

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRANSCONTINENTAL GAS PIPE LINE
COMPANY, LLC
2800 POST OAK BOULEVARD
HOUSTON, TEXAS 77251-1396,

Plaintiff,

v.

PERMANENT EASEMENT FOR 1.02
ACRES AND TEMPORARY EASEMENTS
FOR 1.65 ACRES IN WEST HEMPFIELD
TOWNSHIP, LANCASTER COUNTY,
PENNSYLVANIA, TAX PARCEL
NUMBER 3000462100000

ADORERS OF THE BLOOD OF CHRIST,
UNITED STATES PROVINCE, N/K/A
ADORERS OF THE BLOOD OF CHRIST,
UNITED STATES REGION, SUCCESSOR
BY MERGER TO ADORERS OF THE
BLOOD OF CHRIST, PROVINCE OF
COLUMBIA, PA, INC., F/K/A SAINT
JOSEPH CONVENT MOTHERHOUSE OF
THE ADORERS OF THE BLOOD OF
CHRIST, COLUMBIA, PENNSYLVANIA,
INC., ALSO F/K/A SAINT JOSEPH'S
CONVENT, MOTHER HOUSE OF SISTER
ADORERS OF THE MOST PRECIOUS
BLOOD, COLUMBIA, PA, A/K/A SISTERS
ADORERS OF THE MOST PRECIOUS
BLOOD, ST. JOSEPH CONVENT,
COLUMBIA, PA
C/O CORPORATION SERVICE CO.
2595 INTERSTATE DRIVE, SUITE 103
HARRISBURG, PA 17110

AND ALL UNKNOWN OWNERS

Defendants.

CIVIL ACTION – LAW

Docket No. 5:17-CV-01725

ORDER

AND NOW, this 23rd day of August, 2017, upon consideration of Plaintiff's Omnibus Motion for Preliminary Injunction for Possession of Rights of Way by August 18, 2017 Pursuant to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65, and the accompanying documents, Defendant's opposition thereto, Plaintiff's Reply, and after a hearing and oral argument, it is hereby **ORDERED** that the Motion is **GRANTED**. It is further **ORDERED** as follows:

(1) Transcontinental Gas Pipe Line Company, LLC ("Transco") has the substantive right to condemn the following easements and rights of way (collectively referred to as the "Rights of Way"):

- a. A permanent right of way and easement of 1.02 acres, as described as "Area of Proposed CPLS R/W" in Exhibit A to the Verified Complaint, for the purpose of constructing, operating, maintaining, altering, repairing, changing but not increasing the size of, replacing and removing a pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment, and launchers and receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017), and conducting all other activities as approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017); together with all rights and benefits necessary or convenient for the full enjoyment or use of the right of way and easement. Further, the landowner shall not build any permanent structures on said permanent right of way or any part thereof, will not change the grade of said permanent right of way, or any part thereof, will not plant trees on said permanent right of way, or any part thereof, or use said permanent right of way or any part thereof for a road, or use said permanent right of way or any part thereof in such a way as to interfere with Transco's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Transco's lawful exercise of any of the rights herein granted without first having obtained Transco's approval in writing; and the landowner will not permit others to do any of said acts without first having obtained Transco's approval in writing. Transco shall have the right from time to time at no additional

cost to landowners to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto; and

- b. Temporary easements of 1.65 acres, as described as “Area of Proposed Temporary Work Space #1” and “Area of Proposed Temporary Work Space #2” in Exhibit A to the Verified Complaint, for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all other activities approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017).

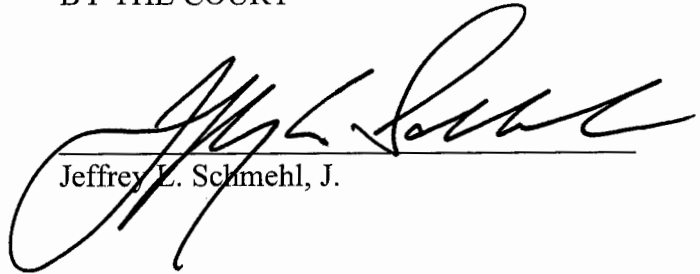
(2) Upon filing the bond required below, beginning August 18, 2017, Transco is granted access to, possession of and entry to the Rights of Way for all purposes allowed under the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017);

(3) In the event of a violation of this Order by Defendants, such as interference with Transco’s possession of the Rights of Way by Defendants or by third parties who are authorized by Defendants to be on the Property, the U. S. Marshal Service, or a law enforcement agency it designates, shall be authorized to investigate and to arrest, confine in prison and/or bring before the Court any persons found to be in violation of this Order and in contempt of this Order, pending his/her compliance with the Court’s Order.

