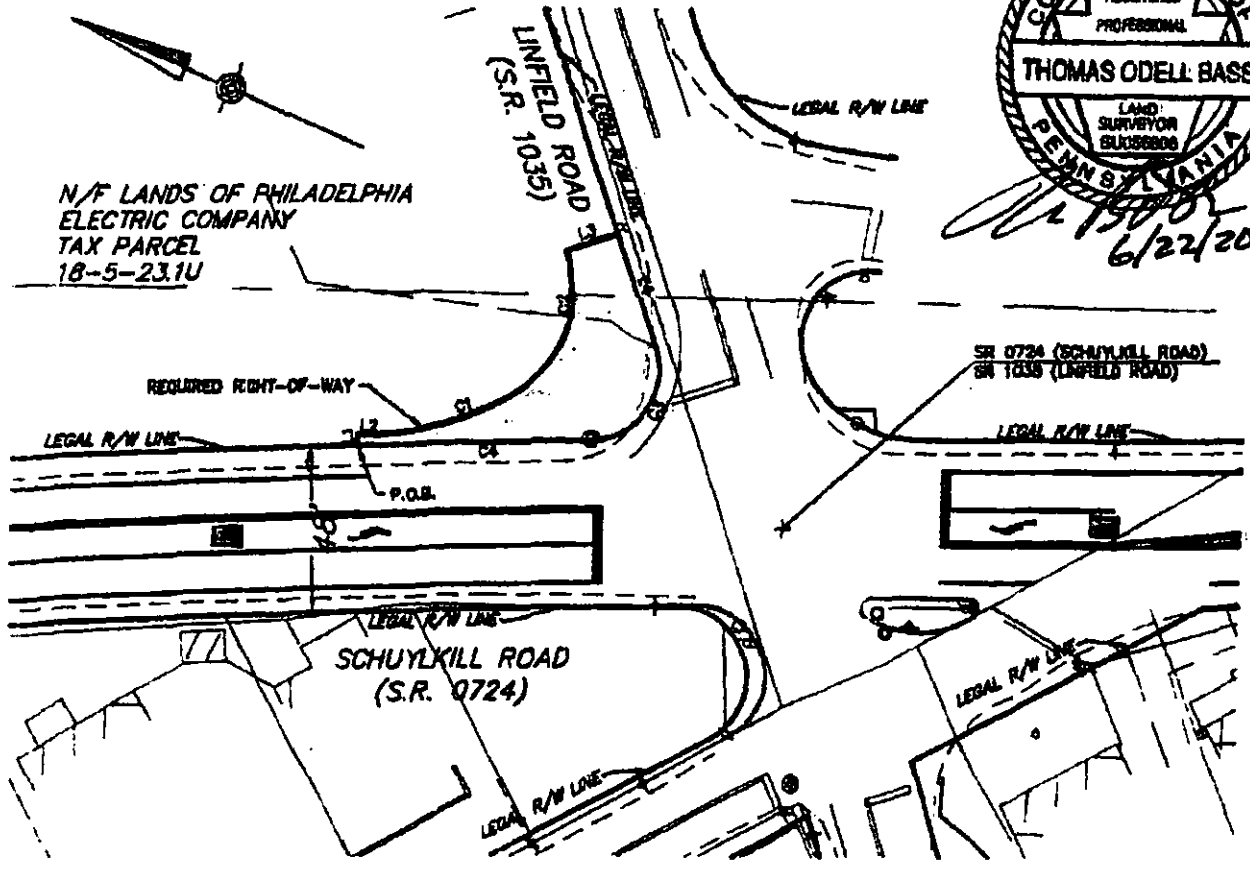
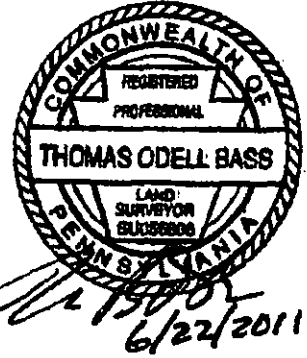
GENERAL NOTES

1. ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, OR FROM FIELD SURVEY. PROPERTY LINES NOT ESTABLISHED BY FIELD SURVEY WERE PLOTTED BASED ON EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA.
2. BOUNDARY DETERMINATION AND TOPOGRAPHIC INFORMATION PROVIDED BY HOWELL KLINE SURVEYING, LLC.

RIGHT-OF-WAY LINE TABLE		
LINE/CURVE	BEARING	LENGTH
L1	N54°47'10"E	3.06
L2	S35°12'50"E	5.00
L3	S52°46'05"E	16.00
L4	S37°13'33"W	34.92

RIGHT-OF-WAY CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	41.36	69.41	40.95	S49°05'08"E
C2	48.75	35.00	44.91	N77°08'13"E
C3	37.69	20.00	32.35	N88°46'56"W
C4	68.41	5754.58	68.41	N35°08'13"W

TOTAL AREA OF RIGHT-OF-WAY
= 1,840 SF; 0.04 AC



RIGHT-OF-WAY TO BE ACQUIRED FROM N/F LANDS OF PHILADELPHIA ELECTRIC COMPANY (TAX PARCEL 18-5-23.1U) BY THE TOWNSHIP OF EAST COVENTRY

DATE JULY 7, 2010
JOB # 810085
SCALE 1" = 50'



Legal Description

EXHIBIT "B"

July 7, 2010

**DESCRIPTION OF REQUIRED RIGHT-OF-WAY
TO BE ACQUIRED FROM
LANDS OF PHILADELPHIA ELECTRIC COMPANY
NOW PECO ENERGY COMPANY**

All that certain required piece of land situate in East Coventry Township, County of Chester, Commonwealth of Pennsylvania. Being part of the land described in an indenture dated the 30th day of May 1984 in Deed Book L-63, Page 404 and recorded at West Chester in the Office for the Recorder of Deeds in and for the County of Chester. Bounded and described in accordance with a plan made by McMahon Associates, Inc., Exton, PA, as follows to wit:

Commencing at a point formed by the intersection of the centerline of Schuylkill Road (S.R. 0724) with the intersection of the centerline of Linfield Road (S.R. 1035); thence along the centerline of Schuylkill Road on a curve to the left having an arc length of 124.25 feet, a radius of 5729.58 feet, a chord length of 124.24 feet, and a chord bearing of North 34 degrees 51 minutes 23 seconds West; thence perpendicular to the centerline of Schuylkill Road North 54 degrees 31 minutes 21 seconds East 25.00 feet to the Legal Right-of-Way; to the Point of Beginning, thence,

- 1.) Along the easterly required right of way of Schuylkill Road North 54 degrees 47 minutes 10 seconds East 3.06 feet
- 2.) South 35 degrees 12 minutes 50 seconds East 5.00 feet
- 3.) On a curve to the left having an arc length of 41.36 feet, a radius of 85.41 feet, a chord length of 40.95 feet, and a chord bearing of South 49 degrees 05 minutes 08 seconds East
- 4.) On a curve to the left having an arc length of 48.75 feet, a radius of 35.00 feet, a chord length of 44.91 feet, and a chord bearing of North 77 degrees 08 minutes 15 seconds East
- 5.) South 52 degrees 46 minutes 05 seconds East 16.00 feet
- 6.) Along the northerly legal right of way of Linfield Road South 37 degrees 13 minutes 55 seconds West 34.92 feet
- 7.) On a curve to the right having an arc length of 37.69 feet, a radius of 20.00 feet, a chord length of 32.35 feet, and a chord bearing of North 88 degrees 46 minutes 56 seconds West
- 8.) Along the easterly legal right of way of Schuylkill Road on a curve to the left having an arc length of 68.41 feet, a radius of 5754.58 feet, a chord length of 68.41 feet, and a chord bearing of North 35 degrees 08 minutes 13 seconds West

to the point and place of beginning

Containing 1,840 square feet, or 0.04 acre.

Being a part of tax parcel number 18-5-23.1U

This description was written based upon a plan prepared by McMahon Associates, Inc. entitled "RIGHT-OF-WAY TO BE ACQUIRED FROM N/F LANDS OF PHILADELPHIA ELECTRIC COMPANY (TAX PARCEL 18-5-23.1U) BY THE TOWNSHIP OF EAST COVENTRY" dated July 7, 2010.



A handwritten signature in black ink, appearing to read "Thomas O. Bass", is written over a horizontal line.

Thomas O. Bass, P.L.S.
Pennsylvania Professional
Land Surveyor No. SU-056808

\\seng\p100651\Orig\Right-of-way\PECO Right of way.doc

A handwritten date "6/22/2011" is written in black ink over a horizontal line.

