

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BRUCE PETRIE and GINGER PETRIE, :  
ANDREW G. KRASNANSKY and :  
TINA-LOUISE KRASNANSKY, :  
ROBERT DUANE BLASKO and :  
ELIZABETH A. BLASKO, and :  
ROBERT McKELLIN and CYNTHIA :  
McKELLIN, :  
Plaintiffs :

NO. C0048CV2023-6089

DECLARATORY JUDGMENT/EQUITY

v.

COPY

LOWER SAUCON TOWNSHIP, :  
BETHLEHEM LANDFILL COMPANY, :  
& IESI PA BETHLEHEM LANDFILL :  
CORPORATION :  
Defendants :

2023 AUG 14 P 2:23  
FILED  
COURT OF COMMON PLEAS  
NORTHAMPTON COUNTY, PA

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claims or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE  
P.O. Box 4733  
EASTON, PENNSYLVANIA 18042  
TELEPHONE: 610-258-6333

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BRUCE PETRIE and GINGER PETRIE, :  
ANDREW G. KRASNANSKY and : NO. C0048CV2023-  
TINA-LOUISE KRASNANSKY, :  
ROBERT DUANE BLASKO and :  
ELIZABETH A. BLASKO, and : DECLARATORY JUDGMENT/EQUITY  
ROBERT McKELLIN and CYNTHIA :  
McKELLIN, :  
Plaintiffs :  
v. :  
LOWER SAUCON TOWNSHIP, :  
BETHLEHEM LANDFILL COMPANY, :  
& IESI PA BETHLEHEM LANDFILL :  
CORPORATION :  
Defendants :

COPY

**COMPLAINT**

AND NOW comes, Plaintiffs, by and through their counsel, Gary Neil Asteak, Esquire and they hereby file the instant Complaint and in support thereof they aver as follows:

**PARTIES**

1. Plaintiffs are adult individuals identified as follows:

- i. Bruce Petrie and Ginger Petrie  
2626 Redington Road, Hellertown, PA 18055
- ii. Andrew G. Krasnansky and Tina-Louise Krasnansky  
2430 Applebutter Road, Hellertown, PA 18055
- iii. Robert Duane Blasko and Elizabeth A. Blasko  
2510 Redington Road, Hellertown, PA 18055
- iv. Robert McKellin and Cynthia McKellin  
2166 Kistler Avenue, Bethlehem, PA 18015

2. Defendant is Lower Saucon Township (hereinafter referred to as the "Township"), a Second-Class Township organized and existing pursuant to the Second-Class Township Code,

2023 AUG 14 P 2:23  
FILED  
COURT OF COMMON PLEAS  
NORTHAMPTON COUNTY, PA  
CLERK OF COURT

53 P.S. §65101 *et. seq.* and an Optional Plan of Government in accordance with the Home Rule Charter and Optional Plans Law, 53 Pa.C.S. §2901 *et. seq.*, with an address at 3700 Old Philadelphia Pike, Bethlehem, PA 18015.

3. Defendant is the Bethlehem Landfill Company, a foreign business corporation organized and existing pursuant to the laws of the State of Delaware with principal corporate offices at 3 Waterway Square, PL, the Woodlands, TX 77380, and doing business in the County of Northampton, Commonwealth of Pennsylvania, with local operations and offices at 2335 Applebutter Road, Bethlehem, PA 18015.

4. Defendant is IESI PA Bethlehem Landfill Corporation, a foreign business corporation organized and existing pursuant to the laws of the State of Delaware with principal corporate offices at 3 Waterway Square, PL, the Woodlands, TX 77380, and doing business in the County of Northampton, Commonwealth of Pennsylvania, with local operations and offices at 2335 Applebutter Road, Bethlehem, PA 18015.

5. Defendants Bethlehem Landfill Company and IESI PA Bethlehem Landfill Corporation will be referred to collectively as the (“**Landfill**”).

#### **JURISDICTION AND VENUE**

6. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

7. The Northampton County Court of Common Pleas has subject matter jurisdiction over each and every count contained in this Complaint.

8. The Northampton County Court of Common Pleas has personal jurisdiction over the Township and the Landfill as the Township and Landfill are located within Northampton County and all conduct business within Northampton County, Pennsylvania.

9. Venue is proper in the Northampton County Court of Common Pleas as the Township and Landfill are located within Northampton County and the underlying transaction, occurrences, and property at issue are located within Northampton County.

**OPERATIVE FACTS**

10. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

11. On December 21, 2022, the Township Council adopted Ordinance No. 2022-02 amending the Lower Saucon Township Zoning Ordinance and rezoning approximately 275.7 acres of land (the “**Property**”) from the Rural Agricultural (RA) zoning designation to the Light Industrial (LI) zoning designation.

12. Plaintiffs are Lower Saucon Township residents and taxpayers, owners of property adjacent to and in close proximity to the Property, regular users of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park, and third party beneficiaries to the character and scenic nature of the Property.

13. Ordinance No. 2022-02 also added landfills and waste disposal facilities as uses permitted by Conditional Use.

14. The Property consists of the following seven (7) Northampton County Tax Map parcels:

<b>Parcel Identifier</b>	<b>Size (Acres)</b>
N8-14-1-0719E	61.4
N8-14-1A-0719	.33
N8-14-1B-0719	.36
N8-14-1B-0719	.45
N8-14-2-0719E	140.3
N8-14-15-0719	89.37
P7-5-33-0719 <sup>1</sup>	224.03

---

<sup>1</sup> Only 5.8 acres of this parcel was proposed to undergo a zoning change.

15. The Property is owned entirely by the Landfill.

16. The majority of the Property is encumbered by a pair of substantively identical Scenic and Conservation Easements (collectively the “**Conservation Easements**”) which serve to preserve approximately 208 acres of the Property for scenic and conservation purposes and which specifically preclude landfill activities. The Conservation Easements are filed in the Northampton County Recorder of Deeds at Vol. 1994-6, Pg. 102081 (“**Easement 1**”) and Vol. 1994-6 Pg. 102074 (“**Easement 2**”). See Exhibit “A” and Exhibit “B”.

17. Approximately eight (8) acres of the Property along the Southern boundary are also subject to a 100’ woodlands protection easement (the “**Woodland Easement**”) intended to preserve undisturbed woodlands except for the limited purposes of culling dead trees and promoting healthy tree growth. See Exhibits “A”, “B”, and “C”.

18. The Conservation Easements and Woodland Easement are applicable to the Property as follows:

Parcel Identifier	Size (Acres)	Easements
N8-14-1-0719E	61.4	Entire Parcel [Easement 1]  8 Acres [Woodlands Easement]
N8-14-1A-0719	.33	Entire Parcel [Easement 1]
N8-14-1B-0719	.36	Entire Parcel [Easement 1]
N8-14-1B-0719	.45	Entire Parcel [Easement 1]
N8-14-2-0719E	140.3	Entire Parcel [Easement 2]
N8-14-15-0719	89.37	None.
P7-5-33-0719	224.03	None.

19. The areas affected by the Conservation Easements and Woodland Easement are depicted on the map attached hereto as Exhibit “D”.



20. The City of Bethlehem owned the Property at the time the Conservation Easement and Woodland Easement were established.

21. At that time, the City of Bethlehem operated a landfill on the land adjacent to the Property.

22. The Conservation Easements and Woodland Easement were established for the purposes of protecting the land subject to the easements and for ensuring that relevant portions of the Property would serve as a buffer to the landfill activities in perpetuity. See Exhibit "A" and Exhibit "B" at pg. 1.

23. The City of Bethlehem specifically described the land subject to the Conservation Easements and Woodland Easement as buffer land intended to shield the portions of the Property subject to the Conservation Easements and Woodland Easement from the northern most operations of the Bethlehem Landfill in perpetuity. See Id.

24. The Conservation Easements, as well as the Woodland Easement, which is incorporated into Easement 1, run with the land and have been serving their intended purpose and benefiting the public since 1994. Id. at ¶8, stating in full:

The restrictions and easements shall constitute a covenant running with the all of the property described herein *and shall be binding upon the City and all other persons and parties claiming through the City herein, and for the benefit of and limitation upon all future owners of said land and premises*, this declaration of restrictions being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and during such operation of the Landfill to as great a degree as possible, to preserve the original character and scenic nature of the land (emphasis added).

25. A portion of the Property subject to the Conservation Easements and Woodland Easement, Northampton County Parcel No. N8-14-1 & N8-14-2, was transferred by the City of Bethlehem to the Bethlehem Landfill Company by deed recorded September 30, 2022.

26. A portion of the Property subject to the Conservation Easements, Northampton County Parcel No. N8-14-15, was transferred by Genon Rema, LLC, to the Bethlehem Landfill Company by deed recorded on April 30, 2020.

27. By the specific language of the Conservation Easements and Woodland Easement, the easements serve as a “limitation upon all future owners of said land.”

28. The Conservation Easements, as well as the Woodland Easement, prohibit any activity not explicitly permitted therein as well as any activities that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park. *Id.* at ¶6.

29. The Landfill filed a Conditional Use Application pursuant to Ordinance No. 2022-02 on or about January 3, 2023, with the intention of expanding current landfill operations to approximately 189 acres of the Property.

30. The Conditional Use Application requested that the Township “release or waive” the Conservation Easements.

31. Several months of Conditional Use hearings occurred and it became clear that the Landfill would not be able to meet the standards of Ordinance No. 2022-02.

32. On January 13, 2023, Plaintiffs filed a Procedural Validity Challenge to Ordinance No. 2022-02 which was docketed with this Honorable Court at No. 2023-00335.

33. On May 08, 2023, the Honorable Abraham P. Kassis entered an Order granting Plaintiffs’ Procedural Validity Challenge and declaring Ordinance No. 2022-02 *void ab initio*.

34. The Township and the Landfill filed a Notice of Appeal to the Order of Judge Kassis on June 06, 2023, and the matter is pending in the Commonwealth Court of Pennsylvania.

35. On March 21, 2023, Plaintiffs filed a Substantive Validity Challenge to Ordinance No. 2022-02 which was docketed with this Honorable Court at No. 2023-01779.

36. The Substantive Validity Challenge was indefinitely stayed on June 21, 2023, pending the outcome of the appeal of the Procedural Validity Challenge.

37. On July 11, 2023, in response to the Order of Judge Kassis and the failure of the Landfill to meet the conditional use standards of Ordinance No. 2022-02, the Township authorized Ordinance No. 2023-05 (the “**Ordinance**”) to be advertised for a hearing by a vote of 3-2.

38. The Ordinance proposes to rezone the Property from the Rural Agricultural (RA) zoning designation to Light Industrial (LI) and reclassifies landfills and waste disposal facilities from *uses permitted by Special Exception* to *uses permitted by-right*. See Exhibit “E”.

39. The Ordinance would effectively ensure the Landfill would be able to expand landfill activities to the Property with no local oversight or planning considerations.

40. The Township has scheduled a hearing on the Ordinance for August 30, 2023, and is expected to pass the Ordinance despite public opposition and despite the existence of the Conservation Easements.