(4) Transco shall post a bond in the amount of \$329,220.00 as security for the payment of just compensation to Defendants.

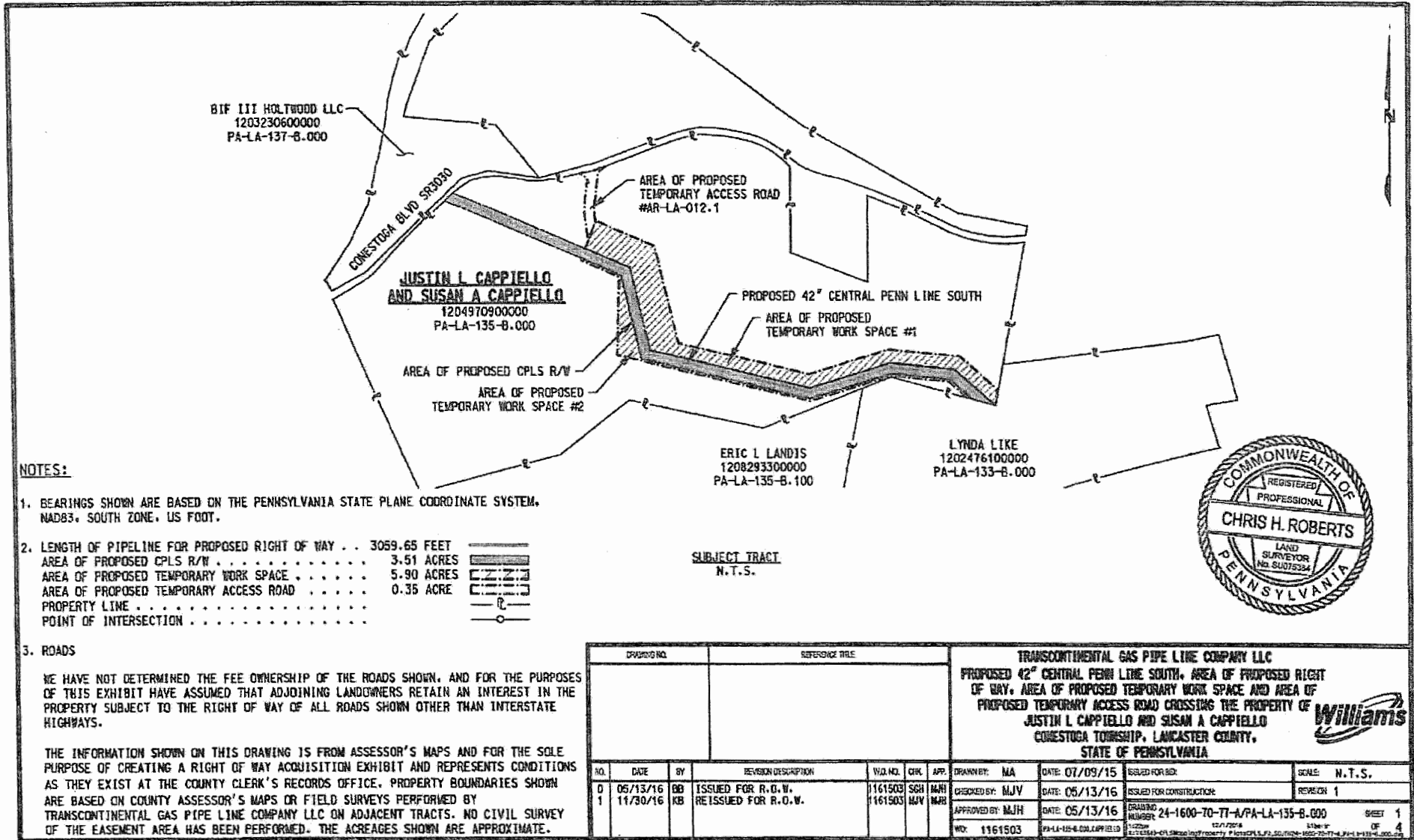
(5) Transco shall record this Order in the Office of the Recorder of Deeds for Lancaster County, Pennsylvania.

