

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 2.02  
ACRES AND TEMPORARY EASEMENTS  
FOR 2.76 ACRES IN MANOR TOWNSHIP,  
LANCASTER COUNTY,  
PENNSYLVANIA, TAX PARCEL  
NUMBER 4100300500000,  
3049 SAFE HARBOR ROAD,  
MANOR TOWNSHIP, LANCASTER, PA  
17551

STEPHEN D. HOFFMAN  
3049 SAFE HARBOR ROAD  
MILLERSVILLE, PA 17551

AND ALL UNKNOWN OWNERS

Defendants.

CIVIL ACTION – LAW

Docket No. 5:17-CV-00723

**ORDER**

AND NOW, this 23<sup>rd</sup> 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 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. A permanent right of way and easement of 2.02 acres, as described as “Area of Proposed CPLS R/W” 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 a right of way and easement 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 access 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 2.76 acres, as described as “Area of Proposed Temporary Work Space #1” and “Area of Proposed Temporary Work Space #2” 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).

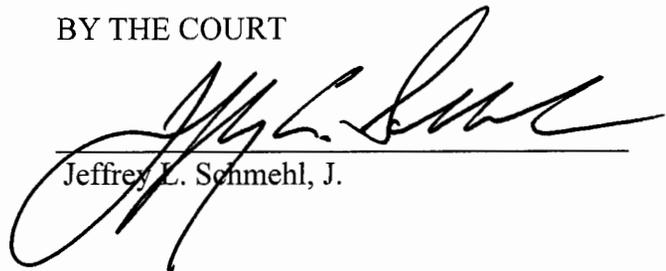
(2) Upon filing the bond required below, beginning August 18, 2017, Transco is granted access to, possession of and entry to the Rights of Way for all purposes allowed under the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017);

(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 \$41,910.00 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.

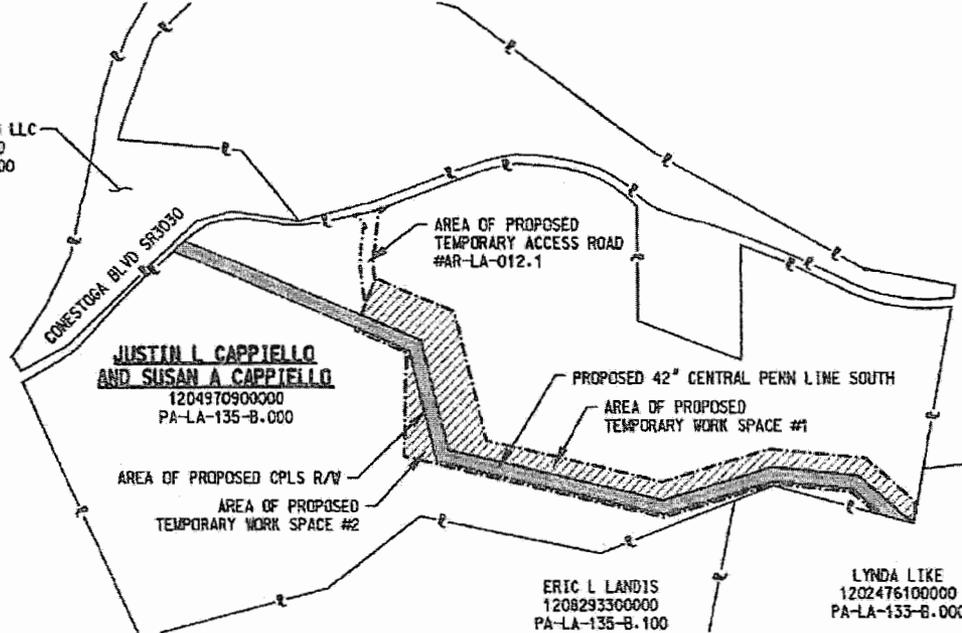
BY THE COURT



Jeffrey L. Schmehl, J.

EXHIBIT A

BIF III HOLTWOOD LLC  
1203230600000  
PA-LA-137-B.000



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

ERIC L. LANDIS  
1208293300000  
PA-LA-135-B.100

LYNDA LIKE  
1202476100000  
PA-LA-133-B.000

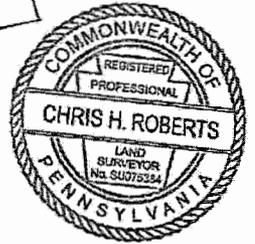
AREA OF PROPOSED  
TEMPORARY ACCESS ROAD  
#AR-LA-012.1

PROPOSED 42" CENTRAL PENN LINE SOUTH

AREA OF PROPOSED  
TEMPORARY WORK SPACE #1

AREA OF PROPOSED CPLS R/W  
AREA OF PROPOSED  
TEMPORARY WORK SPACE #2

SUBJECT TRACT  
N.T.S.