Date

**CONDITIONS FOR WORKING IN THE VICINITY OF
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES**

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS

**CALL PECO AT 610-648-7926 or 7913 BEFORE WORKING IN THE
VICINITY OF PECO ELECTRIC TRANSMISSION LINES**

1 DEFINITIONS: As used in this Standard:

- 1.1 PECO means PECO and its subsidiaries.
- 1.2 Contractor means natural person, firm, business association, company, partnership, corporation, tenant, lessee, grantee or licensee who or which is controlling or performing the job or activity that necessitates the approval and notification required by this standard.
- 1.3 In the vicinity of PECO electric transmission lines means construction or other work activities on or adjacent to rights-of-way or easements that contain PECO electric transmission lines, including but not limited to any use of cranes, booms, hoists, ladders or other equipment or items that might come within the clearance distances set forth in Table I, below.

**TABLE I
Clearance Distance to Transmission Lines**

<u>Nominal Operating Voltage</u> (volts)	<u>PECO Recommended Distance</u>		<u>OSHA (1926.1408) Regulatory Distance</u>	
	(feet)	(meters)	(feet)	(meters)
500,000	35	10.7	25	7.7
230,000	25	7.7	20	6.1
138,000	20	6.1	15	4.6
69,000	15	4.6	15	4.6
34,000 and below	12	3.7	10	3

- 2 **APPROVAL:** All contractors engaged in construction or other work activities on PECO rights-of-way must obtain the specific advance written approval of PECO Real Estate Department, 2301 Market Street, Philadelphia, Pa. 19101, Telephone (215) 841-5471.

- 3 **CONTRACTOR'S DUTY AND RESPONSIBILITY:** It is the contractor's duty and responsibility to ensure that all construction or other work activities in the vicinity of PECO electric transmission lines shall be performed in accordance with the latest applicable federal, state and local statutes and regulations governing the safe operation of cranes, booms, hoists, ladders or other equipment and safe work practices of personnel in the vicinity of electric transmission lines.
- 4 **RESPONSIBILITY FOR SUB-CONTRACTORS:** The prime contractor shall be responsible for supplying copies of the S-7070 to all sub-contractors and determining that the sub-contractors are familiar with the information contained therein.
- 5 **NOTIFICATION:** In addition to the advance approval required in paragraph 2, the contractor shall contact PECO in accordance with the following schedule:
 - 5.1 As soon as possible, but no less than thirty (30) calendar days before construction or other work activities are to start, if at any time any construction or work activities may or could take place in the vicinity of PECO electric transmission lines, the contractor shall contact PECO New Business Group (800-841-4141) and Transmission and Substations OHT Supervisor, Overhead Transmission Center, 1040 Swedesford Road, Berwyn, Pa. 19312, Telephone 610-648-7926 or 610-648-7913. After this notification, PECO will review the project and coordinate with the contractor on what precautionary safety measures, if any, are appropriate: If transmission line outages are required, the contractor and representatives of the T&S will work together to develop a tentative schedule.
 - 5.2 The contractor shall also contact the T&S OHT Supervisor at 610-648-7926 or 7913 at least ten (10) working days before construction or other work activity is to begin to confirm scheduling and arrangements.
 - 5.3 If at any time during construction or other work activities, a previously unanticipated need for equipment or personnel in the vicinity of PECO electric transmission lines occurs, the contractor shall immediately contact the OHT Supervisor at 610-648-7926 or 7913. Construction or other work activities in the vicinity of PECO transmission lines without prior notice to PECO in accordance with paragraphs 5.1 and 5.2 is potentially dangerous and is absolutely forbidden.
 - 5.4 In addition to electric transmission lines, PECO rights-of-way and easements may also contain distribution lines. Contractor shall treat all overhead power lines as energized and potentially dangerous.

Contractor shall notify PECO at 610-648-7926 or 7913 if at any time any construction or other work activities may or could take place in the vicinity of any overhead power lines.

5.5 In the event of any contact with PECO facilities, the contractor shall call the PECO System Operations at 215-841-5144 as soon as possible.

6 OUTAGES:

6.1 PECO shall determine the available time periods for line outages in the event de-energizing conductors is necessary. If the contractor insists on a specific day or time for an outage which results in the use of inefficient generation, the contractor shall reimburse PECO for the additional generating costs, as determined by PECO System Operations Division.

6.2 If an emergency occurs on the PECO system during a scheduled line outage period and that line is required to maintain system integrity, the contractor shall, within one hour, make the transmission line available for PECO's use and shall cease work within the vicinity of the line.

7 **REIMBURSEMENT BY CONTRACTOR:** PECO shall be reimbursed by the contractor for all costs and expenses incurred in implementing any precautionary safety measures.

8 **BLASTING:** No blasting shall be permitted in the vicinity of transmission line facilities without specific advance written approval by PECO. Notification of intent to blast shall be made in accordance with paragraph 5.2.

9 EXCAVATIONS:

9.1 No one shall excavate closer than 35 feet to PECO transmission structures or anchors without specific advance written approval by PECO. Notification of intent to excavate shall be made in accordance with paragraphs 5.1 and 5.2.

9.2 Contractors shall comply with the provisions of the Pennsylvania or Maryland One-Call Systems. In Pennsylvania, call 1-800-242-1776. In Maryland, call 1-800-257-7777.

- 10 **GROUNDING SYSTEM:** The contractor shall notify the OHT Supervisor in the event he/she or any subcontractor uncovers or destroys any transmission line grounding leads. The repairs to this equipment shall be made by PECO personnel at the contractor's expense. Contractors and their personnel shall not touch, handle or attempt to repair any exposed or severed grounding leads.
- 11 **STORAGE:** No buildings, storage sheds, trailers, combustible or hazardous materials shall be placed or stored under a transmission line conductor or within 50 feet of a structure.
- 12 **CLEAN-UP OPERATIONS:** After completing construction, the contractor shall remove all unused material and debris, re-establish all roads and trails and return the right-of-way to its original condition within thirty (30) calendar days of work completion. The contractor shall notify PECO at the address described in paragraph 5.1 upon completion of the clean-up operations so that PECO may arrange an inspection to assure compliance with these requirements.

**INFORMATION REQUIRED TO EVALUATE PROPOSED
TRANSMISSION LINE RIGHT-OF-WAYS SECONDARY USES OF
PECO AND ITS SUBSIDIARIES**

PECO considers proposed secondary uses of transmission line rights-of-way in accordance with its electric construction standards S-7072, "Secondary Uses for Rights-of-Way Along Electric Transmission Lines of PECO and its Subsidiaries" and S-7074, "General Conditions Regulating Approved Secondary Uses for Transmission Line Rights-of-Way of PECO and its Subsidiaries" respectively. In order to properly evaluate these proposed secondary uses, PECO requires that certain information be submitted to its Real Estate Department as follows:

1.0 PRELIMINARY PLANS

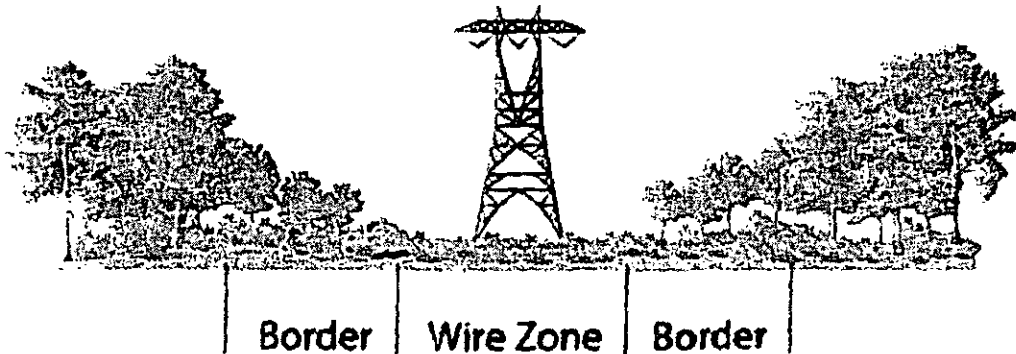
PECO will accept for review and comment a preliminary sketch or concept plan prepared in advance of formal drawings for the purpose of determining the feasibility of a particular right-of-way use. This plan shall indicate the proposed use and general location in relation to PECO's facilities. Six (6) copies of this preliminary report shall be submitted to PECO Real Estate Department, 2301 Market Street, Philadelphia, PA 19101.