BY THE COURT



Jeffrey L. Schmehl, J.

EXHIBIT A



NOTES:

1. BEARINGS SHOWN ARE BASED ON THE PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH ZONE, US FOOT.
2. LENGTH OF PIPELINE FOR PROPOSED RIGHT OF WAY . . . 3059.65 FEET
 AREA OF PROPOSED CPLS R/W 3.51 ACRES
 AREA OF PROPOSED TEMPORARY WORK SPACE 5.90 ACRES
 AREA OF PROPOSED TEMPORARY ACCESS ROAD 0.35 ACRE
 PROPERTY LINE
 POINT OF INTERSECTION

3. ROADS

WE HAVE NOT DETERMINED THE FEE OWNERSHIP OF THE ROADS SHOWN, AND FOR THE PURPOSES OF THIS EXHIBIT HAVE ASSUMED THAT ADJOINING LANDOWNERS RETAIN AN INTEREST IN THE PROPERTY SUBJECT TO THE RIGHT OF WAY OF ALL ROADS SHOWN OTHER THAN INTERSTATE HIGHWAYS.

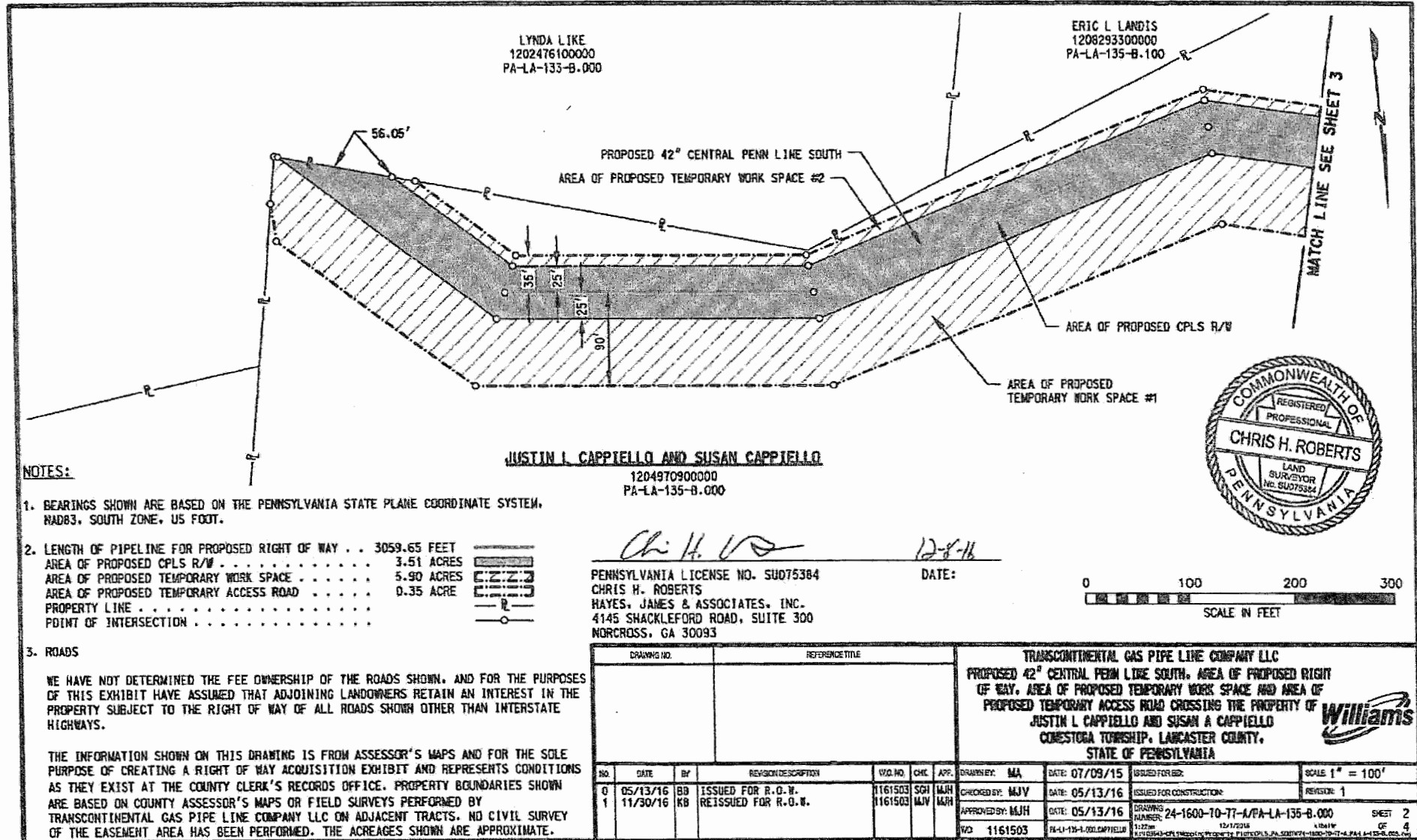
THE INFORMATION SHOWN ON THIS DRAWING IS FROM ASSESSOR'S MAPS AND FOR THE SOLE PURPOSE OF CREATING A RIGHT OF WAY ACQUISITION EXHIBIT AND REPRESENTS CONDITIONS AS THEY EXIST AT THE COUNTY CLERK'S RECORDS OFFICE. PROPERTY BOUNDARIES SHOWN ARE BASED ON COUNTY ASSESSOR'S MAPS OR FIELD SURVEYS PERFORMED BY TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC ON ADJACENT TRACTS. NO CIVIL SURVEY OF THE EASEMENT AREA HAS BEEN PERFORMED. THE ACREAGES SHOWN ARE APPROXIMATE.

