

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

TOWNSHIP OF TINICUM, COUNTY
OF DELAWARE, PENNSYLVANIA

Plaintiffs,

v.

CITY OF PHILADELPHIA

Defendant.

Civil Action

No. 09-02872

August 27, 2010

ORDER

AND NOW, this 27 day of August, 2010, upon consideration of Plaintiffs' Motion for Judgment on the Pleadings and the City's Cross-Motion for Judgment on the Pleadings, and after hearing argument, it is hereby ORDERED that Plaintiffs' Motion is DENIED and the City's Cross-Motion is GRANTED. Judgment shall enter for the City (a) declaring that neither the Township of Tinicum nor Delaware County may invoke 53 P.S. § 14161 to prevent the City from purchasing land within the Township of Tinicum in connection with a federally-approved Capacity Enhancement Project ("CEP") at Philadelphia International Airport and (b) permanently enjoining the plaintiffs from taking any action to defeat, interfere with, or impair in any way the City's ability to

purchase land within the Township of Tinicum for the CEP at the Philadelphia International Airport that is approved by the Federal Aviation Administration.

BY THE COURT:

/s/ LHP

Louis H. Pollak

United States District Judge