**COUNT I - DECLARATORY JUDGMENT**  
**Plaintiffs v. Landfill**

41. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

42. The Declaratory Judgment Act grants this Honorable Court the power to declare rights, status, and other legal relations. 42 Pa.C.S.A. §7532.



43. A Declaratory Judgment issued pursuant to the Declaratory Judgment Act is appropriate to determine the legal rights of individuals when there are claims indicating imminent and inevitable litigation. 42 Pa.C.S.A. §§7531-7541.

44. Plaintiffs are third-party beneficiaries of the Conservation Easements and regular users of the Lehigh Canal National Heritage Corridor and State Heritage Park who enjoy the use of the trail and scenic views which would be destroyed by landfilling activities that would be visible from the trail.

45. The Conservation Easements were granted to the Township by the City for the purposes of protecting the Property and for ensuring the Property serves as a buffer to landfill activities for the benefit of the public.

46. The Conservation Easements prohibit any activity not explicitly permitted therein or any activities that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

47. The expansion of landfill activities would be an express violation of the Conservation Easements and deprive Plaintiffs and those similarly situated with the use and enjoyment of the resources afforded by the Lehigh Canal National Heritage Corridor and State Heritage Park.

48. Litigation in this matter is imminent.

**WHEREFORE**, Plaintiffs hereby requests judgment in their favor, and against Defendants, and respectfully requests this Honorable Court to enter the following declaratory relief:

(a) Declaring that Plaintiffs are third-party beneficiaries of the Conservation Easements.

- (b) Declaring that the Conservation Easements prohibit the expansion of landfill activities to the relevant portions of the Property.
- (c) Declaring that the Landfill may not expand landfill activities to the relevant portions of the Property.
- (d) Declaring that the Property is the subject of the Donated or Dedicated Property Act and that the Property may not be used for any purpose inconsistent with the Conservation Easements without approval of the Orphans' Court.
- (e) Any further relief this Honorable Court deems just and proper.

**COUNT II - DECLARATORY JUDGMENT**  
**Plaintiffs v. Township**

49. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

50. The Declaratory Judgment Act grants this Honorable Court the power to declare rights, status, and other legal relations. 42 Pa.C.S.A. §7532.

51. A Declaratory Judgment issued pursuant to the Declaratory Judgment Act is appropriate to determine the legal rights of individuals when there are claims indicating imminent and inevitable litigation. 42 Pa.C.S.A. §§7531-7541.

52. Plaintiffs are third-party beneficiaries of the Conservation Easements and regular users of the Lehigh Canal National Heritage Corridor and State Heritage Park who enjoy the use of the trail and scenic views which would be destroyed by landfilling activities that would be visible from the trail.

53. The Conservation Easements were granted to the Township by the City for the purposes of protecting the Property and for ensuring the Property serves as a buffer to landfill activities for the benefit of the public.

54. The Conservation Easements prohibit any activity not explicitly permitted therein or any activities that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

55. As a Second-Class Township, the Township is subject to the requirements of the Donated or Dedicated Property Act, 53 P.S. §3381, *et. seq* (the “DDPA”).

56. The DDPA requires the Township, as fiduciary and trustee of property which is donated or dedicated to the public trust, to seek permission from the Orphans’ Court before it can assent to any change in the public use of that property.

57. The DDPA requires the Township to prove the public use is no longer (1) feasible and (2) that the use no longer serves a public purpose.

58. The DDPA allows the public and the Attorney General to participate and oppose any proposed change in public use.

59. The Conservation Easements are incorporeal property rights held by the Township which have been dedicated to the public trust and imbued with a public interest since 1994.

60. The Township has not sought permission from the Orphans’ Court to rezone the Property to expressly permit landfill activities in violation of the Conservation Easements.

61. The Township has not sought permission from the Orphans’ Court to “terminate” or “release” the Conservation Easements.

62. The Township has a legal obligation to seek permission from the Orphans’ Court pursuant to the DDPA.

63. Litigation in this matter is imminent.

**WHEREFORE**, Plaintiffs hereby requests judgment in their favor, and against Defendants, and respectfully requests this Honorable Court to enter the following declaratory relief:

- (a) Declaring that Plaintiffs are third-party beneficiaries of the Conservation Easements.
- (b) Declaring that the Township is not authorized to terminate the Conservation Easements.
- (c) Declaring that the Township is subject to the Donated or Dedicated Property Act and cannot rezone the Property or take any other action inconsistent with the Conservation Easements without approval of the Orphans' Court of Northampton County.
- (d) Any such other relief that this Honorable Court deems just and proper.

**COUNT III – INJUNCTION**  
**Plaintiff v. Township**

64. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

65. Plaintiffs have a substantial, direct, and immediate interest in the instant matter due to their proximity to the Property and their use and enjoyment of the scenic resources as both users and intended beneficiaries of the Conservation Easements.

66. For permanent injunctive relief, the following must be present: (1) the right to relief must be clear; (2) the relief is necessary to prevent an injury which cannot be compensated by damages; and (3) greater injury will occur from refusing the injunction than from granting it. First Philadelphia Preparatory Charter Sch. v. Commonwealth Dep't of Educ., 179 A.3d 128, 132 (Pa. Cmwlth. 2018).

67. An injunction to prevent the adoption and enforcement of the Ordinance and the termination of the Conservation Easements is necessary for the following reasons:

- a. Adoption and enforcement of the Ordinance would impose actual harm on property owners abutting or in close proximity to the Property, while negatively affecting the health, safety, and welfare of Plaintiffs;
- b. Adoption and enforcement of the Ordinance would deprive Plaintiffs of the rights guaranteed by the Environmental Rights Clause of the Pennsylvania Constitution, Article I, Section 27;
- c. Adoption and enforcement of the Ordinance would clearly violate the Conservation Easements;
- d. Adoption and enforcement of the Ordinance would violate the common-law public trust doctrine;
- e. Adoption and enforcement of the Ordinance is impossible without approval of the Orphans' Court pursuant to the Donated or Dedicated Property Act;
- f. Adoption and enforcement of the Ordinance is a violation of the Pennsylvania Constitution, Article I, Section 27; and
- g. Termination of the Conservation Easements would violate the public trust doctrine and be an unlawful assent to the disposition of public property without approval of the Orphans' Court pursuant to the Donated or Dedicated Property Act.

68. Plaintiffs' legal right to relief is clear.

69. Monetary damages are inadequate to prevent the above-cited injuries.

70. Greater injury will occur by denying the request relief than by granting the requested relief.

**WHEREFORE**, Plaintiffs hereby requests judgment in their favor, and against Defendants, and respectfully requests this Honorable Court to enter the following injunctive relief:

- a. Enjoining the Township from adopting or enforcing the Ordinance without approval of the Orphans' Court pursuant to the Donated or Dedicated Property Act.
- b. Enjoining the Township from terminating the Conservation Easements.
- c. Enjoining the Township from adopting or enforcing any Ordinance purporting to authorize uses other than those permitted by the Conservation Easements and from taking any further action inconsistent with the Conservation Easements without approval of the Orphans' Court pursuant to the Donated or Dedicated Property Act.



**COUNT IV – INJUNCTION**  
**Plaintiff v. Landfill**

71. Each and every preceding averment is incorporated herein by reference as though the same was set forth herein at length.

72. Plaintiffs have a substantial, direct, and immediate interest in the instant matter due to their proximity to the Property and the protections of the Conservation Easements.

73. For permanent injunctive relief, the following must be present: (1) the right to relief must be clear; (2) the relief is necessary to prevent an injury which cannot be compensated by damages; and (3) greater injury will occur from refusing the injunction than from granting it. First Philadelphia Preparatory Charter Sch. v. Commonwealth Dep't of Educ., 179 A.3d 128, 132 (Pa. Cmwlth. 2018).

74. An injunction to prevent the expansion of landfill activities to the Property is necessary to preserve the intended purpose of the Conservation Easements.

75. Plaintiffs' legal right to relief is clear.

76. Monetary damages are inadequate to prevent the above-cited injuries.

77. Greater injury will occur by denying the request relief than by granting the requested relief.

**WHEREFORE**, Plaintiffs hereby requests judgment in their favor, and against Defendants, and respectfully requests this Honorable Court to enter the following injunctive relief:

- a. Enjoining the Landfill from expanding landfill activities to the relevant portions of the Property.
- b. Entering any other such relief that this Honorable Court deems just and proper.
- c. Enjoining the Township from adopting the Ordinance or any Ordinance purporting to authorize uses other than those permitted by the Conservation Easements and from

taking any other action inconsistent with the Conservation Easements without approval of the Orphans' Court pursuant to the Donated or Dedication Property Act.

- d. Requiring the Township to provide notice to Plaintiffs if it commences an action in the Orphans' Court of Northampton County pursuant to the Donated or Dedicated Property Act relating to the Property or Conservation Easements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary Neil Asteak", written over a horizontal line.

GARY NEIL ASTEAK, ESQUIRE

ID: 19233

726 Walnut Street

Easton, PA 18042

(610) 258-2901

[asteaklaw@gmail.com](mailto:asteaklaw@gmail.com)

Attorney for Plaintiffs

VERIFICATION

We, Bruce Petric and Ginger Petric, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: August 10, 2023

  
\_\_\_\_\_  
BRUCE PETRIC

DATED: August 10, 2023

  
\_\_\_\_\_  
GINGER PETRIC

**VERIFICATION**

We, Andrew G. Krasnansky and Tina-Louise Krasnansky, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: August 10, 2023

  
\_\_\_\_\_  
ANDREW G. KRASNANSKY

DATED: August 10, 2023

  
\_\_\_\_\_  
TINA-LOUISE KRASNANSKY

VERIFICATION

We, Robert Duane Blasko and Elizabeth A. Blasko, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: August 13, 2023

  
ROBERT DUANE BLASKO

DATED: August 13, 2023

  
ELIZABETH A. BLASKO



VERIFICATION

We, Robert McKellin and Cynthia McKellin, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of our knowledge, information and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

DATED: August 12, 2023

  
ROBERT MCKELLIN

DATED: August 12, 2023

  
CYNTHIA MCKELLIN

Exhibit "A"



Books 1994-1995 for the document recorded in the  
for the 1994-1995 "Conservation Easement" Pennsylvania

*Con. L. Deady*

RECORDERS OFFICE  
NORTHAMPTON COUNTY  
PENNSYLVANIA  
INSTRUMENT NUMBER  
1994016328  
RECORDED ON  
Apr 22, 1994  
2:52:30 PM  
STATE WRIT TAX \$ 0.50  
RECORDING FEES \$ 21.00  
TOTAL \$21.50

SCENIC AND CONSERVATION EASEMENT  
FORMER HELMS PROPERTY

ADJACENT TO CITY OF BETHLEHEM LANDFILL

WHEREAS, the City of Bethlehem ("City") and the Township of Lower Saucon ("Township") desire to cooperate in the proper expansion of the City of Bethlehem Landfill ("Landfill") located on Applebutter Road in the Township; and

WHEREAS, the City and Township have agreed in Section III - Intergovernmental Issues, Item 4, that the City buffer land purchased on the North side of the Landfill, i.e., the former Helms property, should be protected with a conservation and scenic easement; and

WHEREAS, the City and Township have agreed that the City is allowed ingress, egress and regress over the easement area to perform groundwater testing and pollution abatement projects.

