

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 EASEMENTS FOR
2.14 ACRES AND TEMPORARY
EASEMENTS FOR 3.59 ACRES IN
CONESTOGA TOWNSHIP, LANCASTER
COUNTY, PENNSYLVANIA, TAX
PARCEL NUMBER 1201606900000,
415 HILLTOP DRIVE, CONESTOGA,
CONESTOGA TOWNSHIP, LANCASTER
COUNTY, PA

HILLTOP HOLLOW LIMITED
PARTNERSHIP
203 SIDEHILL TERRACE
WILLOW STREET, PA 17584

HILLTOP HOLLOW PARTNERSHIP, LLC
GENERAL PARTNER OF HILLTOP
HOLLOW LIMITED PARTNERSHIP
203 SIDEHILL TERRACE
WILLOW STREET, PA 17584

LANCASTER FARMLAND TRUST
125 LANCASTER AVENUE
STRASBURG, PA 17579

AND ALL UNKNOWN OWNERS,

Defendants.

CIVIL ACTION – LAW

Docket No. 5:17-CV-00715

ORDER

AND NOW, this 25th 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, Defendants' opposition thereto, and Plaintiff's Reply, and after a hearing and oral argument being held, 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. Permanent rights of way and easements of 2.14 acres, as described as "Area of Proposed CPLS R/W #1," "Area of Proposed CPLS R/W #2," and "Area of Proposed CPLS R/W #3" in Exhibit A attached hereto, 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), together with the right to construct, maintain, operate, repair, alter, replace and remove cathodic protection equipment and the necessary appurtenances thereto, such as but not limited to poles, guy wires, anchors, rectifiers, power lines, cables, deep well anode and anode ground beds under, upon, and over the permanent right of way and easement, 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 3.59 acres, as described as “Area of Proposed Temporary Work Space #1,” “Area of Proposed Temporary Work Space #2,” “Area of Proposed Temporary Work Space #3,” “Area of Proposed Temporary Work Space #4,” “Area of Proposed Temporary Work Space #5,” and “Area of Proposed Temporary Work Space #6” in Exhibit A attached hereto, 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).

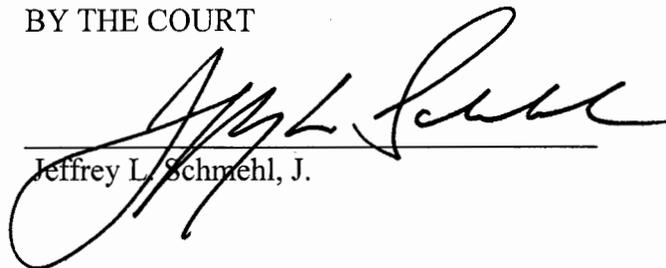
(2) Upon filing the bond required below, beginning August 18, 2017, Transco is granted access to, possession of and entry to the Rights of Way for all purposes allowed under the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017);

(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 \$70,710.00 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.

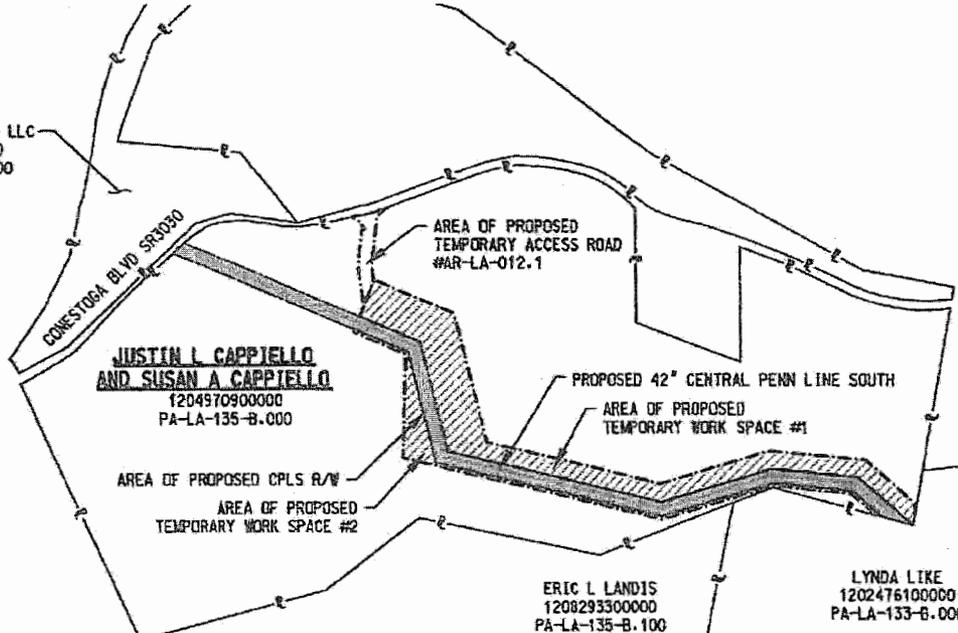
BY THE COURT



Jeffrey L. Schmehl, J.