2.0 FINAL DRAWINGS - Submission of the final drawings shall be required before PECO will consider granting final approval of the project and before any work may begin on PECO property. Six (6) copies of the final drawings containing the following information shall be submitted for approval to the PECO Real Estate Department:

- 2.1 Location of all PECO transmission and distribution structures, including identification numbers, poles, guys manholes, and all underground facilities.
- 2.2 Grade elevations at the base of all PECO facilities.
- 2.3 Proposed road and parking lot details including location, type of construction, grade elevations, drainage plans, and the location of any curbs, sidewalks or protective barriers.
- 2.4 The location and height of all proposed street lights.
- 2.5 Where regarding is necessary, include both existing and final grades on the plans.
- 2.6 Where plantings are proposed, the location, the height above final grade at maturity, the number and the species shall be specified.

**SECONDARY USES FOR RIGHTS-OF-WAY ALONG
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

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- 2.7 The diagram above provides guidance for planting within the electric transmission right-of-way. Grasses and herbaceous plants are permitted in the wire zone. Trees may not be planted in the wire zone. Small growing trees or shrubs may be permitted in the border zone of the right-of-way.
- 2.8 The location, size, and depth of all proposed underground facilities such as water and sewer lines shall be specified.
- 2.9 All plans shall be drawn to a suitable scale and elevations shall be referenced to U.S. Coast & Geodetic datum or other datum acceptable to PECO.

3.0 **SAFETY** - All plans and drawings, preliminary and final, involving work in the vicinity of PECO electric lines must include the following:

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 and its Subsidiaries" and comply with its provisions.

**SECONDARY USES FOR RIGHTS-OF-WAY ALONG
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

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4.0 REFERENCES

4.1 PECO Construction Standards

- 4.1.1 S-7070: "Conditions for Working in the Vicinity of Electric Transmission Lines of PECO and Its Subsidiaries"**
- 4.1.2 S-7072: "Secondary Uses for Rights-of-Way along Electric Transmission Lines of PECO and Its Subsidiaries"**
- 4.1.3 S-7074: "General Conditions Regulating Approved Secondary Uses for Transmission Line Rights-of-Way of PECO and Its Subsidiaries."**

**SECONDARY USES FOR RIGHTS-OF-WAY ALONG
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

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**GENERAL CONDITIONS REGULATING APPROVED SECONDARY
USES FOR TRANSMISSION LINE RIGHTS-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS

**CALL PECO AT 610-648-7926 OR 610-648-7913 BEFORE WORKING IN THE
VICINITY OF PECO ELECTRIC TRANSMISSION LINES**

The following GENERAL CONDITIONS regulate approved secondary uses of PECO transmission line rights-of-way, whether owned in fee or controlled by easement. The acceptable non-transmission line uses are summarized in PECO Electric Construction Standard S-7072, "Secondary Uses for Rights-of-Way Along Electric Transmission Lines of PECO and Its Subsidiaries."

1.0 UNDERSTANDING

- 1.1** User understands that PECO's business includes construction, installation, maintenance, operation and use of structures, fixtures, facilities and instrumentation, with appurtenances, which now exist or which may hereafter be placed on the right-of-way, which are used or useful for the generation, conversion, transmission or distribution of electricity, or gas or telecommunications services.
- 1.2** User agrees to comply with all requirements of any of the constituted public authorities, and with the terms of any federal or state statute or local ordinance or regulation applicable to the use of the right-of-way, and agrees to indemnify and hold PECO harmless from penalties, fines, costs or damages resulting from User's failure to do so.
- 1.3** User understands that PECO, its successors and assigns, shall have the right to continue to use its rights-of-way for the purposes listed in paragraph 1.1 hereof. PECO reserves the right to require User to relocate or remove any installations, improvements, or plantings. Any relocation or removal shall be accomplished in accordance with the terms and conditions of User's written lease agreement, if applicable, or in accordance with terms and conditions specified by PECO.

2.0 APPROVAL

All proposed secondary uses of PECO rights-of-way shall be subject to the prior written approval of the PECO Real Estate Department, 2301 Market Street, Philadelphia, PA 19101, Telephone (215) 841-5471. All related notifications, submissions and requests for approval, unless otherwise specified, shall be directed to the PECO Real Estate Department.

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

ELECTRIC CONSTRUCTION STANDARDS

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3.0 SAFETY AND CLEARANCES

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS. User shall treat all overhead power lines as energized and potentially dangerous. If at any time, construction or other work activities in the vicinity of PECO transmission lines may occur, User and all contractors and subcontractors must obtain from the PECO Real Estate Department the current version of PECO Electric Construction Standard S-7070, "Conditions for Working in the Vicinity of Electric Transmission Lines of PECO and its Subsidiaries" and must comply with its provisions. **Construction or other work activities in the vicinity of PECO transmission lines without prior notice to PECO in accordance with the S-7070 is potentially dangerous and is absolutely forbidden.**

4.0 DRAWINGS

Prior to the start of any construction on the right-of-way, User shall submit to PECO, for its approval, plans prepared in accordance with Electric Construction Standard S-7073, "Evaluation of Proposed Transmission Line Rights-of-Way Secondary Uses."

5.0 RELOCATION

User must obtain the prior written approval of PECO Real Estate Department for any relocation of PECO facilities. Approved relocations shall be performed only by PECO or its agents at Users sole cost and expense.

6.0 INSTALLATION

6.1 User agrees that all construction work performed by User or its agents within the right-of-way shall be performed in accordance with accepted engineering practices. User understands that PECO may require the bonding and/or grounding of improvements to eliminate the effects of induced voltage.

6.2 User agrees that no charge or assessment for the installation of any underground facility shall be made or imposed upon any part of PECO's right-of-way through which any underground facility passes and User shall save PECO harmless from any such charge or assessment at User's sole cost and expense. PECO shall be permitted to connect to Users facilities without a connection charge.

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

ELECTRIC CONSTRUCTION STANDARDS

(5/95) Page 2 of 7 REV (3/2011)

7.0 EXCAVATIONS

- 7.1** There shall be no construction or excavation within 25 feet of any tower, steel pole structure, wood pole structure or guy anchor without the prior specific written approval of PECO. No construction or excavation shall be permitted in the area between a pole or structure and its associated guy wire anchor. User shall exercise care to prevent cave-ins which could disturb PECO facilities.
- 7.2** User shall comply with the provisions of the Pennsylvania or Maryland One-Call Systems. In Pennsylvania, call 1-800-242-1776. In Maryland, call 1-800-257-7777.
- 7.3** To prevent injuries, User is required to cover all open ditches at night or whenever otherwise unattended.
- 7.4** User agrees that any trenches dug during the installation or subsequent repair of underground facilities shall be properly planked to insure PECO's access across its right-of-way at all times.

8.0 IMPROVEMENTS

User, at Users sole cost and expense, shall install and maintain any public improvements required or necessary for the proposed use, such as sewer or water main extensions, curbs, sidewalks or roadway paving. User also agrees that no charge or assessment shall be made or imposed upon any part of PECO's right-of-way arising or resulting from Users improvements.

9.0 ACCESS

- 9.1** At all times, User shall provide an access route at least 16 feet wide for ingress and egress of PECO vehicles as necessary for the construction and maintenance of its structures and facilities within the right-of-way and adjacent premises, unless this provision is waived in writing by PECO.
- 9.2** When permission is granted by PECO for a highway, road or driveway to cross its right-of-way at an elevation different from the existing elevation of the right-of-way, the construction shall include a ramp from each side of the road to meet the existing right-of-way elevation. Access ramps shall be at least 16 feet wide with a maximum grade of 15%.

10.0 GATES

All fencing within the right-of-way shall include a 16 foot wide gate(s) or wire barricade(s) as described in PECO Electric Construction Standard S-7071, "Right-of-Way Fences, Gates and Barricades."

11.0 LOCKS

PECO shall have the right to install its own lock on any gates within the right-of-way. User shall provide, at its sole cost and expense, a dual/multiple locking system for this purpose.

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES ELECTRIC CONSTRUCTION STANDARDS

(6/95) Page 3 of 7 REV (3/2011)

12.0 EXPLOSIVES

User shall not use or store explosives or flammable materials in any form within the right-of-way.

13.0 DRAINAGE

In order to prevent erosion or other drainage problems and to prevent dirt from being placed above any concrete tower foundations, User shall not alter the grade of the right-of-way except as approved under paragraph four hereof.

14.0 PARKING LOTS AND DRIVEWAYS

PECO shall have the right to use any driveway or parking lot located within the right-of-way without being responsible for any damage caused thereto. User shall construct driveways and parking lots to withstand the weight of vehicles which distribute 38,000 pounds per axle.