NOW, THEREFORE, IT IS AGREED:

1. That the consideration for this agreement is the mutual covenants and promises contained herein.
2. That the City grants to the Township a restrictive easement for scenic and conservation purposes on the tract of approximately sixty-six (66) acres as more fully described in the exhibits attached hereto and marked as Exhibits "3" and "4."
3. The City recognizes the area as identified above is zoned "RA" and will only perform those activities permitted in such zoning, and in accordance with any amendments by which the City or its successors are obligated to comply in accordance with the provisions of the Municipalities Planning Code and applicable state law. The City further agrees it will not engage in any landfill activities on the property. The City and the Township recognize, however, that the City retains the right and permission to undertake groundwater testing activities and water pollution abatement activities on this property.

Also Known As Northampton County:

Uniform Parcel Identifier:

Map NE Block 14 Lot 1

VOL: 1994-6

012081

Exhibit "A"

4. The City has granted (Supplemental Agreement, City and Township, Item 14) a woodlands protection easement for approximately eight (8) acre area as attached as Exhibits "1" and "2," hereto. The woodlands protection easement provides that the woodlands shall be preserved as undisturbed woodlands, except for the removal of dead or diseased trees, and/or except for normal removal of trees for prudent forest management to allow for proper tree growth. The City shall retain the rights of ingress, egress and regress over the easement area, and the further right to perform groundwater testing and abatement in the easement area.

5. Surface mining and other extractive activities are strictly prohibited on the easement area.

6. The City of Bethlehem shall not perform any activity other than those stated in this easement agreement or any activity that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

7. The City shall retain the right to exclude any member of the public from trespassing on the easement area.

8. The restrictions and easements shall constitute a covenant running with all of the property described herein and shall be binding upon the City and all other persons and parties claiming through the City herein, and for the benefit of and limitation upon all future owners of said land and premises, this declaration of restrictions being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and, during such operation of the Landfill to as great a degree as possible, to preserve the original character and scenic nature of the land.

9. The Township shall have the right to assign this restrictive easement with the prior written approval of the City, which said approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the undersigned have executed this

Easement on behalf of the City and the Township, intending to legally bind the parties to its terms.

CITY OF BETHLEHEM

W. J. Delino  
Controller  
MAR 16 1994

By: Kenneth R. Smith  
Kenneth R. Smith  
Mayor

TOWNSHIP OF LOWER SAUCON

Robert B. Condit  
Secretary

By: Priscilla deLeon  
Priscilla deLeon  
President of Council

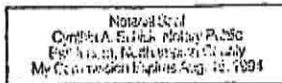


COMMONWEALTH OF PENNSYLVANIA)  
COUNTY OF Northampton ) : SS:

On this 16<sup>th</sup> day of March, 1994, before me,  
Cynthia A. Schick, the undersigned officer,  
personally appeared KENNETH R. SMITH, Mayor of the City of  
Bethlehem, Pennsylvania, known to me to be the person described  
in the foregoing instrument, and acknowledged that he executed  
the same in his official capacity therein stated and for the  
purposes therein contained.

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

Cynthia A. Schick

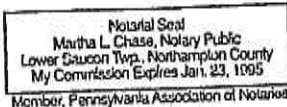


COMMONWEALTH OF PENNSYLVANIA)  
COUNTY OF ) : SS:

On this 16<sup>th</sup> day of March, 1994, before me,  
Martha L. Chase, the undersigned officer,  
personally appeared PRISCILLA deLEON, President of Council of the  
Township of Lower Saucon, Pennsylvania, known to me to be the  
person described in the foregoing instrument, and acknowledged  
that she executed the same in her official capacity therein  
stated and for the purposes therein contained.

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

Martha L. Chase



VOL: 1994-6

012084



DESCRIPTION OF  
LANDFILL WOODLANDS EASEMENT

All that certain portion of lot or parcel to be dedicated as a Landfill Woodlands Easement, located in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point along the northwardly property line of the original City of Bethlehem Landfill, being a common point between the Bushkill Valley Motorcycle Club, the former Samuel Helms property (now City of Bethlehem) and the original City of Bethlehem Landfill, thence in an eastwardly direction along the northwardly property line of the original City of Bethlehem Landfill, North Eighty-Eight Degrees Eight Minutes East (N 88°-08'-00"E ) One Thousand Four Hundred Eighty-Eight Feet (1,488.00') to a point, thence South Thirty-Eight Degrees East (S 38°-00'-00" E) Two Hundred Thirty-One Feet (231.00') to a point, thence North Eighty-Nine Degrees East (N 89°-00'-00" E) One Thousand Six Hundred Sixty-Six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North One Degree West (N 01°-00'-00" W) One Hundred and Six Feet (106.00') to a point, thence South Eighty-Nine Degrees West (S 89°-00'-00" W) One Thousand Six Hundred Thirteen and Sixty-Five One-Hundredths Feet (1,613.65') to a point, thence North Thirty-Eight Degrees West (N 38°-00'-00" W) Two Hundred Thirty-Two Feet (232.00') to a point, thence South Eighty-Eight Degrees Eight Minutes West (S 88°-08'-00" W) One Thousand Five Hundred Forty-One and Eighty-Five One-Hundredths Feet (1,541.85') to a point, thence South One Degree Fifty-Two Minutes East (S 01°-52'-00" E) One Hundred Six Feet (106.00') to a point, said point being the point the place of beginning; containing 358,962.80 Sq. Ft. or 8.24 Acres.

The entire One hundred and Six (106.00') Foot wide Woodland Easement is being Dedicated from the former Samuel Helms Property.

All of which is more fully shown upon the map or plan entitled " Plan Showing Location of Woodlands Easement at the City of Bethlehem Sanitary Landfill in Lower Saucon Township Scale 1" = 800' May 27, 1993 Steven W. DeSalva - City Engineer", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

EXHIBIT 2

VOL: 1994-6

012086

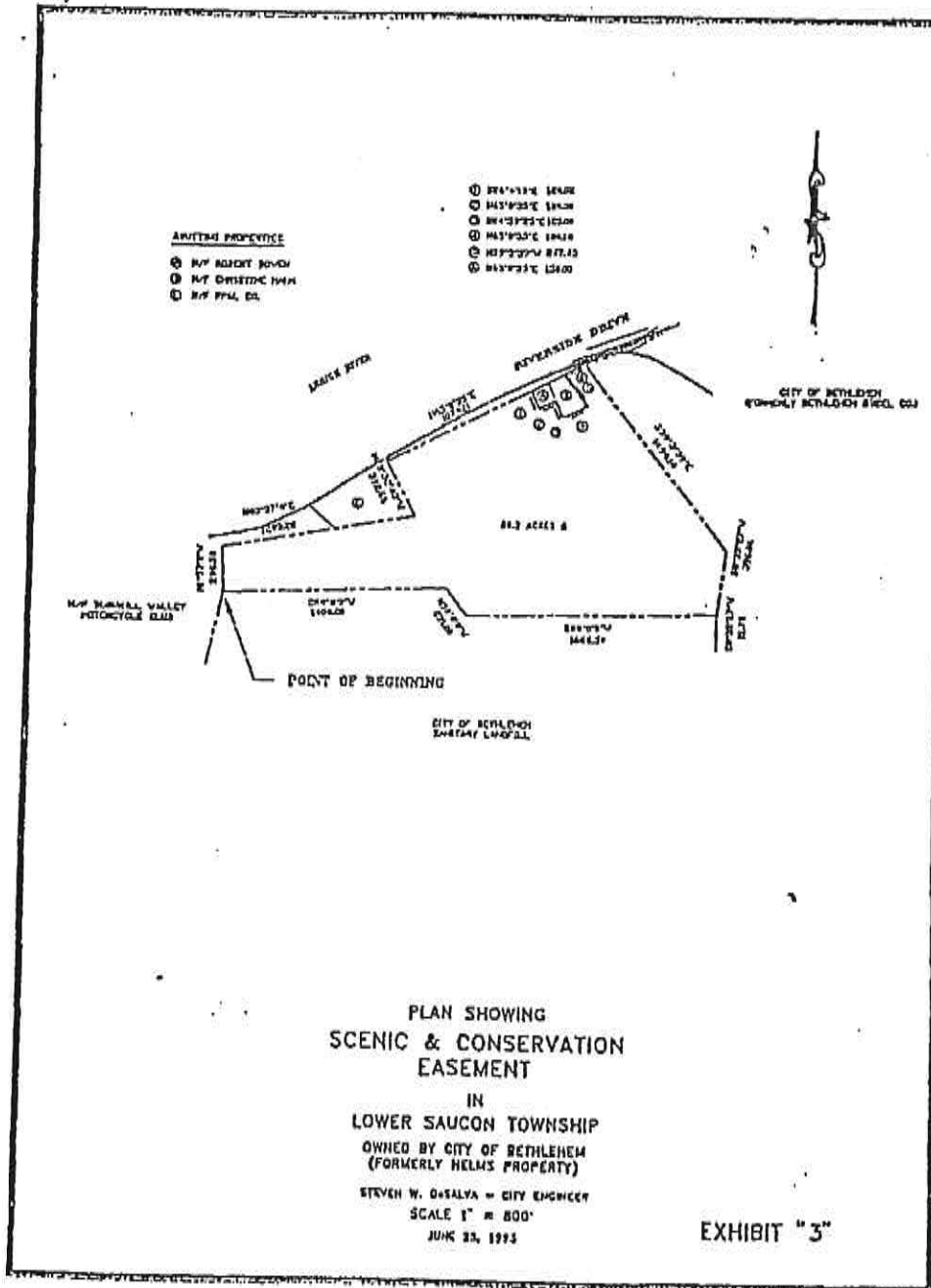


EXHIBIT "4"

DESCRIPTION OF  
SCENIC & CONSERVATION EASEMENT  
ON PROPERTY OF CITY OF BETHLEHEM  
(FORMERLY KNOWN AS THE SAMUEL HELMS PROPERTY)

All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the northwest corner of the original City of Bethlehem Landfill, also being a common point between the Bushkill Valley Motorcycle Club, the original City of Bethlehem Landfill, and the southwest corner of the former Samuel Helms property (now the City of Bethlehem) the property described herein, thence in a northwardly direction North One Degree Fifty-two Minutes Zero Seconds West (N 01°52'00" W) Two Hundred Ninety-six and Fifty-eight One-Hundredths Feet (296.58') to a point, thence North Eighty Degrees Thirty-seven Minutes Four Seconds East (N 80°37'04" E) One Thousand Two Hundred Ninety-three and Twenty-eight One-Hundredths Feet (1,293.28') to a point, thence North Twenty-eight Degrees Thirty-two Minutes Forty-three Seconds West (N 28°32'43" W) Three Hundred Ninety-two and Sixty-six One-Hundredths Feet (392.66') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Thousand Seventy-nine and Eleven Hundredths Feet (1,079.11') to a point, thence South Twenty-six Degrees Four Minutes Fifteen Seconds East (S 26°04'15" E) One Hundred Twenty and Two One-Hundredths Feet (120.02') to a point, thence North Sixty-five Degrees Zero Minutes Twenty-five Seconds East (N 65°00'25" E) One Hundred Twenty Feet (120.00') to a point, thence South Twenty-four Degrees Fifty-nine Minutes Twenty-five Seconds East (S 24°59'25" E) One Hundred Twenty Feet (120.00') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Eighty and Eighteen One-Hundredths Feet (180.18') to a point, thence North Thirty-nine Degrees Three Minutes Fifty-nine Seconds West (N 39°03'59" W) Two Hundred Forty-seven and Forty-three One-Hundredths Feet (247.43') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Fifty Feet (150.00') to a point, thence South Thirty-nine Degrees Three Minutes Fifty-nine Seconds East (S 39°03'59" E) One Thousand Four Hundred Ninety-nine and Fourteen One-Hundredths Feet (1,499.14') to a point, thence South Eight Degrees Thirty-five Minutes Twenty-seven Seconds West (S 08°35'27" W) Three Hundred Ninety-six Feet (396.00') to a point, thence South Zero Degrees Thirty-five Minutes Twenty-seven Seconds West (S 00°35'27" W) Twenty-one and Seventy-

eight One-Hundredths Feet (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres ±.