EXHIBIT A

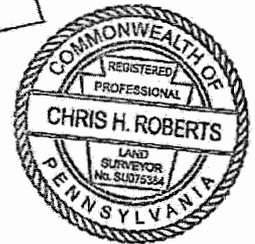
BIF III HOLTHOOD LLC
120323060000
PA-LA-137-B.000



**JUSTIN L. CAPPIELLO
AND SUSAN A. CAPPIELLO**
120497090000
PA-LA-135-B.000

ERIC L. LANDIS
120829330000
PA-LA-135-B.100

LYNDA LIKE
120247610000
PA-LA-133-B.000



NOTES:

- BEARINGS SHOWN ARE BASED ON THE PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH ZONE, US FOOT.
- 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

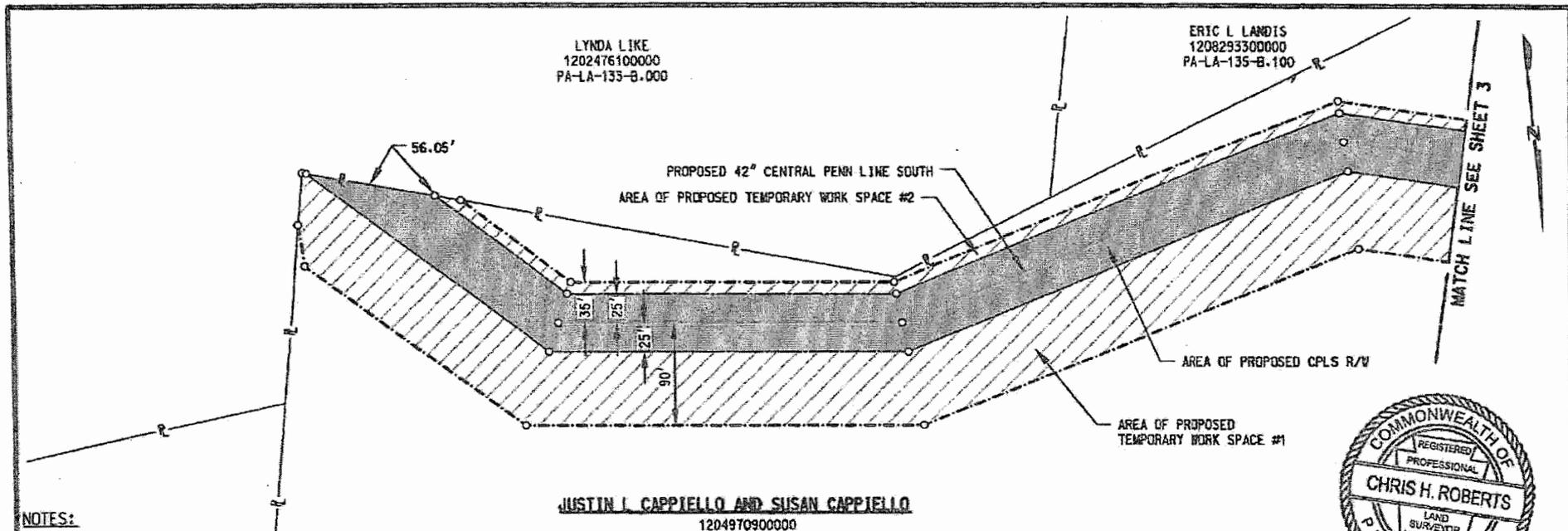
SUBJECT TRACT
N.T.S.

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.