15.0 LIMITATION OF DAMAGES FOR PLANTINGS

If required by PECO, User shall remove or relocate plantings blocking access to PECO facilities within 30 days after receiving notice. If prior notice cannot be given or if such removal or relocation is not timely completed, PECO shall gain access to its facilities and compensation for damage to User, if any, shall not exceed pro rata rental for the portion of the right-of-way used by PECO for its corporate purposes.

Where plantings are installed without the prior written consent of PECO, User shall remove or relocate plantings as requested by PECO. No compensation will be paid by PECO for this work.

16.0 UNDERGROUND FACILITIES

16.1 The installation of any underground facilities required by User shall be completed at User's expense, in accordance with the Erosion and Sedimentation Control Regulations of the Pennsylvania Department of Environmental Resources (PA-DER) or any other environmental regulatory agency or governmental agency, and with the minimum possible damage to the ground within the PECO right-of-way.

16.2 Any underground installation shall meet applicable standards for minimum cover unless otherwise specified by PECO. PECO reserves the right to require greater than minimum cover. User is aware PECO intends to cross over underground facilities with vehicles generally weighing 38,000 pounds per axle, and the pipeline(s) shall be installed accordingly. PECO does not warrant that any approved or specified cover will protect the pipeline(s).

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

ELECTRIC CONSTRUCTION STANDARDS

(6/95) Page 4 of 7 REV (3/2011)

- 16.3 User shall furnish engineering plans of pipeline cathodic protection systems for PECO review and approval prior to installation. Cathodic protection interference tests shall be performed on the completed facility at the expense of User. User shall furnish any other information required by PECO.
- 16.4 User shall take special care to avoid leakage at pipe joints or seepage into open ditches during the construction, installation, use, maintenance, repair, renewal, removal or replacement of the pipeline(s).
- 16.4.1 In the event of a leak or a spill involving gasoline, oil or other toxic or hazardous materials or pollutants, User agrees to satisfy all requirements specified by, PECO, the PA DER, the Environmental Protection Agency (EPA), or any environmental regulatory agency or other governmental agency for the cleanup of said leak or spill. User further agrees to assume full responsibility for the cost of the cleanup and any future liability resulting from the leak or spill.
- 16.5 All proposed pipeline or metallic communication line installations which will longitudinally occupy any transmission line right-of-way for a distance greater than 200 feet must have an inductive interference study completed at Users sole cost and expense and reviewed by PECO prior to construction of the proposed facility.
- 16.5.1 At a minimum, inductive interference study shall include the following:
- 16.5.1.1 Induced voltage on the proposed facility at emergency rating of each transmission line (individually) on the right-of-way.
 - 16.5.1.2 Induced voltage on the proposed facility at emergency rating of each distribution line (individually) on the right-of-way.
 - 16.5.1.3 Induced voltage on the proposed facility at emergency rating of all electric lines on the right-of-way.
 - 16.5.1.4 Induced voltage on the proposed facility during a fault (both phase to ground and three phase) on each transmission line on the right-of-way. Faults on the electric transmission lines shall be located at either end of the proposed facility to be installed on the right-of-way and at the middle of the occupation. Fault studies shall also be conducted at any additional locations specified by the PECO engineer.
 - 16.5.1.5 If the proposed facility to be installed on the right-of-way is a bare metal structure (i.e. metal pipe), User shall supply to PECO voltage gradient plots of the area around any transmission structure within 50 feet of the facility. If the voltage gradients around any electric structure increase, User, at its sole cost and expense, must install mitigation prior to the proposed pipeline installation.

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

(6/95) Page 5 of 7 REV (3/2011)

16.5.2 Electric transmission and distribution facilities will be added or removed from the right-of-way from time to time. Before PECO adds or removes facilities, the owners of any pipeline or metallic communication line on the PECO right-of-way shall be responsible for completing an initial or revised inductive interference study, submitting it to PECO for review and installing required mitigation, including on PECO's facilities, and at Users sole cost and expense, in a timely manner.

16.5.3 User shall maintain all inductive interference mitigation systems in good operating condition and check for proper operation once each year.

17.0 MARKINGS FOR UNDERGROUND FACILITIES

In order to minimize the number of future dig-ins, User shall be required, as part of any underground installation, to install and maintain at Users expense, permanent markers to identify the location of the underground facility. Pipelines and other similar installations shall be marked where the line enters and exits the right-of-way, at intermediate points along straight runs of pipe and at all angle points where the line changes direction.

18.0 BARRIERS

User shall take precautions to protect PECO structures and facilities, including but not limited to protective barriers. The location of any protective barriers shall be delineated on plans prepared by User and approved by PECO.

19.0 DAMAGE TO PECO FACILITIES

User shall be responsible for any damage caused to PECO facilities and shall be required to reimburse PECO for the cost of repairing the damage. All such damage shall be promptly reported to PECO System Operations, 800-841-4141.

20.0 OUTDOOR ADVERTISING

User shall furnish plans for PECO's prior approval. Plans must show both horizontal and vertical views of Users proposed structure(s) in relationship to PECO facilities.

21.0 INSPECTIONS

User understands and agrees that PECO or its authorized agents have the right to enter the right-of-way at any time for any corporate purpose.

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES ELECTRIC CONSTRUCTION STANDARDS

(6/95) Page 6 of 7 REV (3/2011)

22.0 RESTORATION OF PROPERTY

User agrees upon completion of any work done to: (1) restore the ground to a condition at least equal to that existing prior to such installation, including but not limited to back filling, property tamping and reseeded the surface of the ground above the facilities and, if necessary, refilling and reseeded following any subsequent settlement of the ground in order to maintain the drainage pattern existing prior to such installation; and (2) repair and put into good condition to the satisfaction of PECO, any and all fences and other improvements injured thereby, and landscaping damaged during the course of users work.

23.0 REFERENCES

23.1 PECO Electric Construction Standards

- 23.1.1** S-7070 - "Conditions For Working in the Vicinity of Electric Transmission Lines of PECO Energy Company and Its Subsidiaries"
- 23.1.2** S-7071 - "Rights-of-Way Fences, Gates and Wire Barricades of PECO and Its Subsidiaries"
- 23.1.3** S-7072 - "Secondary Uses For Rights-of-Way along Electric Transmission Lines of PECO and Its Subsidiaries"
- 23.1.4** S-7073 - "Information Required to Evaluate Proposed Transmission Line Rights-of-Way Secondary Uses of PECO and Its Subsidiaries"

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

(6/95) Page 7 of 7 REV (3/2011)

RECEIVED
2011 DEC -8 AM 10:29
PA E.U.C.
SECRETARY'S BUREAU

Prepared by: PECO Energy Company
2301 Market Street, N3-3
Philadelphia, PA 19103

Return to: PECO Energy Company
2301 Market Street, N3-3
Philadelphia, PA 19103

Parcel No.: 18-5-38U

TRAFFIC SIGNAL EASEMENT

THIS AGREEMENT made this 30th day of November, 2011,
between **PECO Energy Company**, a Pennsylvania corporation (hereinafter referred to as
“Grantor”) and **East Coventry Township**, a Pennsylvania municipality, with offices at
855 Ellis Woods Roads, Pottstown, PA (hereinafter referred to as “Grantee”).

Background

A. Grantor is the owner of real property containing 42.03 square feet in East
Coventry Township, Chester County, Pennsylvania, which is part of Chester County Tax
Parcel Number 18-5-38U (the “Premises”).

B. Grantee desires to obtain an easement over the Premises for the purpose of
upgrading and maintaining a traffic signal.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), the
mutual covenants and promises contained herein, and for other good and valuable
consideration, the receipt and adequacy of which are hereby acknowledged, the parties
hereto, intending to be legally bound hereby, agree as follows:

1. **Easement.** Grantor, on behalf of itself, its successors and assigns, hereby grants to Grantee, the full and uninterrupted right of way and easement over, across, under and through the Premises which is shown on a Plan by McMahon Transportation Engineering and Planners dated May 23, 2011; Job # 810065.00, a copy of which is attached as Exhibit "A" hereto, and described in the legal description attached as Exhibit "B" hereto, (hereinafter referred to as the "Easement Area"), for the purpose of permitting the Grantee, its successors and assigns, to (a) upgrade and operate a traffic signal, together with all necessary related improvements and facilities, (such improvements and facilities, together with the traffic signal itself, are referred to collectively herein as the "Traffic Signal") and (b) to perform all necessary maintenance, repairs and/or replacements to the Traffic Signal. The foregoing rights are collectively referred to herein as the "Easement".