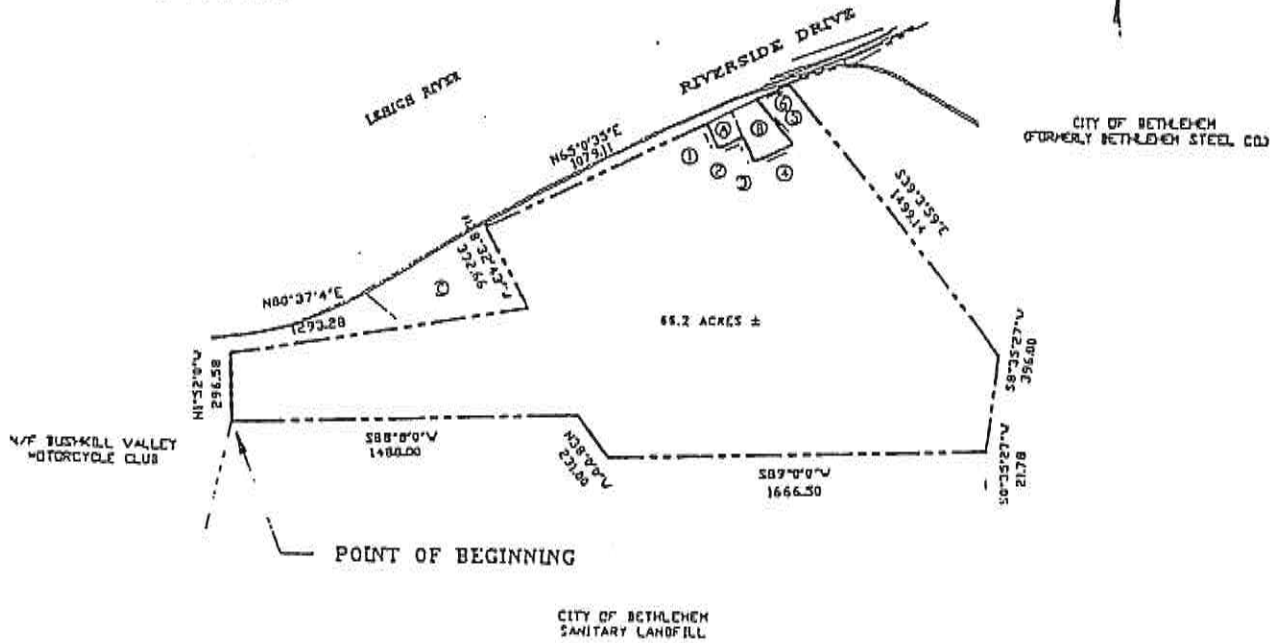
Bounded on the north by Riverside Drive, on the east by lands of City of Bethlehem (formerly Bethlehem Steel Co.), on the south by the City of Bethlehem Landfill and on the west by Bushkill Valley Motorcycle Club.

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

ADJUTING PROPERTIES

- Ⓐ N/F ROBERT BOVEN
- Ⓑ N/F CHRISTINE MAH
- Ⓒ N/F PPL CO

- ① S26°4'15"E 120.02
- ② N65°0'33"E 120.00
- ③ S24°3'25"E 120.00
- ④ N65°0'33"E 100.10
- ⑤ N39°3'39"W 247.43
- ⑥ N65°0'33"E 150.00



PLAN SHOWING  
SCENIC & CONSERVATION  
EASEMENT

IN  
LOWER SAUCON TOWNSHIP

OWNED BY CITY OF BETHLEHEM  
(FORMERLY HELMS PROPERTY)

STEVEN W. DeSALVA - CITY ENGINEER

SCALE : " = 60'

JUNE 28, 1993

EXHIBIT "3"

DESCRIPTION OF  
SCENIC & CONSERVATION EASEMENT  
ON PROPERTY OF CITY OF BETHLEHEM  
(FORMERLY KNOWN AS THE SAMUEL HELMS PROPERTY)

All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the northwest corner of the original City of Bethlehem Landfill, also being a common point between the Bushkill Valley Motorcycle Club, the original City of Bethlehem Landfill, and the southwest corner of the former Samuel Helms property (now the City of Bethlehem) the property described herein, thence in a northwardly direction North One Degree Fifty-two Minutes Zero Seconds West (N 01°52'00" W) Two Hundred Ninety-six and Fifty-eight One-Hundredths Feet (296.58') to a point, thence North Eighty Degrees Thirty-seven Minutes Four Seconds East (N 80°37'04" E) One Thousand Two Hundred Ninety-three and Twenty-eight One-Hundredths Feet (1,293.28') to a point, thence North Twenty-eight Degrees Thirty-two Minutes Forty-three Seconds West (N 28°32'43" W) Three Hundred Ninety-two and Sixty-six One-Hundredths Feet (392.66') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Thousand Seventy-nine and Eleven Hundredths Feet (1,079.11') to a point, thence South Twenty-six Degrees Four Minutes Fifteen Seconds East (S 26°04'15" E) One Hundred Twenty and Two One-Hundredths Feet (120.02') to a point, thence North Sixty-five Degrees Zero Minutes Twenty-five Seconds East (N 65°00'35" E) One Hundred Twenty Feet (120.00') to a point, thence South Twenty-four Degrees Fifty-nine Minutes Twenty-five Seconds East (S 24°59'25" E) One Hundred Twenty Feet (120.00') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Eighty and Eighteen One-Hundredths Feet (180.18') to a point, thence North Thirty-nine Degrees Three Minutes Fifty-nine Seconds West (N 39°03'59" W) Two Hundred Forty-seven and Forty-three One-Hundredths Feet (247.43') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Fifty Feet (150.00') to a point, thence South Thirty-nine Degrees Three Minutes Fifty-nine Seconds East (S 39°03'59" E) One Thousand Four Hundred Ninety-nine and Fourteen One-Hundredths Feet (1,499.14') to a point, thence South Eight Degrees Thirty-five Minutes Twenty-seven Seconds West (S 08°35'27" W) Three Hundred Ninety-six Feet (396.00') to a point, thence South Zero Degrees Thirty-five Minutes Twenty-seven Seconds West (S 00°35'27" W) Twenty-one and Seventy-



eight One-Hundredths Feet (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres ±.

Bounded on the north by Riverside Drive, on the east by lands of City of Bethlehem (formerly Bethlehem Steel Co.), on the south by the City of Bethlehem Landfill and on the west by Bushkill Valley Motorcycle Club.

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA )

: SS:

COUNTY OF )

On this 12<sup>th</sup> day of November, 1993, before me, Martha L. Chase, a Notary Public, personally appeared Neil J. Ortwein who duly acknowledged himself to be the Acting President (title) of Lower Saucon Twp., and that he, as such Acting President (title), being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the Corporation by himself as Acting President (title).

WITNESS my hand and official seal.

Martha L. Chase

Notarial Seal  
Martha L. Chase, Notary Public  
Lower Saucon Twp., Northampton County  
My Commission Expires Jan. 23, 1995  
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA )

: SS:

COUNTY OF NORTHAMPTON )

On this 12<sup>th</sup> day of November, 1993, before me, Cynthia A. Schick, the undersigned officer, personally appeared KENNETH R. SMITH, Mayor of the City of Bethlehem, Pennsylvania, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in his official capacity therein stated and for the purposes therein contained.

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

Cynthia A. Schick

Notary Seal  
Cynthia A. Schick, Notary Public  
Northampton County  
My Commission Expires 12/31/94

Exhibit "B"

RECORDERS OFFICE  
NORTHAMPTON COUNTY  
PENNSYLVANIA

INSTRUMENT NUMBER  
1994016325

RECORDED ON  
Apr 22, 1994  
2:50:52 PM

STATE WAIT TAX \$ 0.50  
RECORDING FEES \$ 19.00  
TOTAL \$19.50



SCENIC AND CONSERVATION EASEMENT  
FORMER BETHLEHEM STEEL PROPERTY  
ADJACENT TO CITY OF BETHLEHEM LANDFILL

WHEREAS, the City of Bethlehem ("City") and the Township of Lower Saucon ("Township") desire to cooperate in the proper expansion of the City of Bethlehem Landfill ("Landfill") located on Applebutter Road in the Township; and

WHEREAS, the City and Township have agreed in Section III - Intergovernmental Issues, Item 4, that the City buffer land purchased on the North side of the Landfill, i.e., the former Bethlehem Steel property, should be protected with a conservation and scenic easement; and

WHEREAS, the City and Township have agreed that the City is allowed ingress, egress and regress over the easement area to perform groundwater testing and pollution abatement projects.

NOW, THEREFORE, IT IS AGREED:

1. That the consideration for this agreement is the mutual covenants and promises contained herein.
2. That the City grants to the Township a restrictive easement for scenic and conservation purposes on the tract of approximately one hundred forty-two (142) acres as more fully described in the exhibits attached hereto and marked as Exhibits "1" and "2."
3. The City recognizes the area as identified above is zoned "RA" and will only perform those activities permitted in such zoning, and in accordance with any amendments by which the City or its successors are obligated to comply in accordance with the provisions of the Municipalities Planning Code and applicable state law. The City further agrees it will not engage in any landfill activities on the property. The City and the Township recognize, however, that the City retains the right and permission to undertake groundwater testing activities and water pollution abatement activities on this property.