SUBJECT TRACT
N.T.S.



DRAWING NO.		REFERENCE TITLE		TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC PROPOSED 42" CENTRAL PENN LINE SOUTH, AREA OF PROPOSED RIGHT OF WAY, AREA OF PROPOSED TEMPORARY WORK SPACE AND AREA OF PROPOSED TEMPORARY ACCESS ROAD CROSSING THE PROPERTY OF JUSTIN L CAPPIELLO AND SUSAN A CAPPIELLO CONESTOGA TOWNSHIP, LANCASTER COUNTY, STATE OF PENNSYLVANIA						
NO.	DATE	BY	REVISION DESCRIPTION	V.D. NO.	CHK.	APP.	DRAWN BY: MA	DATE: 07/09/15	ISSUED FOR BID:	SCALE: N.T.S.
0	05/13/16	BB	ISSUED FOR R.O.W.	1161503	SGH	MAJ	CHECKED BY: MJV	DATE: 05/13/16	ISSUED FOR CONSTRUCTION:	REVISION 1
1	11/30/16	KB	REISSUED FOR R.O.W.	1161503	MJV	MAJ	APPROVED BY: MAJ	DATE: 05/13/16	DRAWING NUMBER: 24-1600-70-TT-A/PA-LA-135-B-000	SHEET 1 OF 4
NO. 1161503		PA-LA-135-B-COL-CAPPIELLO		12/1/2014		13th fl		ADDRESS: 401 Shrewsbury Property # 10302PL02, SUIT 1030-1002-70-TT-A/PA-LA-135-B-000, PA		