2. **Obligations of Grantee.** Grantee, its successors and assigns, agrees that any work in connection with the Easement will be performed under and subject to PECO Energy Electric Construction Standards S-7070; S-7073; S-7074 (copy attached) and the following conditions: (a) Grantee must comply with all Federal, State and local environmental regulations during the traffic signalization upgrade work. 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; (b) Final construction plans are to be submitted to PECO Energy Transmission and Substations: 1040 W. Swedesford Road Berwyn, PA 19312 (610) 648-7956; (c) After doing any work in connection with the upgrade, repair, or maintenance of the Traffic Signal, Grantee will, to the extent reasonably practicable, restore the Easement Area as close as is reasonably

possible to the condition in which it existed immediately prior to commencement of such work.

3. **General Provisions.**

i. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns.

ii. **Recording.** This Agreement is intended to be, and shall be, recorded in the Office of the Recorder of Deeds of Chester County, Pennsylvania.

iii. **Obligations to Run With the Land.** The covenants, restrictions and obligations of this Agreement shall be perpetual and shall operate as covenants running with the land. Grantor agrees for itself and their successors and assigns that in any deed of conveyance of the Premises or any portion thereof to any other person or entity, this Agreement shall be incorporated by reference as if the same were contained fully therein.

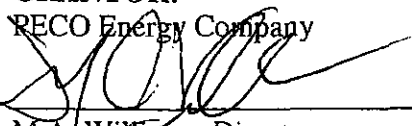
iv. **Governing Law.** This Agreement shall be interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

(Signature page follows)

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

GRANTOR:
RECO Energy Company

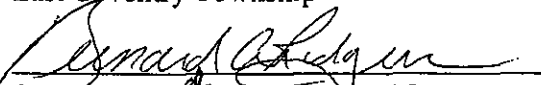
By:


M.A. Williams, Director
Real Estate & Facilities

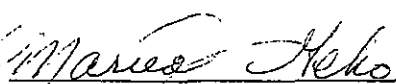


GRANTEE:
East Coventry Township

By:


Bernard A. Rogers, Township Manager

Attest:


Assist - Secretary *MARIA GETHO*

PE 5445

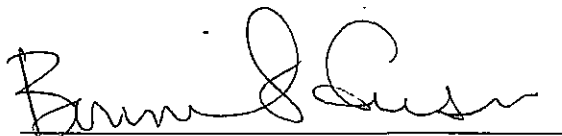
Attachments

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA :
: **SS**
COUNTY OF CHESTER :

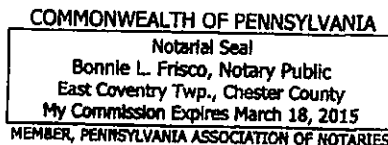
On this, the 30th day of NOVEMBER, 2011, before me, the undersigned officer, a Notary Public, personally appeared **Bernard A. ^{ROGERS} ~~Rogers~~**, known to me or satisfactorily proven to be the Manager of East Coventry Township, and acknowledged that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

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



Notary Public

My Commission Expires: MARCH 18, 2015



ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF *Philadelphia* : SS

On this, the 12th day of October, 2011, before me, the undersigned officer, a Notary Public, personally appeared **M. A. Williams**, Director, Real Estate & Facilities known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the foregoing instrument for the purposes therein contained.

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

Suzanne M. Lydzinski

Notary Public

My Commission Expires:

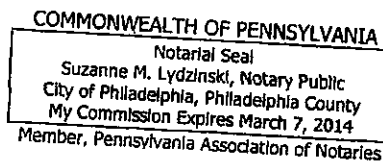


Exhibit "A"

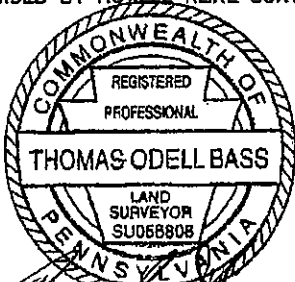
Easement Plan

GENERAL NOTES:

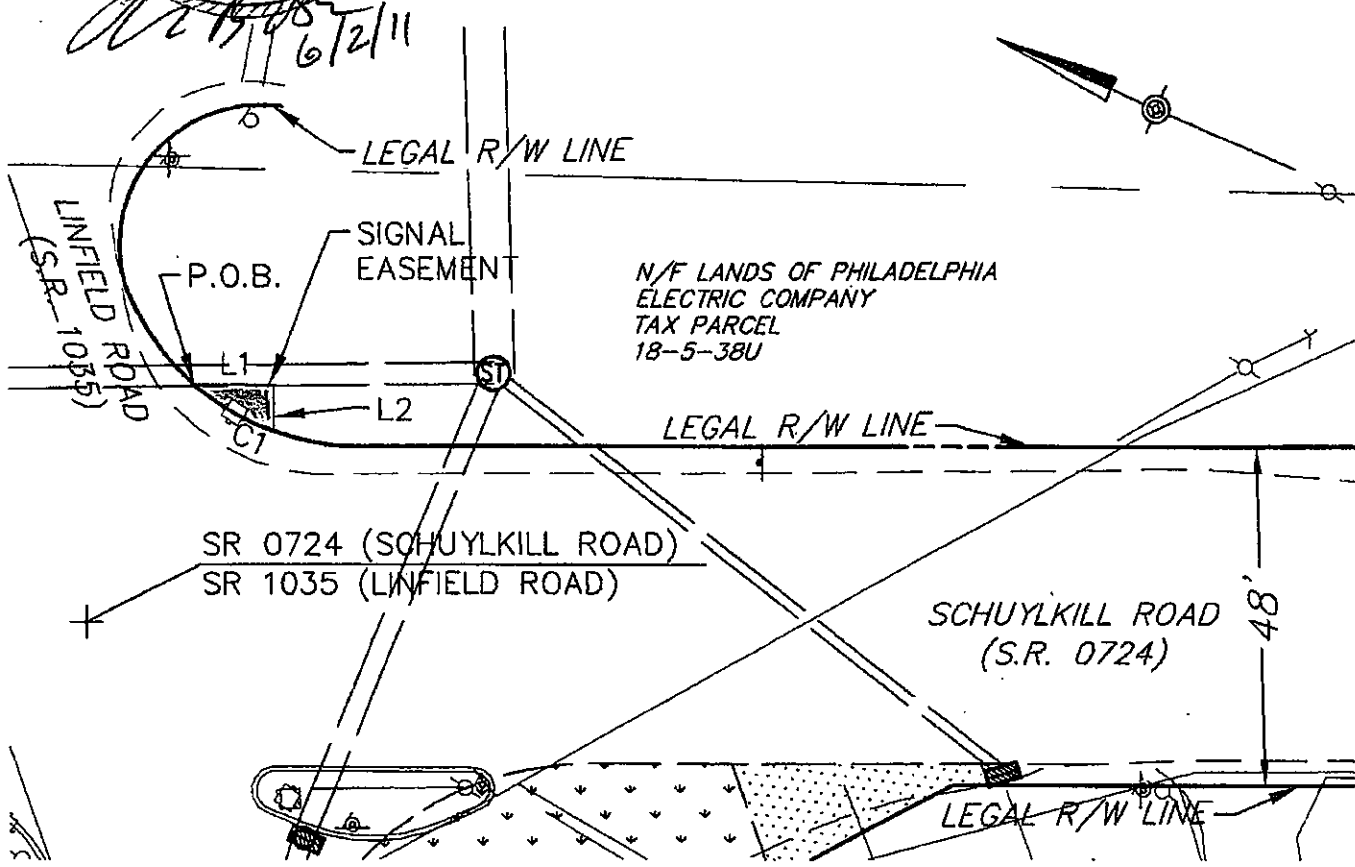
1. ALL PROPERTIES ARE PLOTTED FROM DEEDS OF RECORD, RECORDED SUBDIVISION OR LOT PLANS, OR FROM FIELD SURVEY. PROPERTY LINES NOT ESTABLISHED BY FIELD SURVEY WERE PLOTTED BASED ON EXISTING TOPOGRAPHICAL FEATURES AND LIMITED FIELD DATA.
2. BOUNDARY DETERMINATION AND TOPOGRAPHIC INFORMATION PROVIDED BY HOWELL KLINE SURVEYING, LLC.