Also Known As Northampton County  
Uniform Parcel Identifier:  
Map NR Block 14 Lot 2

VOL: 1994-8  
012074

Exhibit "B"

4. The Township recognizes that the City police department operates a firing range and training facility on a portion of the parcel and that there further exists a gun club on a portion of the parcel. The Township agrees that such facilities and operations may continue in their present form and condition. In the event anyone wishes to modify the operations or facilities, such modification shall be undertaken in accordance with the Township ordinances. In the event the Township ordinances require approval of the modification, such approval shall not be unreasonably withheld.

5. Surface mining and other extractive activities are strictly prohibited on the easement area.

6. The City of Bethlehem shall not perform any activity other than those stated in this easement agreement or any activity that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

7. The City shall retain the right to exclude any member of the public from trespassing on the easement area.

8. The restrictions and easements shall constitute a covenant running with all of the property described herein and shall be binding upon the City and all other persons and parties claiming through the City herein, and for the benefit of and limitation upon all future owners of said land and premises, this declaration of restrictions being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and, during such operation of the Landfill to as great a degree as possible, to preserve the original character and scenic nature of the land.

9. The Township shall have the right to assign this restrictive easement with the prior written approval of the City, which said approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the undersigned have executed this

Easement on behalf of the City and the Township, intending to legally bind the parties to its terms.

William J. ...  
Controller  
MAR 16 1994

CITY OF BETHLEHEM

By: Kenneth R. Smith  
Kenneth R. Smith  
Mayor

Robert S. ...  
Secretary

TOWNSHIP OF LOWER SAUCON

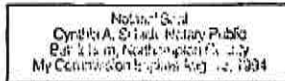
By: Priscilla deLeon  
Priscilla deLeon  
President of Council

COMMONWEALTH OF PENNSYLVANIA)  
COUNTY OF Northampton ) : SS:

On this 11th day of March, 1994, before me,  
Cynthia A. Schick, the undersigned officer,  
personally appeared KENNETH R. SMITH, Mayor of the City of  
Bethlehem, Pennsylvania, known to me to be the person described  
in the foregoing instrument, and acknowledged that he executed  
the same in his official capacity therein stated and for the  
purposes therein contained.

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

Cynthia A. Schick

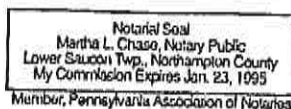


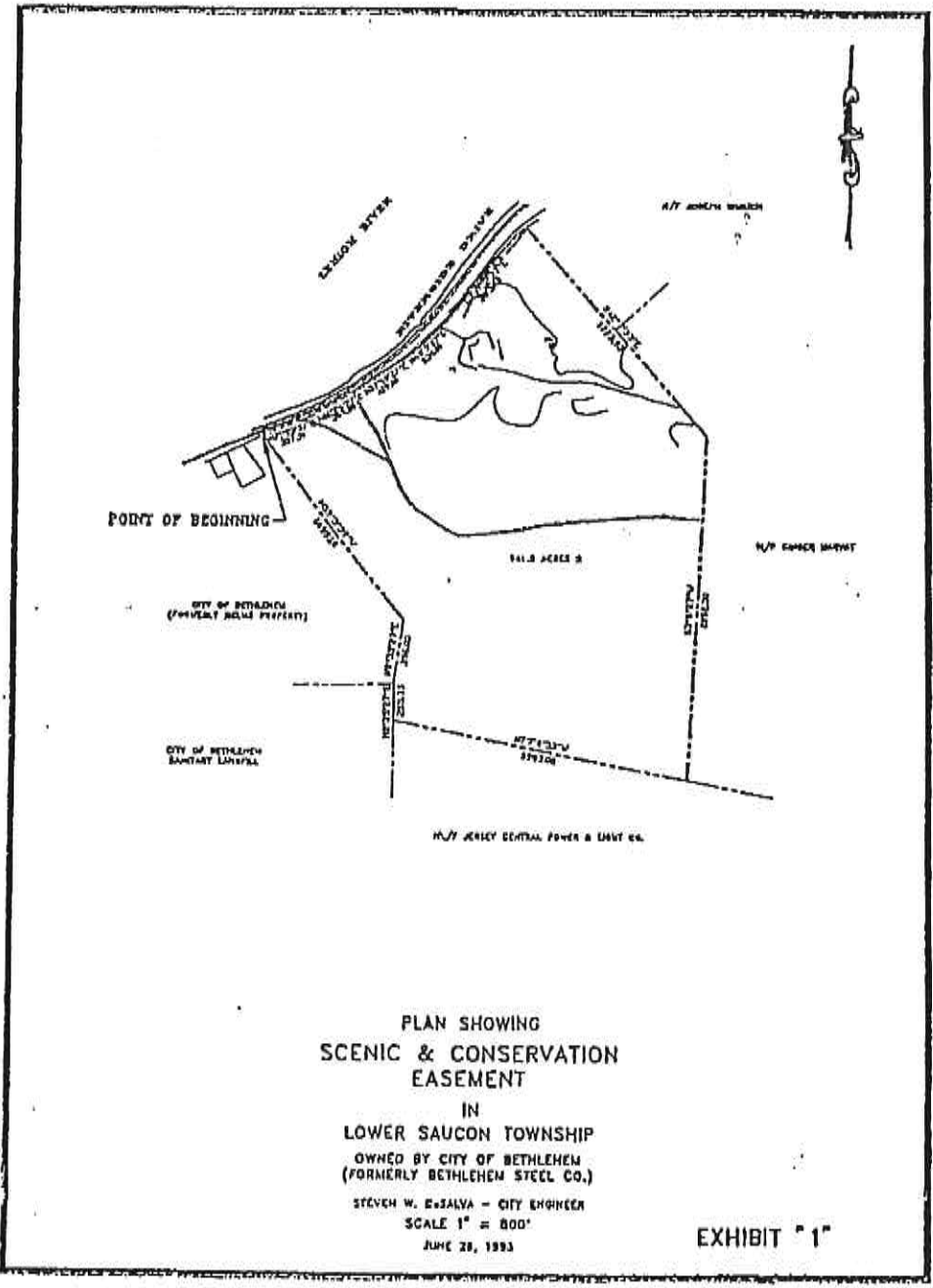
COMMONWEALTH OF PENNSYLVANIA)  
COUNTY OF ) : SS:

On this 16th day of March, 1994, before me,  
MARtha L. Chase, the undersigned officer,  
personally appeared PRISCILLA deLEON, President of Council of the  
Township of Lower Saucon, Pennsylvania, known to me to be the  
person described in the foregoing instrument, and acknowledged  
that she executed the same in her official capacity therein  
stated and for the purposes therein contained.

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

Martha L. Chase





PLAN SHOWING  
 SCENIC & CONSERVATION  
 EASEMENT  
 IN  
 LOWER SAUCON TOWNSHIP  
 OWNED BY CITY OF BETHLEHEM  
 (FORMERLY BETHLEHEM STEEL CO.)  
 STEVEN W. BALSIVA - CITY ENGINEER  
 SCALE 1" = 800'  
 JUNE 28, 1993

EXHIBIT "1"



EXHIBIT "2"

DESCRIPTION OF  
SCENIC & CONSERVATION EASEMENT  
ON PROPERTY OF CITY OF BETHLEHEM  
(FORMERLY KNOWN AS BETHLEHEM STEEL COMPANY PROPERTY)

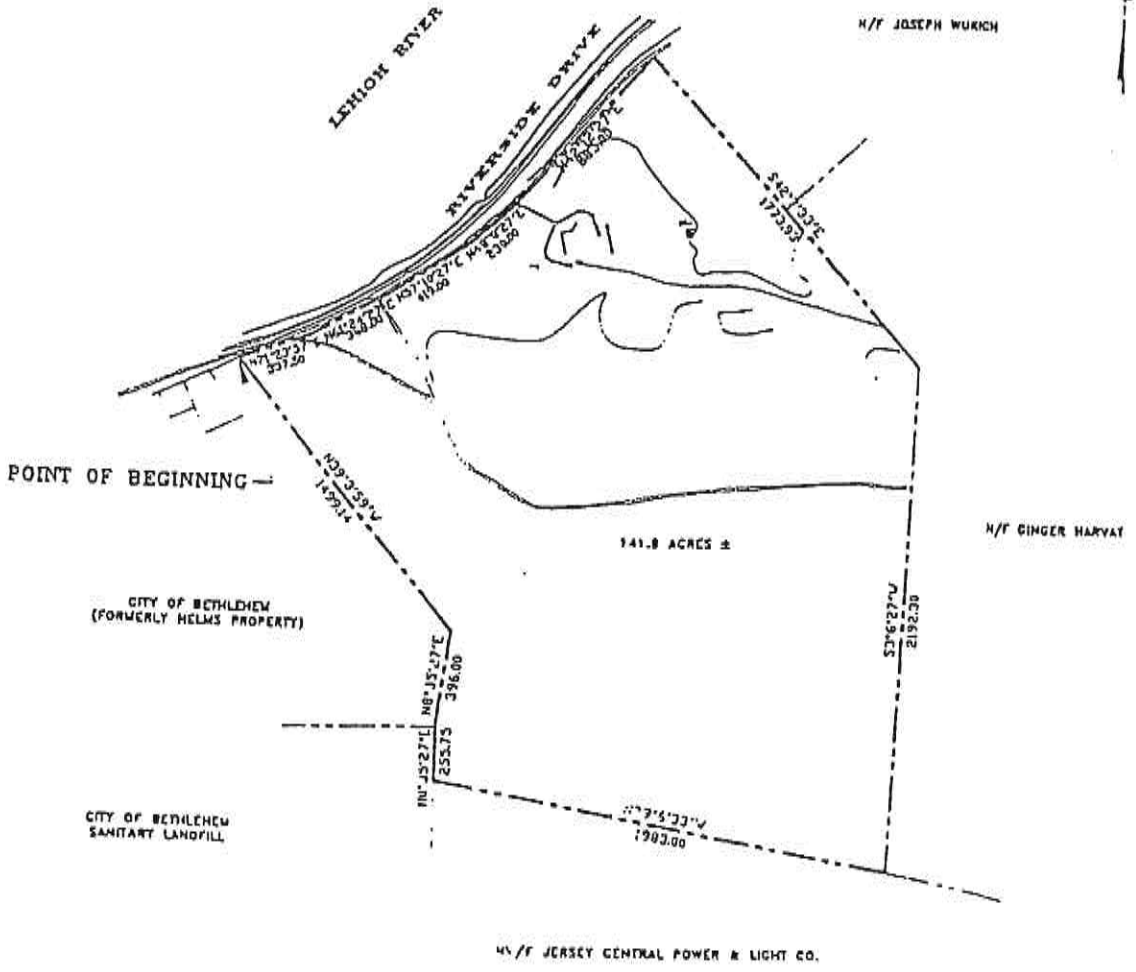
All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the common point between the northeast corner of property of the City of Bethlehem (formerly known as Samuel Helms property) and the northwest corner of property of the City of Bethlehem (formerly known as Bethlehem Steel Company property) the property described herein, thence in an eastwardly direction by the five (5) following courses and distances: 1) North Seventy-one degrees Twenty-three minutes Fifty-seven seconds East (N 71°23'57"E) Three hundred Thirty-seven and Fifty one-hundredths feet (337.50') to a point, 2) North Sixty-one degrees Twenty-four minutes Twenty-seven seconds East (N 61°24'27"E) Three hundred sixty eight feet (368.00') to a point, 3) North Fifty-seven degrees Ten minutes Twenty-seven seconds East (N 57°10'27"E) Four hundred nineteen feet (419.00') to a point, 4) North Forty-eight degrees Zero minutes Twenty-seven seconds East (N 48°00'27"E) Two hundred thirty feet (230.00') to a point, 5) North Forty-two degrees Twelve minutes Twenty-seven seconds East (N 42°12'27"E) Eight Hundred eighty-three feet (883.00') to a point, said point being on the common property line of Joseph Wukich, thence in an southwardly direction along property of Joseph Wukich South Forty-two degrees Seven minutes Thirty-three seconds East (S 42°07'33"E) One thousand Seven hundred Seventy-three and Ninety-three one-hundredths feet (1,773.93') to a point, thence continuing in a southwardly direction along lands of Ginger Harvat South Three degrees Six minutes Twenty-seven seconds West (S 3°06'27"W) Two thousand one hundred Ninety-two and Thirty one-hundredths feet (2,192.30') to a point on the common property line of Ginger Harvat and Jersey Central Power and Light Company, thence in a westwardly direction along property of Jersey Central Power and Light Company North Seventy-nine degrees Six minutes Thirty-three seconds West (N 79°06'33"W) One thousand Nine hundred Eighty-three feet (1,983.00') to a point on the common property line of the City of Bethlehem Landfill, thence in a northwardly direction along property of the City of Bethlehem Landfill North Zero degrees Thirty-five minutes Twenty-seven seconds East (N 0°35'27"E) Two hundred Fifty-five and