**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 . . . . .
- ROADS



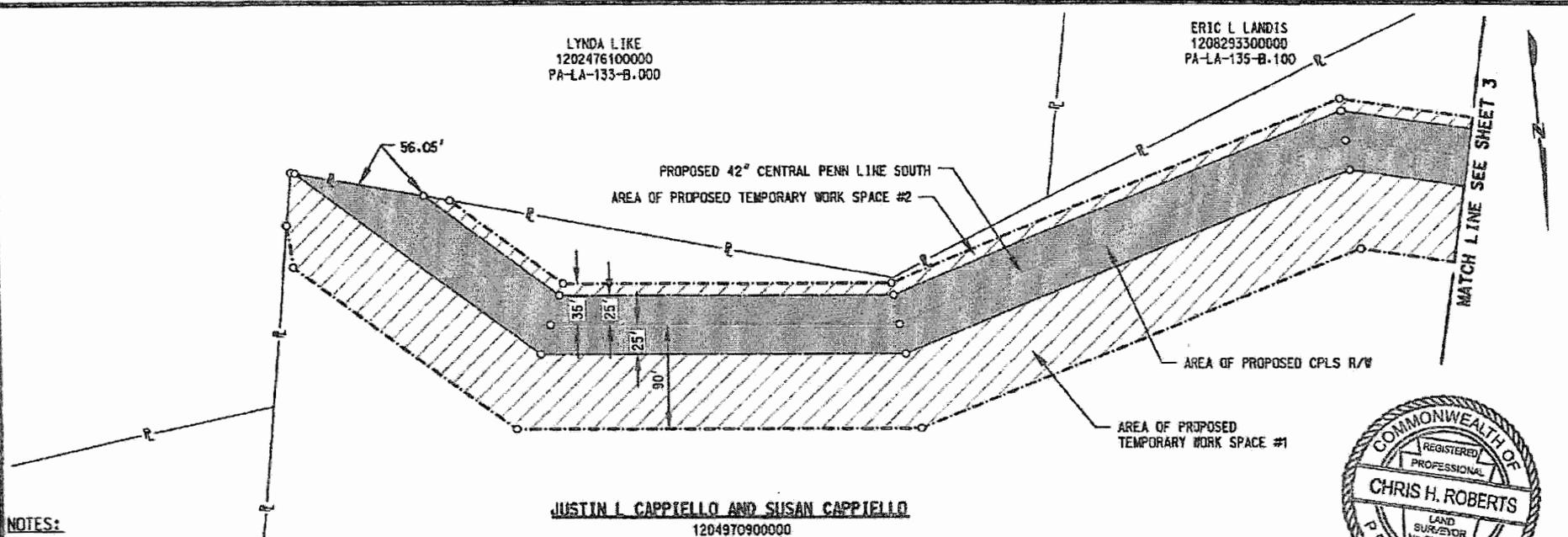
WE HAVE NOT DETERMINED THE FEE OWNERSHIP OF THE ROADS SHOWN, AND FOR THE PURPOSES OF THIS EXHIBIT HAVE ASSUMED THAT ADJOINING LANDOWNERS RETAIN AN INTEREST IN THE PROPERTY SUBJECT TO THE RIGHT OF WAY OF ALL ROADS SHOWN OTHER THAN INTERSTATE HIGHWAYS.

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.

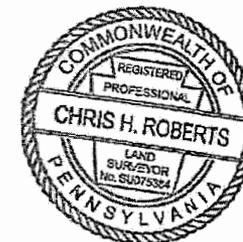
DRAWING NO.		REFERENCE TITLE		TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC PROPOSED 42" CENTRAL PENN LINE SOUTH, AREA OF PROPOSED RIGHT OF WAY, AREA OF PROPOSED TEMPORARY WORK SPACE AND AREA OF PROPOSED TEMPORARY ACCESS ROAD CROSSING THE PROPERTY OF JUSTIN L. CAPPIELLO AND SUSAN A. CAPPIELLO CONESTOGA TOWNSHIP, LANCASTER COUNTY, STATE OF PENNSYLVANIA			
NO.	DATE	BY	REVISION DESCRIPTION	W.D. NO.	CHK.	APP.	SCALE: N.T.S.
0	05/13/16	BB	ISSUED FOR R.O.W.	1161503	SGH	MJH	ISSUED FOR CONSTRUCTION
1	11/30/16	KB	REISSUED FOR R.O.W.	1161503	MJV	MJH	REVISION 1
DRAWN BY: MA		DATE: 07/09/15		ISSUED FOR CONSTRUCTION		SCALE: N.T.S.	
CHECKED BY: MJV		DATE: 05/13/16		DRAWN BY: MA		REVISION 1	
APPROVED BY: MJH		DATE: 05/13/16		PROJECT NO: 24-1600-70-TT-MPA-LA-135-B.000		SHEET 1	
NO: 1161503		PA-LA-135-B.000, CAPPIELLO		12/1/2016		OF 4	