TOTAL AREA OF EASEMENT
= 42.03 SF = 0.001 AC

EASEMENT LINE TABLE		
LINE/CURVE	BEARING	LENGTH
L1	S34°07'32"E	11.15
L2	S55°42'35"W	6.59



EASEMENT CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	13.05	35.00	12.97	N03°34'40"W



SIGNAL EASEMENT TO BE ACQUIRED FROM N/F LANDS OF PHILADELPHIA ELECTRIC COMPANY (TAX PARCEL 18-5-38U) BY THE TOWNSHIP OF EAST COVENTRY

DATE MAY 23, 2011
JOB # 810065.00
SCALE 1" = 25'



Exhibit "B"

Legal Description of Easement Area

May 25, 2011

**DESCRIPTION OF SIGNAL EASEMENT
TO BE ACQUIRED FROM
LANDS OF PHILADELPHIA ELECTRIC COMPANY
NOW PECO ENERGY COMPANY**

All that certain required piece of land situate in East Coventry Township, County of Chester, Commonwealth of Pennsylvania. Being part of the land described in an indenture dated the 30th day of September 1983 in Deed Book H-62, Page 584 and recorded at West Chester in the Office for the Recorder of Deeds in and for the County of Chester. Bounded and described in accordance with a plan made by McMahon Associates, Inc., Exton, PA, as follows to wit;

Commencing at a point formed by the intersection of the centerline of Schuylkill Road (S.R. 0724) with the intersection of the centerline of Linfield Road (S.R. 1035); thence along the centerline of Schuylkill Road South 34 degrees 07 minutes 57 seconds East 15.34 feet; thence perpendicular to the centerline of Schuylkill Road North 55 degrees 52 minutes 03 seconds East 33.69 feet to the Legal Right-of-Way; to the Point of Beginning, thence,

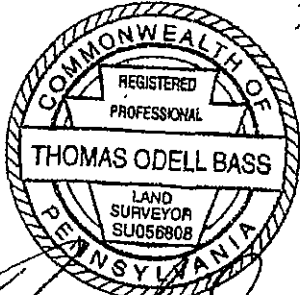
- 1.) South 34 degrees 07 minutes 32 seconds East 11.15 feet
- 2.) South 55 degrees 42 minutes 35 seconds West 6.59 feet
- 3.) On a curve to the right having an arc length of 13.05 feet, a radius of 35.00 feet, a chord length of 12.97 feet, and a chord bearing of North 03 degrees 34 minutes 40 seconds West

to the point and place of beginning

Containing 42.03 square feet, or 0.001 acre.

Being a part of tax parcel number 18-5-38U

This description was written based upon a plan prepared by McMahon Associates, Inc. entitled "SIGNAL EASEMENT TO BE ACQUIRED FROM N/F LANDS OF PHILADELPHIA ELECTRIC COMPANY (TAX PARCEL 18-5-38U) BY THE TOWNSHIP OF EAST COVENTRY" dated May 23, 2011.



Thomas O. Bass

Thomas O. Bass, P.L.S.
Pennsylvania Professional
Land Surveyor No. SU-056808

6/2/11
Date

**CONDITIONS FOR WORKING IN THE VICINITY OF
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES**

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS

**CALL PECO AT 610-648-7926 or 7913 BEFORE WORKING IN THE
VICINITY OF PECO ELECTRIC TRANSMISSION LINES**

1 DEFINITIONS: As used in this Standard:

- 1.1 PECO means PECO and its subsidiaries.
- 1.2 Contractor means natural person, firm, business association, company, partnership, corporation, tenant, lessee, grantee or licensee who or which is controlling or performing the job or activity that necessitates the approval and notification required by this standard.
- 1.3 In the vicinity of PECO electric transmission lines means construction or other work activities on or adjacent to rights-of-way or easements that contain PECO electric transmission lines, including but not limited to any use of cranes, booms, hoists, ladders or other equipment or items that might come within the clearance distances set forth in Table I, below.

**TABLE I
Clearance Distance to Transmission Lines**

<u>Nominal Operating Voltage</u> (volts)	<u>PECO Recommended Distance</u>		<u>OSHA (1926.1408) Regulatory Distance</u>	
	(feet)	(meters)	(feet)	(meters)
500,000	35	10.7	25	7.7
230,000	25	7.7	20	6.1
138,000	20	6.1	15	4.6
69,000	15	4.6	15	4.6
34,000 and below	12	3.7	10	3

- 2 **APPROVAL:** All contractors engaged in construction or other work activities on PECO rights-of-way must obtain the specific advance written approval of PECO Real Estate Department, 2301 Market Street, Philadelphia, Pa. 19101, Telephone (215) 841-5471.

- 3 **CONTRACTOR'S DUTY AND RESPONSIBILITY:** It is the contractor's duty and responsibility to ensure that all construction or other work activities in the vicinity of PECO electric transmission lines shall be performed in accordance with the latest applicable federal, state and local statutes and regulations governing the safe operation of cranes, booms, hoists, ladders or other equipment and safe work practices of personnel in the vicinity of electric transmission lines.
- 4 **RESPONSIBILITY FOR SUB-CONTRACTORS:** The prime contractor shall be responsible for supplying copies of the S-7070 to all sub-contractors and determining that the sub-contractors are familiar with the information contained therein.
- 5 **NOTIFICATION:** In addition to the advance approval required in paragraph 2, the contractor shall contact PECO in accordance with the following schedule:
- 5.1 As soon as possible, but no less than thirty (30) calendar days before construction or other work activities are to start, if at any time any construction or work activities may or could take place in the vicinity of PECO electric transmission lines, the contractor shall contact PECO New Business Group (800-841-4141) and Transmission and Substations OHT Supervisor, Overhead Transmission Center, 1040 Swedesford Road, Berwyn, Pa. 19312, Telephone 610-648-7926 or 610-648-7913. After this notification, PECO will review the project and coordinate with the contractor on what precautionary safety measures, if any, are appropriate: If transmission line outages are required, the contractor and representatives of the T&S will work together to develop a tentative schedule.
- 5.2 The contractor shall also contact the T&S OHT Supervisor at 610-648-7926 or 7913 at least ten (10) working days before construction or other work activity is to begin to confirm scheduling and arrangements.
- 5.3 If at any time during construction or other work activities, a previously unanticipated need for equipment or personnel in the vicinity of PECO electric transmission lines occurs, the contractor shall immediately contact the OHT Supervisor at 610-648-7926 or 7913. Construction or other work activities in the vicinity of PECO transmission lines without prior notice to PECO in accordance with paragraphs 5.1 and 5.2 is potentially dangerous and is absolutely forbidden.
- 5.4 In addition to electric transmission lines, PECO rights-of-way and easements may also contain distribution lines. Contractor shall treat all overhead power lines as energized and potentially dangerous.

Contractor shall notify PECO at 610-648-7926 or 7913 if at any time any construction or other work activities may or could take place in the vicinity of any overhead power lines.

5.5 In the event of any contact with PECO facilities, the contractor shall call the PECO System Operations at 215-841-5144 as soon as possible.

6 **OUTAGES:**

6.1 PECO shall determine the available time periods for line outages in the event de-energizing conductors is necessary. If the contractor insists on a specific day or time for an outage which results in the use of inefficient generation, the contractor shall reimburse PECO for the additional generating costs, as determined by PECO System Operations Division.

6.2 If an emergency occurs on the PECO system during a scheduled line outage period and that line is required to maintain system integrity, the contractor shall, within one hour, make the transmission line available for PECO's use and shall cease work within the vicinity of the line.

7 **REIMBURSEMENT BY CONTRACTOR:** PECO shall be reimbursed by the contractor for all costs and expenses incurred in implementing any precautionary safety measures.

8 **BLASTING:** No blasting shall be permitted in the vicinity of transmission line facilities without specific advance written approval by PECO. Notification of intent to blast shall be made in accordance with paragraph 5.2.

9 **EXCAVATIONS:**

9.1 No one shall excavate closer than 35 feet to PECO transmission structures or anchors without specific advance written approval by PECO. Notification of intent to excavate shall be made in accordance with paragraphs 5.1 and 5.2.

9.2 Contractors shall comply with the provisions of the Pennsylvania or Maryland One-Call Systems. In Pennsylvania, call 1-800-242-1776. In Maryland, call 1-800-257-7777.