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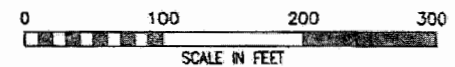
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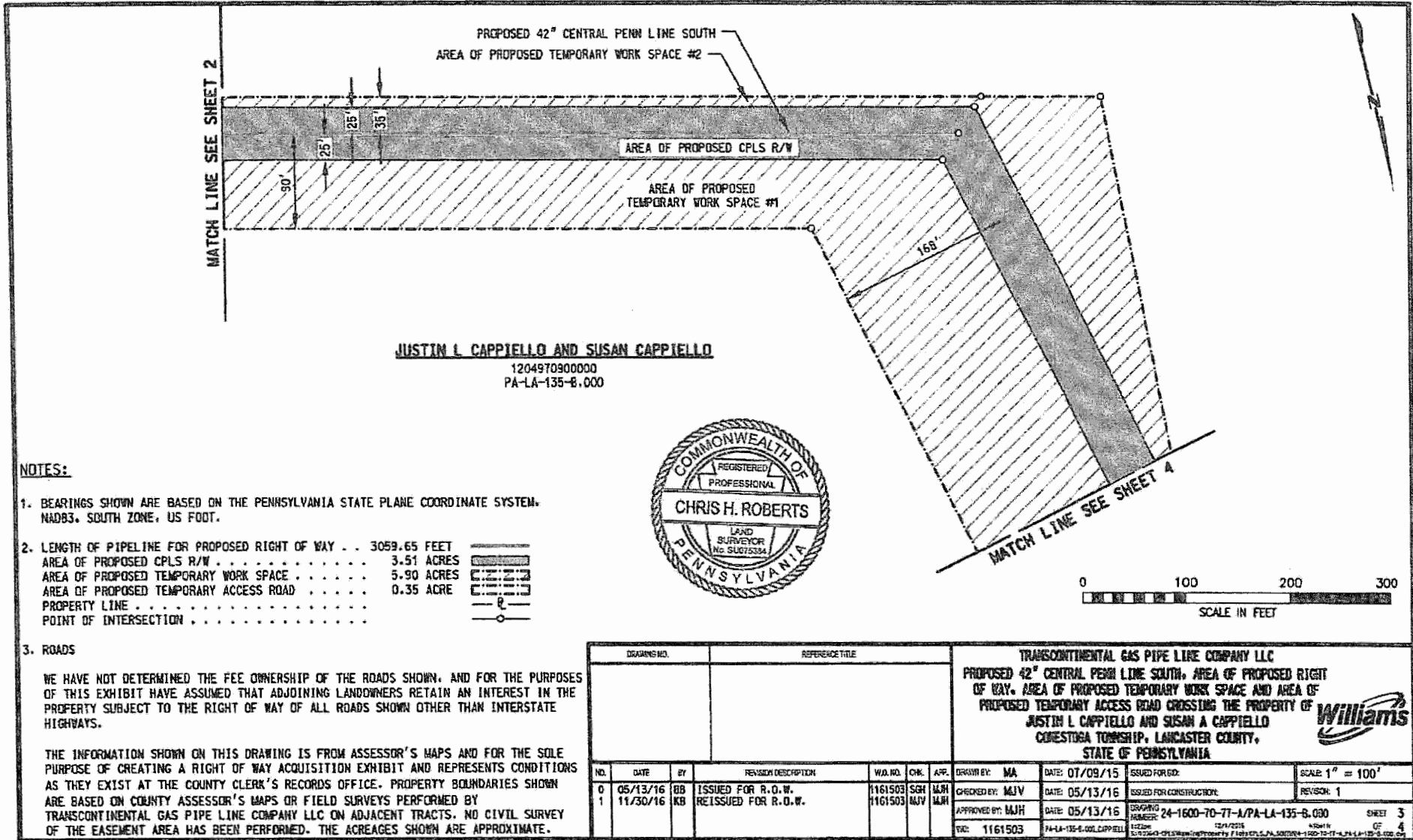
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JUSTIN L. CAPPIELLO AND SUSAN CAPPIELLO
 1204970900000
 PA-LA-135-B.000

Chris H. Roberts *12-8-16*
 PENNSYLVANIA LICENSE NO. SUD75384
 CHRIS H. ROBERTS
 HAYES, JAMES & ASSOCIATES, INC.
 4145 SHACKLEFORD ROAD, SUITE 300
 NORCROSS, GA 30093