LYNDA LIKE  
1202476100000  
PA-LA-133-B.000

ERIC L LANDIS  
1208293300000  
PA-LA-135-B.100



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



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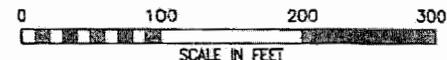
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**3. ROADS**

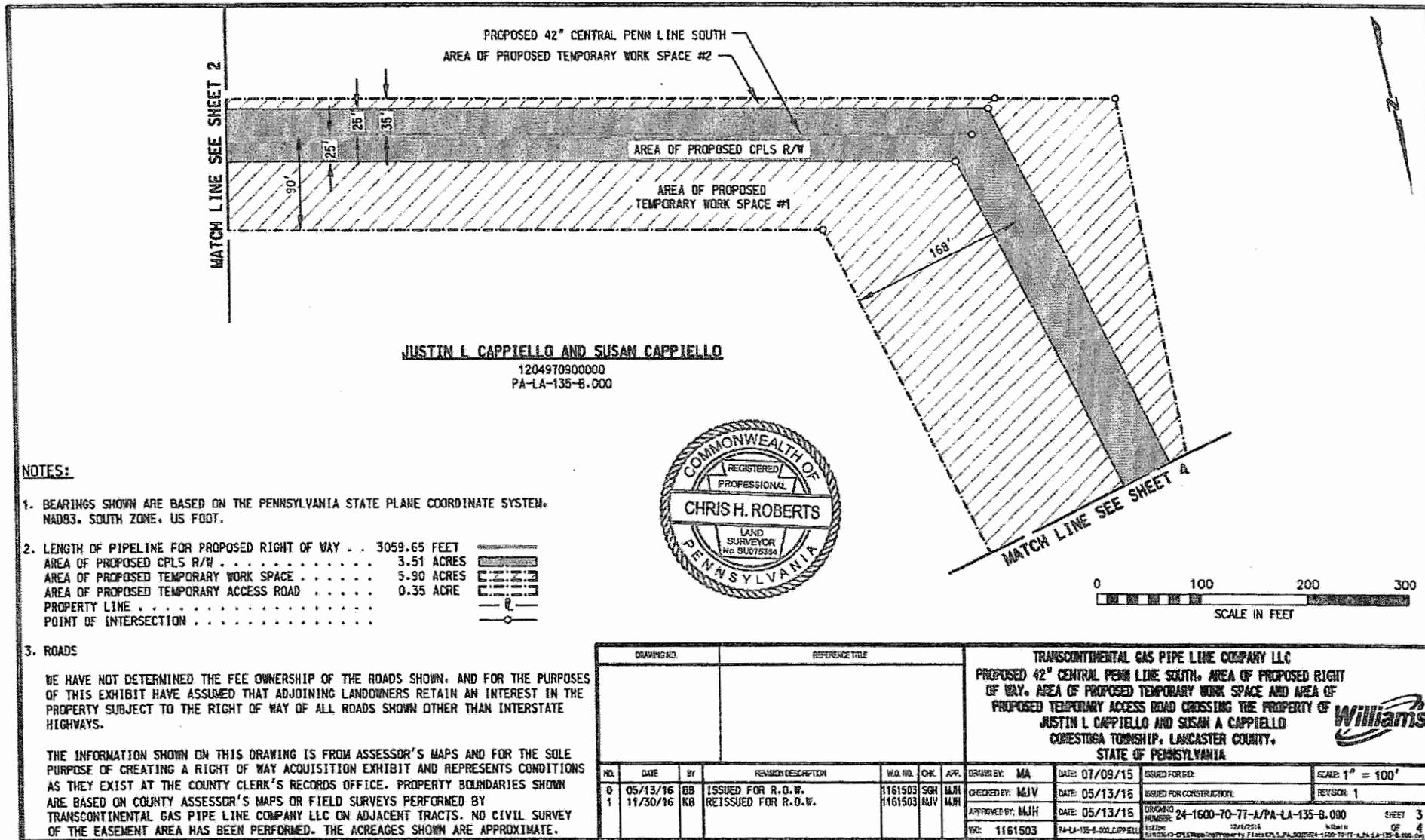
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*Chris H. Roberts* *12-8-16*  
PENNSYLVANIA LICENSE NO. SU075384 DATE:  
CHRIS H. ROBERTS  
HAYES, JAMES & ASSOCIATES, INC.  
4145 SHACKLEFORD ROAD, SUITE 300  
NORCROSS, GA 30093