- 10 **GROUNDING SYSTEM:** The contractor shall notify the OHT Supervisor in the event he/she or any subcontractor uncovers or destroys any transmission line grounding leads. The repairs to this equipment shall be made by PECO personnel at the contractor's expense. Contractors and their personnel shall not touch, handle or attempt to repair any exposed or severed grounding leads.
- 11 **STORAGE:** No buildings, storage sheds, trailers, combustible or hazardous materials shall be placed or stored under a transmission line conductor or within 50 feet of a structure.
- 12 **CLEAN-UP OPERATIONS:** After completing construction, the contractor shall remove all unused material and debris, re-establish all roads and trails and return the right-of-way to its original condition within thirty (30) calendar days of work completion. The contractor shall notify PECO at the address described in paragraph 5.1 upon completion of the clean-up operations so that PECO may arrange an inspection to assure compliance with these requirements.

INFORMATION REQUIRED TO EVALUATE PROPOSED TRANSMISSION LINE RIGHT-OF-WAYS SECONDARY USES OF PECO AND ITS SUBSIDIARIES

PECO considers proposed secondary uses of transmission line rights-of-way in accordance with its electric construction standards S-7072, "Secondary Uses for Rights-of-Way Along Electric Transmission Lines of PECO and its Subsidiaries" and S-7074, "General Conditions Regulating Approved Secondary Uses for Transmission Line Rights-of-Way of PECO and its Subsidiaries" respectively. In order to properly evaluate these proposed secondary uses, PECO requires that certain information be submitted to its Real Estate Department as follows:

1.0 PRELIMINARY PLANS

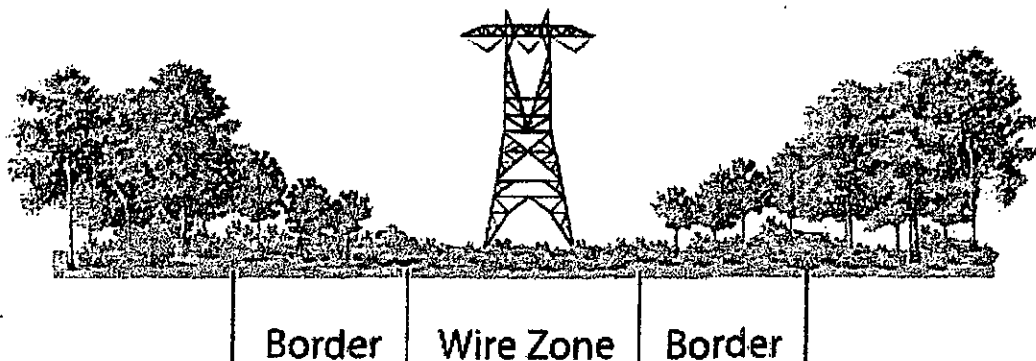
PECO will accept for review and comment a preliminary sketch or concept plan prepared in advance of formal drawings for the purpose of determining the feasibility of a particular right-of-way use. This plan shall indicate the proposed use and general location in relation to PECO's facilities. Six (6) copies of this preliminary report shall be submitted to PECO Real Estate Department, 2301 Market Street, Philadelphia, PA 19101.

2.0 FINAL DRAWINGS - Submission of the final drawings shall be required before PECO will consider granting final approval of the project and before any work may begin on PECO property. Six (6) copies of the final drawings containing the following information shall be submitted for approval to the PECO Real Estate Department:

- 2.1 Location of all PECO transmission and distribution structures, including identification numbers, poles, guys manholes, and all underground facilities.
- 2.2 Grade elevations at the base of all PECO facilities.
- 2.3 Proposed road and parking lot details including location, type of construction, grade elevations, drainage plans, and the location of any curbs, sidewalks or protective barriers.
- 2.4 The location and height of all proposed street lights.
- 2.5 Where regarding is necessary, include both existing and final grades on the plans.
- 2.6 Where plantings are proposed, the location, the height above final grade at maturity, the number and the species shall be specified.

SECONDARY USES FOR RIGHTS-OF-WAY ALONG ELECTRIC TRANSMISSION LINES OF PECO AND ITS SUBSIDIARIES ELECTRIC CONSTRUCTION STANDARDS

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2.7 The diagram above provides guidance for planting within the electric transmission right-of-way. Grasses and herbaceous plants are permitted in the wire zone. Trees may not be planted in the wire zone. Small growing trees or shrubs may be permitted in the border zone of the right-of-way.

2.8 The location, size, and, depth of all proposed underground facilities such as water and sewer lines shall be specified.

2.9 All plans shall be drawn to a suitable scale and elevations shall be referenced to U.S. Coast & Geodetic datum or other datum acceptable to PECO.

3.0 **SAFETY** - All plans and drawings, preliminary and final, involving work in the vicinity of PECO electric lines must include the following:

- **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 and Its Subsidiaries" and comply with its provisions.**

**SECONDARY USES FOR RIGHTS-OF-WAY ALONG
ELECTRIC TRANSMISSION LINES OF
PECO AND ITS SUBSIDIARIES
ELECTRIC CONSTRUCTION STANDARDS**

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4.0 REFERENCES

4.1 PECO Construction Standards

- 4.1.1** S-7070: "Conditions for Working in the Vicinity of Electric Transmission Lines of PECO and Its Subsidiaries"
- 4.1.2** S-7072: "Secondary Uses for Rights-of-Way along Electric Transmission Lines of PECO and Its Subsidiaries"
- 4.1.3** S-7074: "General Conditions Regulating Approved Secondary Uses for Transmission Line Rights-of-Way of PECO and It Subsidiaries."

**SECONDARY USES FOR RIGHTS-OF-WAY ALONG
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**GENERAL CONDITIONS REGULATING APPROVED SECONDARY
USES FOR TRANSMISSION LINE RIGHTS-OF-WAY OF PECO AND ITS
SUBSIDIARIES**

CONTACT WITH POWER LINES CAN RESULT IN DEATH OR SERIOUS BURNS

**CALL PECO AT 610-648-7926 OR 610-648-7913 BEFORE WORKING IN THE
VICINITY OF PECO ELECTRIC TRANSMISSION LINES**

The following GENERAL CONDITIONS regulate approved secondary uses of PECO transmission line rights-of-way, whether owned in fee or controlled by easement. The acceptable non-transmission line uses are summarized in PECO Electric Construction Standard S-7072, "Secondary Uses for Rights-of-Way Along Electric Transmission Lines of PECO and Its Subsidiaries."

1.0 UNDERSTANDING

- 1.1** User understands that PECO's business includes construction, installation, maintenance, operation and use of structures, fixtures, facilities and instrumentation, with appurtenances, which now exist or which may hereafter be placed on the right-of-way, which are used or useful for the generation, conversion, transmission or distribution of electricity, or gas or telecommunications services.
- 1.2** User agrees to comply with all requirements of any of the constituted public authorities, and with the terms of any federal or state statute or local ordinance or regulation applicable to the use of the right-of-way, and agrees to indemnify and hold PECO harmless from penalties, fines, costs or damages resulting from User's failure to do so.
- 1.3** User understands that PECO, its successors and assigns, shall have the right to continue to use its rights-of-way for the purposes listed in paragraph 1.1 hereof. PECO reserves the right to require User to relocate or remove any installations, improvements, or plantings. Any relocation or removal shall be accomplished in accordance with the terms and conditions of User's written lease agreement, if applicable, or in accordance with terms and conditions specified by PECO.

2.0 APPROVAL

All proposed secondary uses of PECO rights-of-way shall be subject to the prior written approval of the PECO Real Estate Department, 2301 Market Street, Philadelphia, PA 19101, Telephone (215) 841-5471. All related notifications, submissions and requests for approval, unless otherwise specified, shall be directed to the PECO Real Estate Department.

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
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ELECTRIC CONSTRUCTION STANDARDS

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7.0 EXCAVATIONS

- 7.1** There shall be no construction or excavation within 25 feet of any tower, steel pole structure, wood pole structure or guy anchor without the prior specific written approval of PECO. No construction or excavation shall be permitted in the area between a pole or structure and its associated guy wire anchor. User shall exercise care to prevent cave-ins which could disturb PECO facilities.
- 7.2** User shall comply with the provisions of the Pennsylvania or Maryland One-Call Systems. In Pennsylvania, call 1-800-242-1776. In Maryland, call 1-800-257-7777.
- 7.3** To prevent injuries, User is required to cover all open ditches at night or whenever otherwise unattended.
- 7.4** User agrees that any trenches dug during the installation or subsequent repair of underground facilities shall be properly planked to insure PECO's access across its right-of-way at all times.

8.0 IMPROVEMENTS

User, at Users sole cost and expense, shall install and maintain any public improvements required or necessary for the proposed use, such as sewer or water main extensions, curbs, sidewalks or roadway paving. User also agrees that no charge or assessment shall be made or imposed upon any part of PECO's right-of-way arising or resulting from Users improvements.