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	VDL 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.	161503	SGH	MAH	CHECKED BY: MJV	DATE: 05/13/16	ISSUED FOR CONSTRUCTION:	REVISION 1
1	11/30/16	KB	REISSUED FOR R.O.W.	161503	MJV	MAH	APPROVED BY: MJH	DATE: 05/13/16	DRAWING NUMBER: 24-1600-70-TT-A/PA-LA-135-B-000	SHEET 1
NO: 1161503		PA-LA-135-B.000, CAPPIELLO		12/1/2014		3136.0'		OF 4		



LYNDA LIKE
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PA-LA-133-B.000

ERIC L LANDIS
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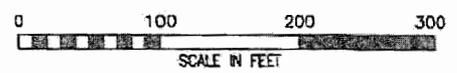
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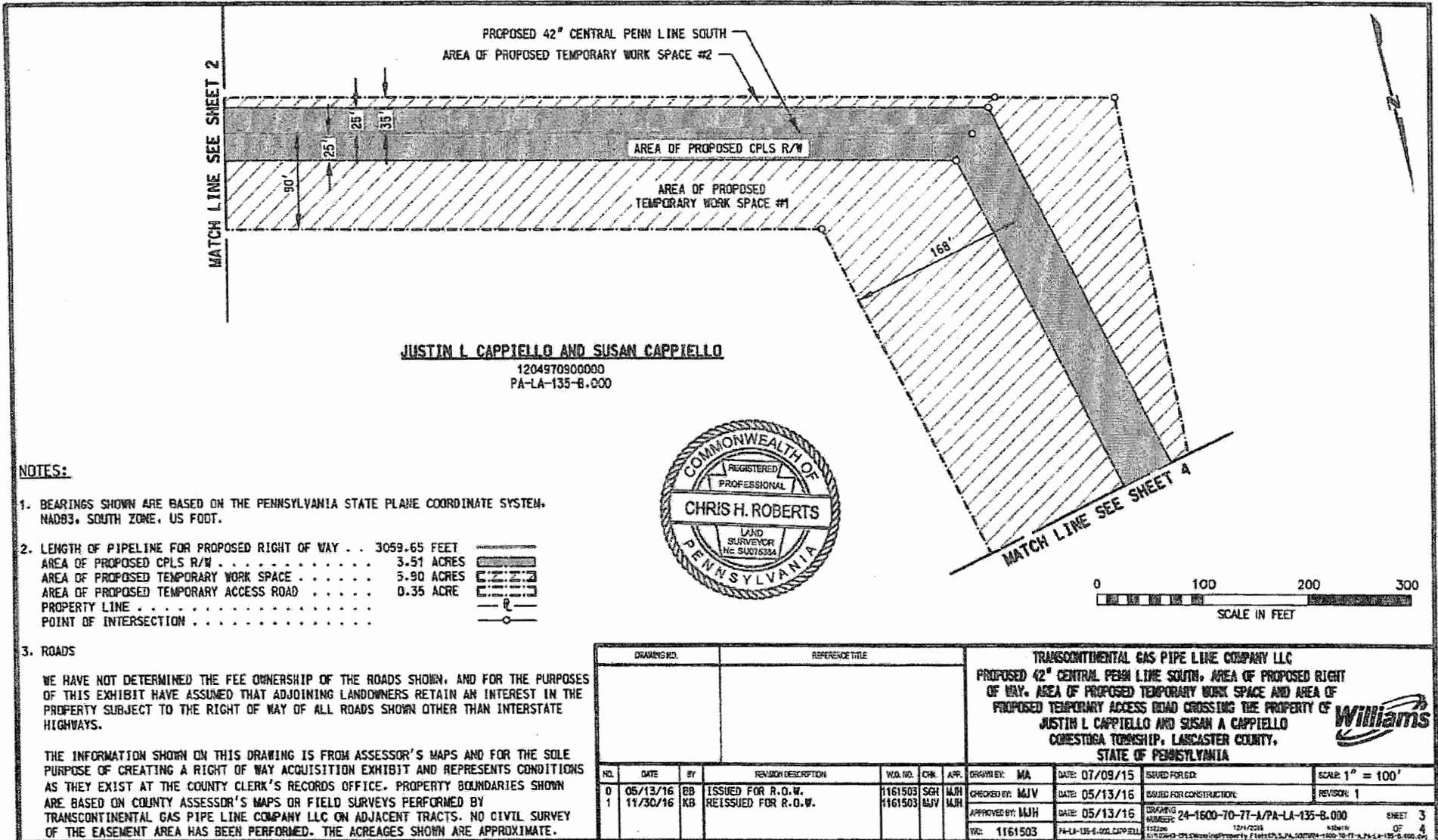
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Chris H. Roberts 12-8-16
 PENNSYLVANIA LICENSE NO. SU075384 DATE:
 CHRIS H. ROBERTS
 HAYES, JAMES & ASSOCIATES, INC.
 4145 SHACKLEFORD ROAD, SUITE 300
 MORCROSS, GA 30093