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1	11/30/16	KB	REISSUED FOR R.O.W.	1161503	MJV	MJH	APPROVED BY: MJH	DATE: 05/13/16	DRAWING NUMBER: 24-1600-10-TT-A/PA-LA-135-B.000	SHEET 2
				PA-LA-135-B.000/CAPPIELLO				12/17/2016 1:30PM		OF 4



NOTES:

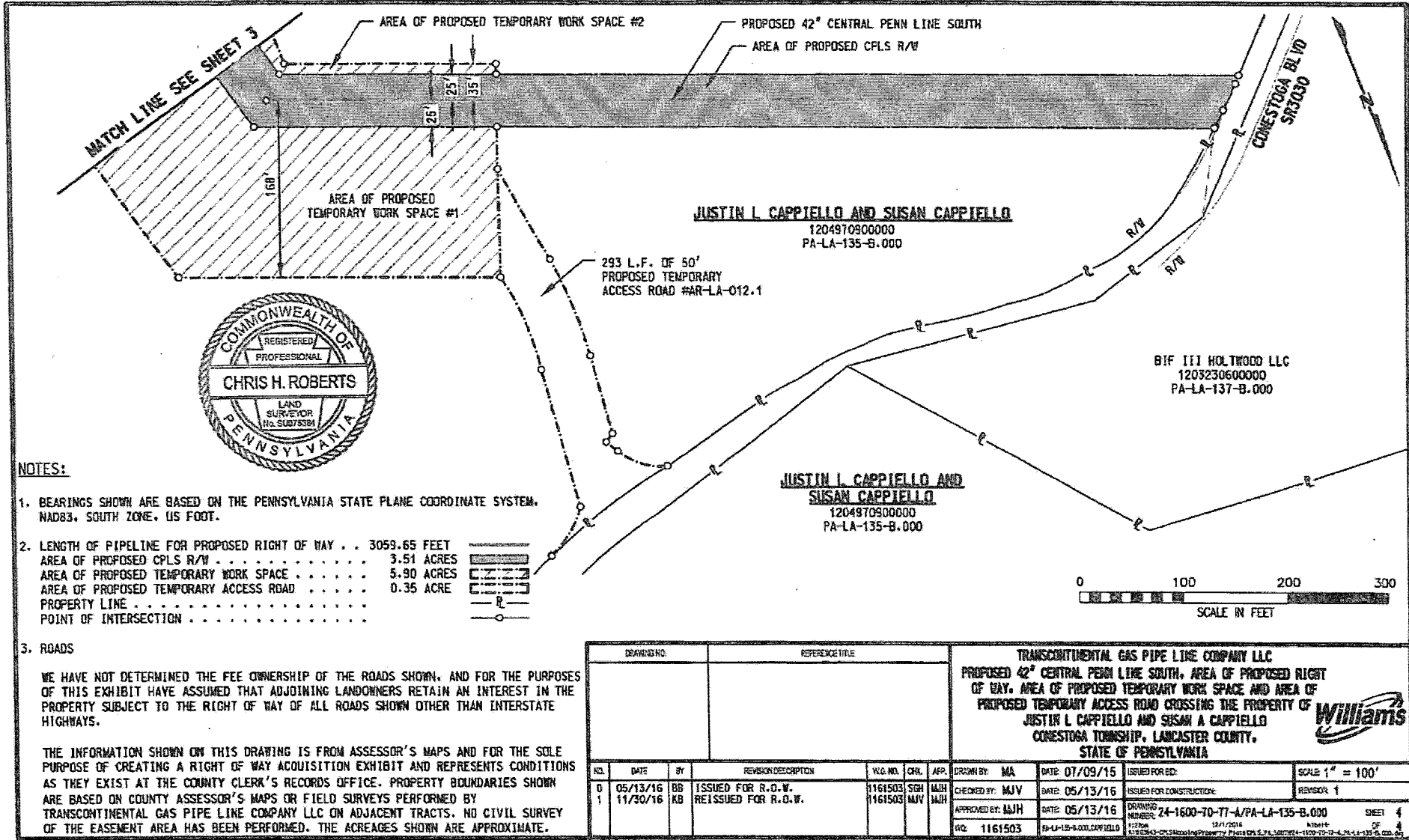
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								12/1/2015 1204970900000 1204970900000		OF 4



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