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1	11/30/16	KB	REISSUED FOR R.O.W.	1161503	MJV	MAJ	APPROVED BY: MJH	DATE: 05/13/16	DRAWING NUMBER: 24-1600-10-77-A/PA-LA-135-B.000	SHEET 2 OF 4
BYD: 1161503		PA-LA-135-B.000/CAPPIELLO		11/27/16		13/1/2016		13/01/16		13/01/16



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



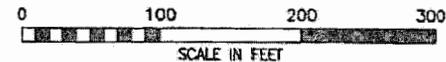
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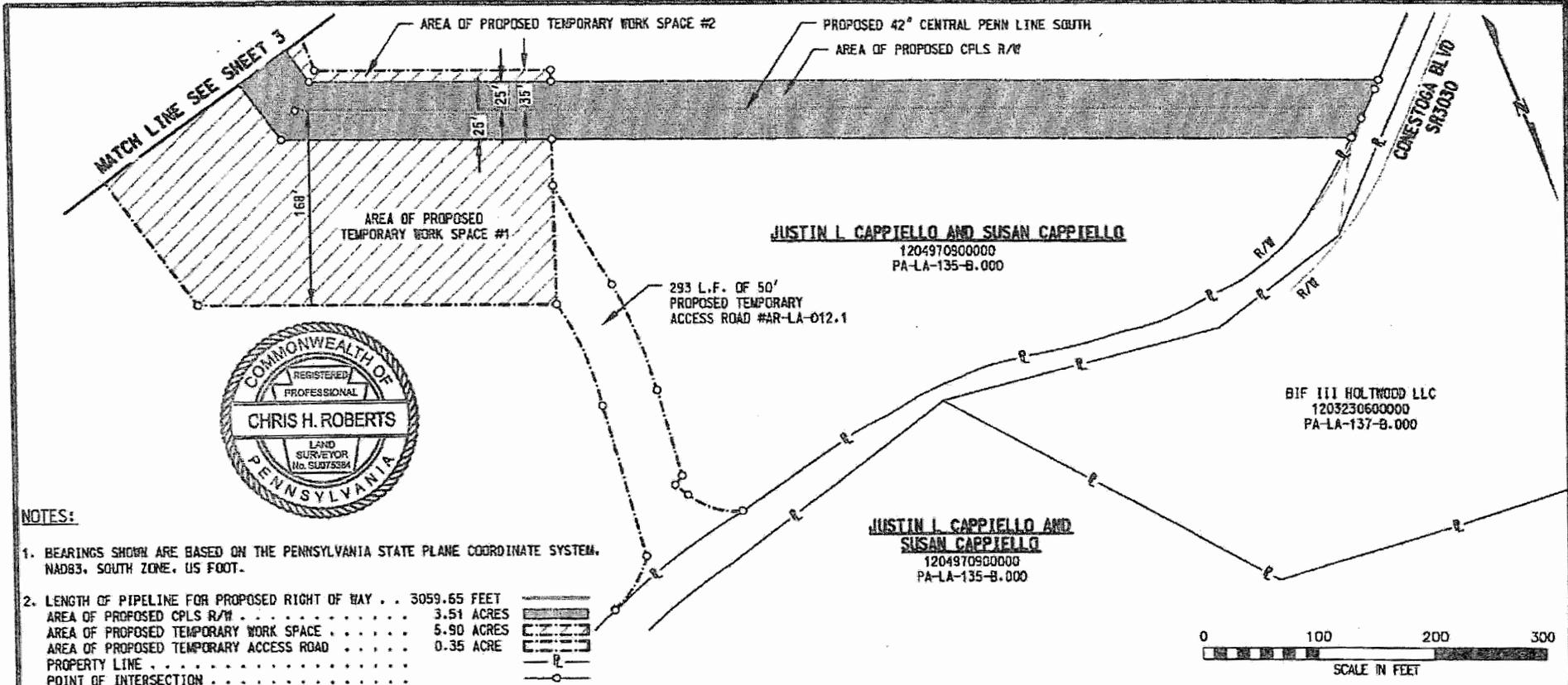
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							APPROVED BY:	DATE:	DRAWING NAME:	SHEET	
							MLH	05/13/16	24-1600-70-77-A/PA-LA-135-B-000	3	
							NO:	1161503	PA-LA-135-B-000.CAPPIELLO	OF 4	





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GO: 1161503		PA-LA-135-B.000, CONESTOGA		12/1/2016		12/1/2016		12/1/2016		OF 4