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NO.	DATE	BY	REVISION DESCRIPTION	VEC. NO.	CHK. APP.
0	05/13/16	BB	ISSUED FOR R.O.W.	1161503	SGH MJH
1	11/30/16	KB	REISSUED FOR R.O.W.	1161503	MJV MJH
DRAWN BY: MA		DATE: 07/09/15		ISSUED FOR CONSTRUCTION:	
CHECKED BY: MJV		DATE: 05/13/16		REVISION: 1	
APPROVED BY: MJH		DATE: 05/13/16		DRAWING NUMBER: 24-1600-70-77-A/PA-LA-135-B.000 SHEET 2	
VD 1161503		PA-LA-135-B.000/CAPPIELLO		DATE: 12/1/2015 4:04PM OF 4	





NOTES:

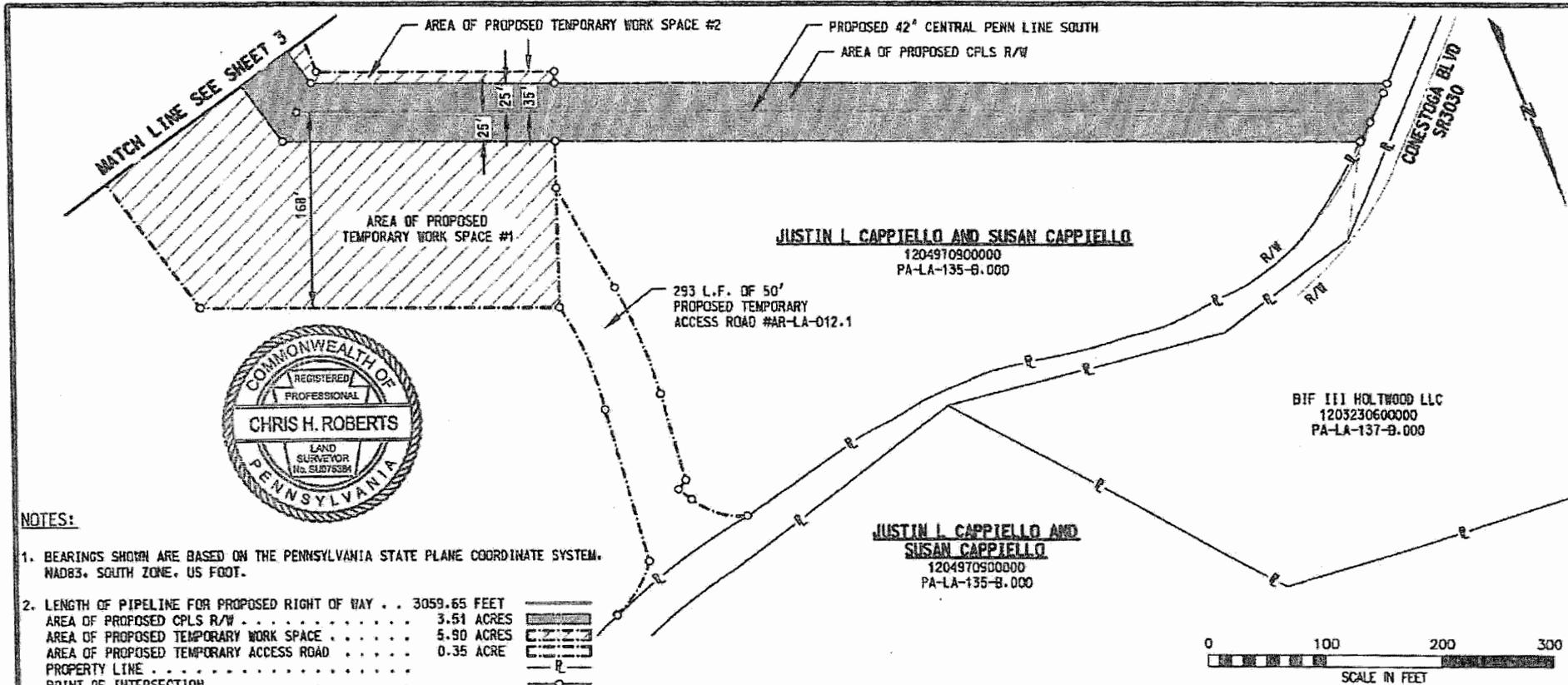
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1	11/30/16	KB	REISSUED FOR R.O.W.	1161503	MLV	MLR	APPROVED BY:	MLH	DATE:	05/13/16	DRAWING NUMBER:	SHEET 3	
								PA-LA-135-B.000		12/1/2016		OF 4	



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T.C. 1161503		PA-LA-135-B.000, CIVIL FIELD		12/1/2016		11/2/2016		11/2/2016		OF 4