Seventy-five one-hundredths feet (255.75') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Eight degrees Thirty-five minutes Twenty-seven seconds East (N 8°35'27"E) Three hundred Ninety-six feet (396.00') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Thirty-nine degrees Three minutes Fifty-nine seconds West (N 39°03'59"W) One-thousand Four hundred Ninety-nine and Fourteen one-hundredths feet (1,499.14') to a point, said point being the place of beginning, containing 141.9 Acres ±.

Bounded on the north by Riverside Drive, on the east by lands of Joseph Wukich and lands of Ginger Harvat, on the south by lands of Jersey Central Power and Light Company, on the west by lands of the City of Bethlehem Landfill and City of Bethlehem (formerly Samuel Helms property).

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY BETHLEHEM STEEL PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "1", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.



PLAN SHOWING  
SCENIC & CONSERVATION  
EASEMENT

IN  
LOWER SAUCON TOWNSHIP  
OWNED BY CITY OF BETHLEHEM  
(FORMERLY BETHLEHEM STEEL CO.)

STEVEN W. DASALVA - CITY ENGINEER  
SCALE 1" = 800'  
JUNE 28, 1993

EXHIBIT "1"

DESCRIPTION OF  
SCENIC & CONSERVATION EASEMENT  
ON PROPERTY OF CITY OF BETHLEHEM  
(FORMERLY KNOWN AS BETHLEHEM STEEL COMPANY PROPERTY)

All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the common point between the northeast corner of property of the City of Bethlehem (formerly known as Samuel Helms property) and the northwest corner of property of the City of Bethlehem (formerly known as Bethlehem Steel Company property) the property described herein, thence in an eastwardly direction by the five (5) following courses and distances: 1) North Seventy-one degrees Twenty-three minutes Fifty-seven seconds East (N 71°23'57"E) Three hundred Thirty-seven and Fifty one-hundredths feet (337.50') to a point, 2) North Sixty-one degrees Twenty-four minutes Twenty-seven seconds East (N 61°24'27"E) Three hundred sixty eight feet (368.00') to a point, 3) North Fifty-seven degrees Ten minutes Twenty-seven seconds East (N 57°10'27"E) Four hundred nineteen feet (419.00') to a point, 4) North Forty-eight degrees Zero minutes Twenty-seven seconds East (N 48°00'27"E) Two hundred thirty feet (230.00') to a point, 5) North Forty-two degrees Twelve minutes Twenty-seven seconds East (N 42°12'27"E) Eight Hundred eighty-three feet (883.00') to a point, said point being on the common property line of Joseph Wukich, thence in an southwardly direction along property of Joseph Wukich South Forty-two degrees Seven minutes Thirty-three seconds East (S 42°07'33"E) One thousand Seven hundred Seventy-three and Ninety-three one-hundredths feet (1,773.93') to a point, thence continuing in a southwardly direction along lands of Ginger Harvat South Three degrees Six minutes Twenty-seven seconds West (S 3°06'27"W) Two thousand one hundred Ninety-two and Thirty one-hundredths feet (2,192.30') to a point on the common property line of Ginger Harvat and Jersey Central Power and Light Company, thence in a westwardly direction along property of Jersey Central Power and Light Company North Seventy-nine degrees Six minutes Thirty-three seconds West (N 79°06'33"W) One thousand Nine hundred Eighty-three feet (1,983.00') to a point on the common property line of the City of Bethlehem Landfill, thence in a northwardly direction along property of the City of Bethlehem Landfill North Zero degrees Thirty-five minutes Twenty-seven seconds East (N 0°35'27"E) Two hundred Fifty-five and

Seventy-five one-hundredths feet (255.75') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Eight degrees Thirty-five minutes Twenty-seven seconds East (N 8°35'27"E) Three hundred Ninety-six feet (396.00') to a point, thence continuing in a northwardly direction along property of City of Bethlehem (formerly Samuel Helms property) North Thirty-nine degrees Three minutes Fifty-nine seconds West (N 39°03'59"W) One-thousand Four hundred Ninety-nine and Fourteen one-hundredths feet (1,499.14') to a point, said point being the place of beginning, containing 141.9 Acres ±.

Bounded on the north by Riverside Drive, on the east by lands of Joseph Wukich and lands of Ginger Harvat, on the south by lands of Jersey Central Power and Light Company, on the west by lands of the City of Bethlehem Landfill and City of Bethlehem (formerly Samuel Helms property).

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY BETHLEHEM STEEL PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "1", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

Exhibit "C"

RECORDERS OFFICE  
NORTHAMPTON COUNTY  
PENNSYLVANIA

INSTRUMENT NUMBER  
1994016328

RECORDED ON  
APR 22, 1994  
2:52:30 PM

STATE WRIT TAX \$ 0.50  
RECORDING FEES \$ 21.00  
TOTAL \$21.50



Identify PROPERTY and the instrument is recorded to the  
City of Bethlehem, Pennsylvania.

*Carroll S. Gentry*

SCENIC AND CONSERVATION EASEMENT

FORMER HELMS PROPERTY

ADJACENT TO CITY OF BETHLEHEM LANDFILL

WHEREAS, the City of Bethlehem ("City") and the Township of Lower Saucon ("Township") desire to cooperate in the proper expansion of the City of Bethlehem Landfill ("Landfill") located on Applebutter Road in the Township; and

WHEREAS, the City and Township have agreed in Section III - Intergovernmental Issues, Item 4, that the City buffer land purchased on the North side of the Landfill, i.e., the former Helms property, should be protected with a conservation and scenic easement; and

WHEREAS, the City and Township have agreed that the City is allowed ingress, egress and regress over the easement area to perform groundwater testing and pollution abatement projects.

NOW, THEREFORE, IT IS AGREED:

1. That the consideration for this agreement is the mutual covenants and promises contained herein.
2. That the City grants to the Township a restrictive easement for scenic and conservation purposes on the tract of approximately sixty-six (66) acres as more fully described in the exhibits attached hereto and marked as Exhibits "3" and "4."
3. The City recognizes the area as identified above is zoned "RA" and will only perform those activities permitted in such zoning, and in accordance with any amendments by which the City or its successors are obligated to comply in accordance with the provisions of the Municipalities Planning Code and applicable state law. The City further agrees it will not engage in any landfill activities on the property. The City and the Township recognize, however, that the City retains the right and permission to undertake groundwater testing activities and water pollution abatement activities on this property.

Also Known As Northampton County

Uniform Parcel Identifier:

Map NE Block 14 Lot 1

VOL: 1994-6

012081

Exhibit "C"

4. The City has granted (Supplemental Agreement, City and Township, Item 14) a woodlands protection easement for approximately eight (8) acre area as attached as Exhibits "1" and "2," hereto. The woodlands protection easement provides that the woodlands shall be preserved as undisturbed woodlands, except for the removal of dead or diseased trees, and/or except for normal removal of trees for prudent forest management to allow for proper tree growth. The City shall retain the rights of ingress, egress and regress over the easement area, and the further right to perform groundwater testing and abatement in the easement area.

5. Surface mining and other extractive activities are strictly prohibited on the easement area.

6. The City of Bethlehem shall not perform any activity other than those stated in this easement agreement or any activity that may in any way be in contradiction to the guidelines and rules of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park.

7. The City shall retain the right to exclude any member of the public from trespassing on the easement area.

8. The restrictions and easements shall constitute a covenant running with all of the property described herein and shall be binding upon the City and all other persons and parties claiming through the City herein, and for the benefit of and limitation upon all future owners of said land and premises, this declaration of restrictions being designed for the purposes of assuring the preservation of the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park; and, during such operation of the Landfill to as great a degree as possible, to preserve the original character and scenic nature of the land.

9. The Township shall have the right to assign this restrictive easement with the prior written approval of the City, which said approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the undersigned have executed this



Easement on behalf of the City and the Township, intending to legally bind the parties to its terms.

CITY OF BETHLEHEM

Wacume / DeLirio  
Controller  
MAR 16 1994

By: Kenneth R. Smith  
Kenneth R. Smith  
Mayor

TOWNSHIP OF LOWER SAUCON

Robert D. Conditto  
Secretary

By: Priscilla deLeon  
Priscilla deLeon  
President of Council

COMMONWEALTH OF PENNSYLVANIA)  
: SS:  
COUNTY OF Northampton )

On this 16<sup>th</sup> day of March, 1994, before me,  
Cynthia A. Schick, the undersigned officer,  
personally appeared KENNETH R. SMITH, Mayor of the City of  
Bethlehem, Pennsylvania, known to me to be the person described  
in the foregoing instrument, and acknowledged that he executed  
the same in his official capacity therein stated and for the  
purposes therein contained.