9.0 ACCESS

- 9.1** At all times, User shall provide an access route at least 16 feet wide for ingress and egress of PECO vehicles as necessary for the construction and maintenance of its structures and facilities within the right-of-way and adjacent premises, unless this provision is waived in writing by PECO.
- 9.2** When permission is granted by PECO for a highway, road or driveway to cross its right-of-way at an elevation different from the existing elevation of the right-of-way, the construction shall include a ramp from each side of the road to meet the existing right-of-way elevation. Access ramps shall be at least 16 feet wide with a maximum grade of 15%.

10.0 GATES

All fencing within the right-of-way shall include a 16 foot wide gate(s) or wire barricade(s) as described in PECO Electric Construction Standard S-7071, "Right-of-Way Fences, Gates and Barricades."

11.0 LOCKS

PECO shall have the right to install its own lock on any gates within the right-of-way. User shall provide, at its sole cost and expense, a dual/multiple locking system for this purpose.

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES

ELECTRIC CONSTRUCTION STANDARDS

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12.0 EXPLOSIVES

User shall not use or store explosives or flammable materials in any form within the right-of-way.

13.0 DRAINAGE

In order to prevent erosion or other drainage problems and to prevent dirt from being placed above any concrete tower foundations, User shall not alter the grade of the right-of-way except as approved under paragraph four hereof.

14.0 PARKING LOTS AND DRIVEWAYS

PECO shall have the right to use any driveway or parking lot located within the right-of-way without being responsible for any damage caused thereto. User shall construct driveways and parking lots to withstand the weight of vehicles which distribute 38,000 pounds per axle.

15.0 LIMITATION OF DAMAGES FOR PLANTINGS

If required by PECO, User shall remove or relocate plantings blocking access to PECO facilities within 30 days after receiving notice. If prior notice cannot be given or if such removal or relocation is not timely completed, PECO shall gain access to its facilities and compensation for damage to User, if any, shall not exceed pro rata rental for the portion of the right-of-way used by PECO for its corporate purposes.

Where plantings are installed without the prior written consent of PECO, User shall remove or relocate plantings as requested by PECO. No compensation will be paid by PECO for this work.

16.0 UNDERGROUND FACILITIES

16.1 The installation of any underground facilities required by User shall be completed at User's expense, in accordance with the Erosion and Sedimentation Control Regulations of the Pennsylvania Department of Environmental Resources (PA-DER) or any other environmental regulatory agency or governmental agency, and with the minimum possible damage to the ground within the PECO right-of-way.

16.2 Any underground installation shall meet applicable standards for minimum cover unless otherwise specified by PECO. PECO reserves the right to require greater than minimum cover. User is aware PECO intends to cross over underground facilities with vehicles generally weighing 38,000 pounds per axle, and the pipeline(s) shall be installed accordingly. PECO does not warrant that any approved or specified cover will protect the pipeline(s).

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
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- 16.3 User shall furnish engineering plans of pipeline cathodic protection systems for PECO review and approval prior to installation. Cathodic protection interference tests shall be performed on the completed facility at the expense of User. User shall furnish any other information required by PECO.
- 16.4 User shall take special care to avoid leakage at pipe joints or seepage into open ditches during the construction, installation, use, maintenance, repair, renewal, removal or replacement of the pipeline(s).
- 16.4.1 In the event of a leak or a spill involving gasoline, oil or other toxic or hazardous materials or pollutants, User agrees to satisfy all requirements specified by, PECO, the PA DER, the Environmental Protection Agency (EPA), or any environmental regulatory agency or other governmental agency for the cleanup of said leak or spill. User further agrees to assume full responsibility for the cost of the cleanup and any future liability resulting from the leak or spill.
- 16.5 All proposed pipeline or metallic communication line installations which will longitudinally occupy any transmission line right-of-way for a distance greater than 200 feet must have an inductive interference study completed at Users sole cost and expense and reviewed by PECO prior to construction of the proposed facility.
- 16.5.1 At a minimum, inductive interference study shall include the following:
- 16.5.1.1 Induced voltage on the proposed facility at emergency rating of each transmission line (individually) on the right-of-way.
 - 16.5.1.2 Induced voltage on the proposed facility at emergency rating of each distribution line (individually) on the right-of-way.
 - 16.5.1.3 Induced voltage on the proposed facility at emergency rating of all electric lines on the right-of-way.
 - 16.5.1.4 Induced voltage on the proposed facility during a fault (both phase to ground and three phase) on each transmission line on the right-of-way. Faults on the electric transmission lines shall be located at either end of the proposed facility to be installed on the right-of-way and at the middle of the occupation. Fault studies shall also be conducted at any additional locations specified by the PECO engineer.
 - 16.5.1.5 If the proposed facility to be installed on the right-of-way is a bare metal structure (i.e. metal pipe), User shall supply to PECO voltage gradient plots of the area around any transmission structure within 50 feet of the facility. If the voltage gradients around any electric structure increase, User, at its sole cost and expense, must install mitigation prior to the proposed pipeline installation.

**GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES
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16.5.2 Electric transmission and distribution facilities will be added or removed from the right-of-way from time to time. Before PECO adds or removes facilities, the owners of any pipeline or metallic communication line on the PECO right-of-way shall be responsible for completing an initial or revised inductive interference study, submitting it to PECO for review and installing required mitigation, including on PECO's facilities, and at Users sole cost and expense, in a timely manner.

16.5.3 User shall maintain all inductive interference mitigation systems in good operating condition and check for proper operation once each year.

17.0 MARKINGS FOR UNDERGROUND FACILITIES

In order to minimize the number of future dig-ins, User shall be required, as part of any underground installation, to install and maintain at Users expense, permanent markers to identify the location of the underground facility. Pipelines and other similar installations shall be marked where the line enters and exits the right-of-way, at intermediate points along straight runs of pipe and at all angle points where the line changes direction.

18.0 BARRIERS

User shall take precautions to protect PECO structures and facilities, including but not limited to protective barriers. The location of any protective barriers shall be delineated on plans prepared by User and approved by PECO.

19.0 DAMAGE TO PECO FACILITIES

User shall be responsible for any damage caused to PECO facilities and shall be required to reimburse PECO for the cost of repairing the damage. All such damage shall be promptly reported to PECO System Operations, 800-841-4141.

20.0 OUTDOOR ADVERTISING

User shall furnish plans for PECO's prior approval. Plans must show both horizontal and vertical views of Users proposed structure(s) in relationship to PECO facilities.

21.0 INSPECTIONS

User understands and agrees that PECO or its authorized agents have the right to enter the right-of-way at any time for any corporate purpose.

GENERAL CONDITIONS REGULATING APPROVED SECONDARY USES FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS SUBSIDIARIES

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22.0 RESTORATION OF PROPERTY

User agrees upon completion of any work done to: (1) restore the ground to a condition at least equal to that existing prior to such installation, including but not limited to back filling, properly tamping and reseeding the surface of the ground above the facilities and, if necessary, refilling and reseeding following any subsequent settlement of the ground in order to maintain the drainage pattern existing prior to such installation; and (2) repair and put into good condition to the satisfaction of PECO, any and all fences and other improvements injured thereby, and landscaping damaged during the course of users work.

23.0 REFERENCES

23.1 PECO Electric Construction Standards

- 23.1.1 S-7070 - "Conditions For Working in the Vicinity of Electric Transmission Lines of PECO Energy Company and Its Subsidiaries"
- 23.1.2 S-7071 - "Rights-of-Way Fences, Gates and Wire Barricades of PECO and Its Subsidiaries"
- 23.1.3 S-7072 - "Secondary Uses For Rights-of-Way along Electric Transmission Lines of PECO and Its Subsidiaries"
- 23.1.4 S-7073 - "Information Required to Evaluate Proposed Transmission Line Rights-of-Way Secondary Uses of PECO and Its Subsidiaries"

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FOR TRANSMISSION LINE RIGHT-OF-WAY OF PECO AND ITS
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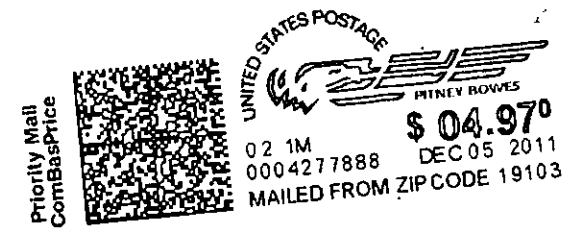
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Business Services
Company

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