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

Cynthia A. Schick

Notarial Seal  
Cynthia A. Schick, Notary Public  
For Northampton County  
My Commission Expires Aug. 12, 1994

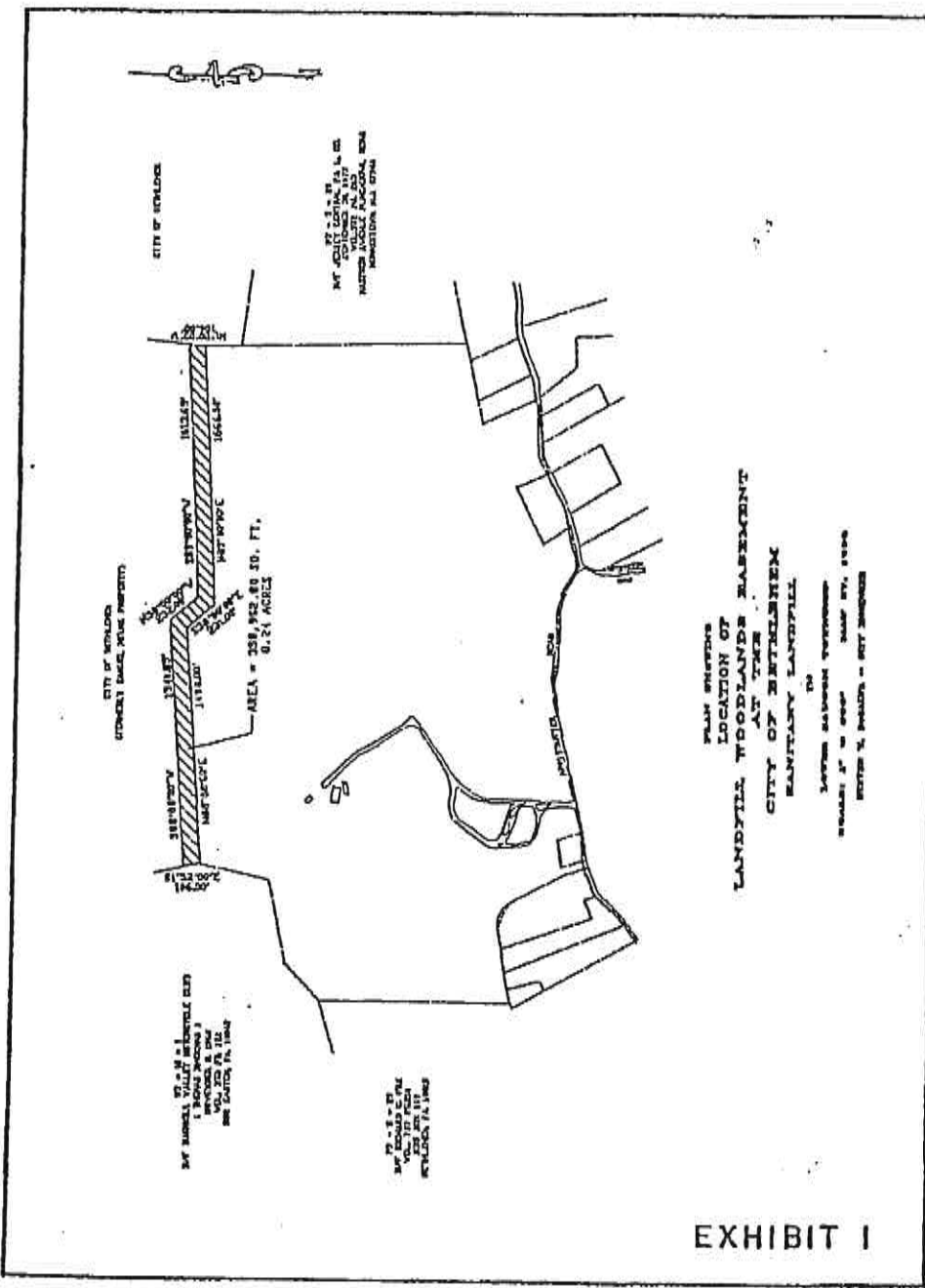
COMMONWEALTH OF PENNSYLVANIA)  
: SS:  
COUNTY OF )

On this 16<sup>th</sup> day of March, 1994, before me,  
Martha L. Chase, the undersigned officer,  
personally appeared PRISCILLA deLEON, President of Council of the  
Township of Lower Saucon, Pennsylvania, known to me to be the  
person described in the foregoing instrument, and acknowledged  
that she executed the same in her official capacity therein  
stated and for the purposes therein contained.

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

Martha L. Chase

Notarial Seal  
Martha L. Chase, Notary Public  
Lower Saucon Twp., Northampton County  
My Commission Expires Jan. 23, 1995  
Member, Pennsylvania Association of Notaries



PLAN SHEET  
 LOCATION OF  
 LANDFILL WOODLAWN ELEMENTARY  
 AT THE  
 CITY OF BERKELEY  
 SANITARY LANDFILL

IN  
 ACCORDANCE WITH  
 CHAPTER 12, ARTICLE 10, SECTION 10.01, 1990  
 CITY OF BERKELEY - CITY ENGINEER

EXHIBIT I

DESCRIPTION OF  
LANDFILL WOODLANDS EASEMENT

All that certain portion of lot or parcel to be dedicated as a Landfill Woodlands Easement, located in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point along the northwardly property line of the original City of Bethlehem Landfill, being a common point between the Bushkill Valley Motorcycle Club, the former Samuel Helms property (now City of Bethlehem) and the original City of Bethlehem Landfill, thence in an eastwardly direction along the northwardly property line of the original City of Bethlehem Landfill, North Eighty-Eight Degrees Eight Minutes East (N 88°-08'-00"E ) One Thousand Four Hundred Eighty-Eight Feet (1,488.00') to a point, thence South Thirty-Eight Degrees East (S 38°-00'-00" E) Two Hundred Thirty-One Feet (231.00') to a point, thence North Eighty-Nine Degrees East (N 89°-00'-00" E) One Thousand Six Hundred Sixty-Six and Fifty One-Hundredths Feet (1,666.50') to a point, thence North One Degree West (N 01°-00'-00" W) One Hundred and Six Feet (106.00') to a point, thence South Eighty-Nine Degrees West (S 89°-00'-00" W) One Thousand Six Hundred Thirteen and Sixty-Five One-Hundredths Feet (1,613.65') to a point, thence North Thirty-Eight Degrees West (N 38°-00'-00" W) Two Hundred Thirty-Two Feet (232.00') to a point, thence South Eighty-Eight Degrees Eight Minutes West (S 88°-08'-00" W) One Thousand Five Hundred Forty-One and Eighty-Five One-Hundredths Feet (1,541.85') to a point, thence South One Degree Fifty-Two Minutes East (S 01°-52'-00" E) One Hundred Six Feet (106.00') to a point, said point being the point the place of beginning; containing 358,962.80 Sq. Ft. or 8.24 Acres.

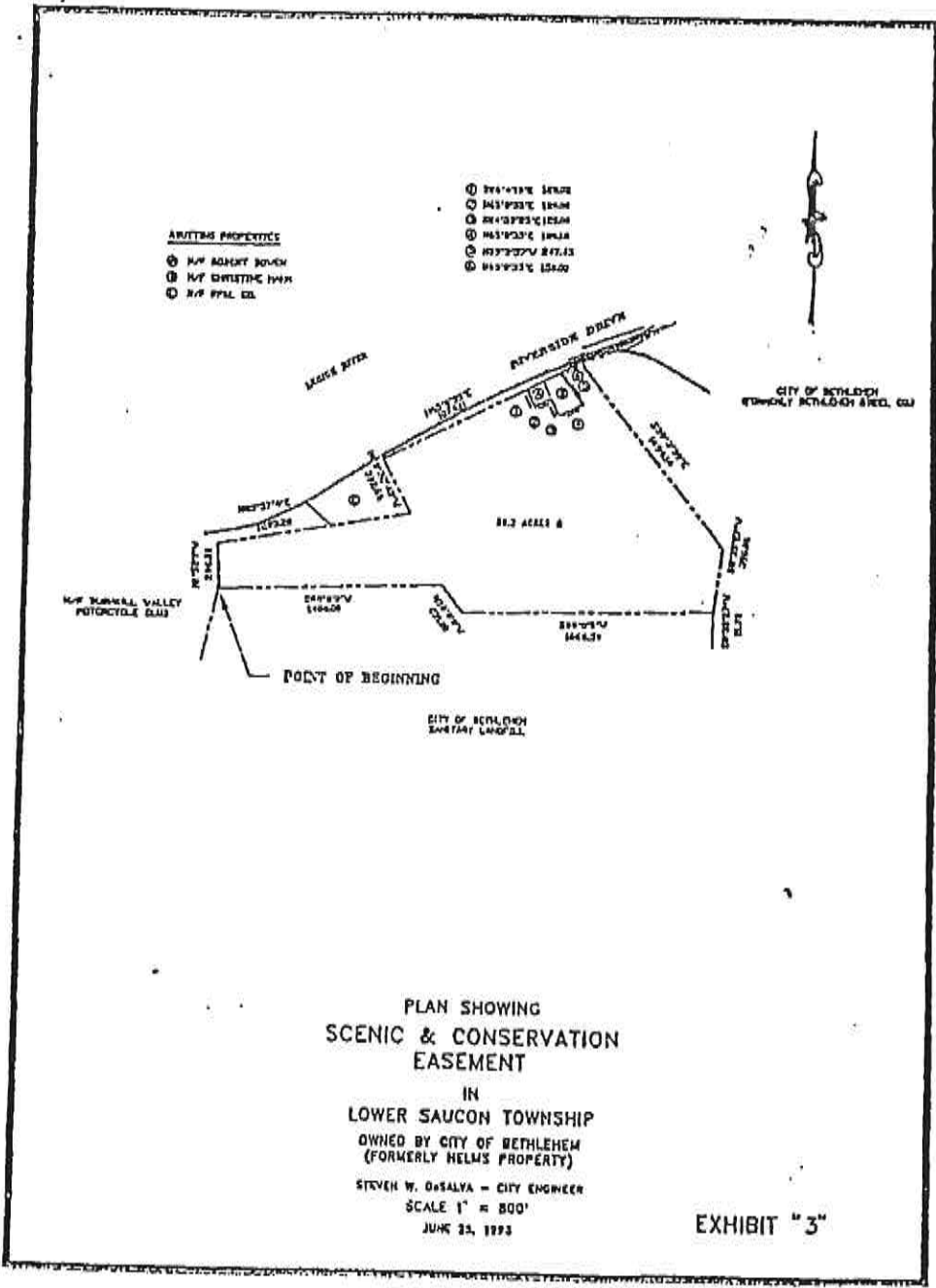
The entire One hundred and Six (106.00') Foot wide Woodland Easement is being Dedicated from the former Samuel Helms Property.

All of which is more fully shown upon the map or plan entitled " Plan Showing Location of Woodlands Easement at the City of Bethlehem Sanitary Landfill in Lower Saucon Township Scale 1" = 800' May 27, 1993 Steven W. DeSalva - City Engineer", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

EXHIBIT 2

VOL: 1994-6

012086



VOL: 1994-6

012067

EXHIBIT "4"

DESCRIPTION OF  
SCENIC & CONSERVATION EASEMENT  
ON PROPERTY OF CITY OF BETHLEHEM  
(FORMERLY KNOWN AS THE SAMUEL HELMS PROPERTY)

All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the northwest corner of the original City of Bethlehem Landfill, also being a common point between the Bushkill Valley Motorcycle Club, the original City of Bethlehem Landfill, and the southwest corner of the former Samuel Helms property (now the City of Bethlehem) the property described herein, thence in a northwardly direction North One Degree Fifty-two Minutes Zero Seconds West (N 01°52'00" W) Two Hundred Ninety-six and Fifty-eight One-Hundredths Feet (296.58') to a point, thence North Eighty Degrees Thirty-seven Minutes Four Seconds East (N 80°37'04" E) One Thousand Two Hundred Ninety-three and Twenty-eight One-Hundredths Feet (1,293.28') to a point, thence North Twenty-eight Degrees Thirty-two Minutes Forty-three Seconds West (N 28°32'43" W) Three Hundred Ninety-two and Sixty-six One-Hundredths Feet (392.66') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Thousand Seventy-nine and Eleven Hundredths Feet (1,079.11') to a point, thence South Twenty-six Degrees Four Minutes Fifteen Seconds East (S 26°04'15" E) One Hundred Twenty and Two One-Hundredths Feet (120.02') to a point, thence North Sixty-five Degrees Zero Minutes Twenty-five Seconds East (N 65°00'25" E) One Hundred Twenty Feet (120.00') to a point, thence South Twenty-four Degrees Fifty-nine Minutes Twenty-five Seconds East (S 24°59'25" E) One Hundred Twenty Feet (120.00') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Eighty and Eighteen One-Hundredths Feet (180.18') to a point, thence North Thirty-nine Degrees Three Minutes Fifty-nine Seconds West (N 39°03'59" W) Two Hundred Forty-seven and Forty-three One-Hundredths Feet (247.43') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Fifty Feet (150.00') to a point, thence South Thirty-nine Degrees Three Minutes Fifty-nine Seconds East (S 39°03'59" E) One Thousand Four Hundred Ninety-nine and Fourteen One-Hundredths Feet (1,499.14') to a point, thence South Eight Degrees Thirty-five Minutes Twenty-seven Seconds West (S 08°35'27" W) Three Hundred Ninety-six Feet (396.00') to a point, thence South Zero Degrees Thirty-five Minutes Twenty-seven Seconds West (S 00°35'27" W) Twenty-one and Seventy-

eight One-Hundredths Feet (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One- Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres ±.

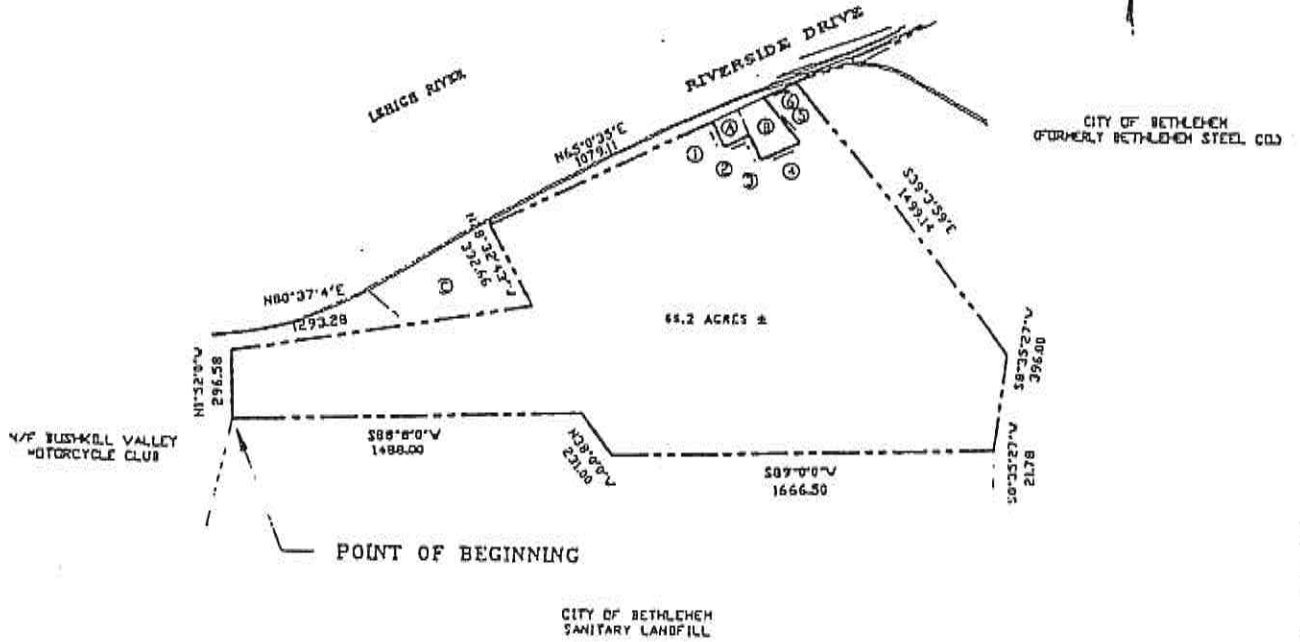
Bounded on the north by Riverside Drive, on the east by lands of City of Bethlehem (formerly Bethlehem Steel Co.), on the south by the City of Bethlehem Landfill and on the west by Bushkill Valley Motorcycle Club.

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

ADJUTING PROPERTIES

- Ⓐ N/F ROBERT BOWEN
- Ⓑ N/F CHRISTINE HANN
- Ⓒ N/F PPL CO.

- ① S26°47'3"E 120.02
- ② N65°0'33"E 120.00
- ③ S34°39'23"E 120.00
- ④ N65°0'33"E 100.10
- ⑤ N39°3'39"W 247.43
- ⑥ N65°0'33"E 150.00



PLAN SHOWING  
SCENIC & CONSERVATION  
EASEMENT

IN  
LOWER SAUCON TOWNSHIP

OWNED BY CITY OF BETHLEHEM  
(FORMERLY HELMS PROPERTY)

STEVEN W. DeSALVA - CITY ENGINEER

SCALE 1" = 800'

JUNE 28, 1993

EXHIBIT "5"



DESCRIPTION OF  
SCENIC & CONSERVATION EASEMENT  
ON PROPERTY OF CITY OF BETHLEHEM  
(FORMERLY KNOWN AS THE SAMUEL HELMS PROPERTY)

All that certain lot or parcel of land to be dedicated as a Scenic & Conservation Easement, situate along the south side of Riverside Drive, in Lower Saucon Township, County of Northampton, Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning at a point, said point being the northwest corner of the original City of Bethlehem Landfill, also being a common point between the Bushkill Valley Motorcycle Club, the original City of Bethlehem Landfill, and the southwest corner of the former Samuel Helms property (now the City of Bethlehem) the property described herein, thence in a northwardly direction North One Degree Fifty-two Minutes Zero Seconds West (N 01°52'00" W) Two Hundred Ninety-six and Fifty-eight One-Hundredths Feet (296.58') to a point, thence North Eighty Degrees Thirty-seven Minutes Four Seconds East (N 80°37'04" E) One Thousand Two Hundred Ninety-three and Twenty-eight One-Hundredths Feet (1,293.28') to a point, thence North Twenty-eight Degrees Thirty-two Minutes Forty-three Seconds West (N 28°32'43" W) Three Hundred Ninety-two and Sixty-six One-Hundredths Feet (392.66') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Thousand Seventy-nine and Eleven Hundredths Feet (1,079.11') to a point, thence South Twenty-six Degrees Four Minutes Fifteen Seconds East (S 26°04'15" E) One Hundred Twenty and Two One-Hundredths Feet (120.02') to a point, thence North Sixty-five Degrees Zero Minutes Twenty-five Seconds East (N 65°00'25" E) One Hundred Twenty Feet (120.00') to a point, thence South Twenty-four Degrees Fifty-nine Minutes Twenty-five Seconds East (S 24°59'25" E) One Hundred Twenty Feet (120.00') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Eighty and Eighteen One-Hundredths Feet (180.18') to a point, thence North Thirty-nine Degrees Three Minutes Fifty-nine Seconds West (N 39°03'59" W) Two Hundred Forty-seven and Forty-three One-Hundredths Feet (247.43') to a point, thence North Sixty-five Degrees Zero Minutes Thirty-five Seconds East (N 65°00'35" E) One Hundred Fifty Feet (150.00') to a point, thence South Thirty-nine Degrees Three Minutes Fifty-nine Seconds East (S 39°03'59" E) One Thousand Four Hundred Ninety-nine and Fourteen One-Hundredths Feet (1,499.14') to a point, thence South Eight Degrees Thirty-five Minutes Twenty-seven Seconds West (S 08°35'27" W) Three Hundred Ninety-six Feet (396.00') to a point, thence South Zero Degrees Thirty-five Minutes Twenty-seven Seconds West (S 00°35'27" W) Twenty-one and Seventy-

eight One-Hundredths Feet (21.78') to a point, thence South Eighty-nine Degrees Zero Minutes Zero Seconds West (S 89°00'00" W) One Thousand Six Hundred Sixty-six and Fifty One- Hundredths Feet (1,666.50') to a point, thence North Thirty-eight Degrees Zero Minutes Zero Seconds West (N 38°00'00" W) Two Hundred Thirty-one Feet (231.00') to a point, thence South Eighty-eight Degrees Eight Minutes Zero Seconds West (S 88°08'00" W) One Thousand Four Hundred Eighty-eight Feet (1,488.00') to a point, said point being the point the place of beginning, containing 66.2 Acres  $\pm$ .

Bounded on the north by Riverside Drive, on the east by lands of City of Bethlehem (formerly Bethlehem Steel Co.), on the south by the City of Bethlehem Landfill and on the west by Bushkill Valley Motorcycle Club.

All of which is more fully shown upon the map or plan entitled "PLAN SHOWING SCENIC & CONSERVATION EASEMENT IN LOWER SAUCON TOWNSHIP OWNED BY THE CITY OF BETHLEHEM (FORMERLY HELMS PROPERTY) STEVEN W. DESALVA - CITY ENGINEER SCALE 1" = 800' JUNE 28, 1993 EXHIBIT "3", a copy of which is on file in the office of the City Engineer of Bethlehem, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF )

SS:

On this 12<sup>th</sup> day of November, 1993, before me, Martha L. Chase, a Notary Public, personally appeared Neil J. Ortwein who duly acknowledged himself to be the Acting President (title) of Lower Saucon Twp., and that he, as such Acting President (title), being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the Corporation by himself as Acting President (title).

WITNESS my hand and official seal.

Martha L. Chase

Notarial Seal  
Martha L. Chase, Notary Public  
Lower Saucon Twp., Northampton County  
My Commission Expires Jan. 23, 1995  
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF NORTHAMPTON )

SS:

On this 12<sup>th</sup> day of November, 1993, before me, Cynthia A. Schick, the undersigned officer, personally appeared KENNETH R. SMITH, Mayor of the City of Bethlehem, Pennsylvania, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in his official capacity therein stated and for the purposes therein contained.

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

Cynthia A. Schick

Notary Seal  
Cynthia A. Schick, Notary Public  
Northampton County  
My Commission Expires Jan. 23, 1995  
Member, Pennsylvania Association of Notaries

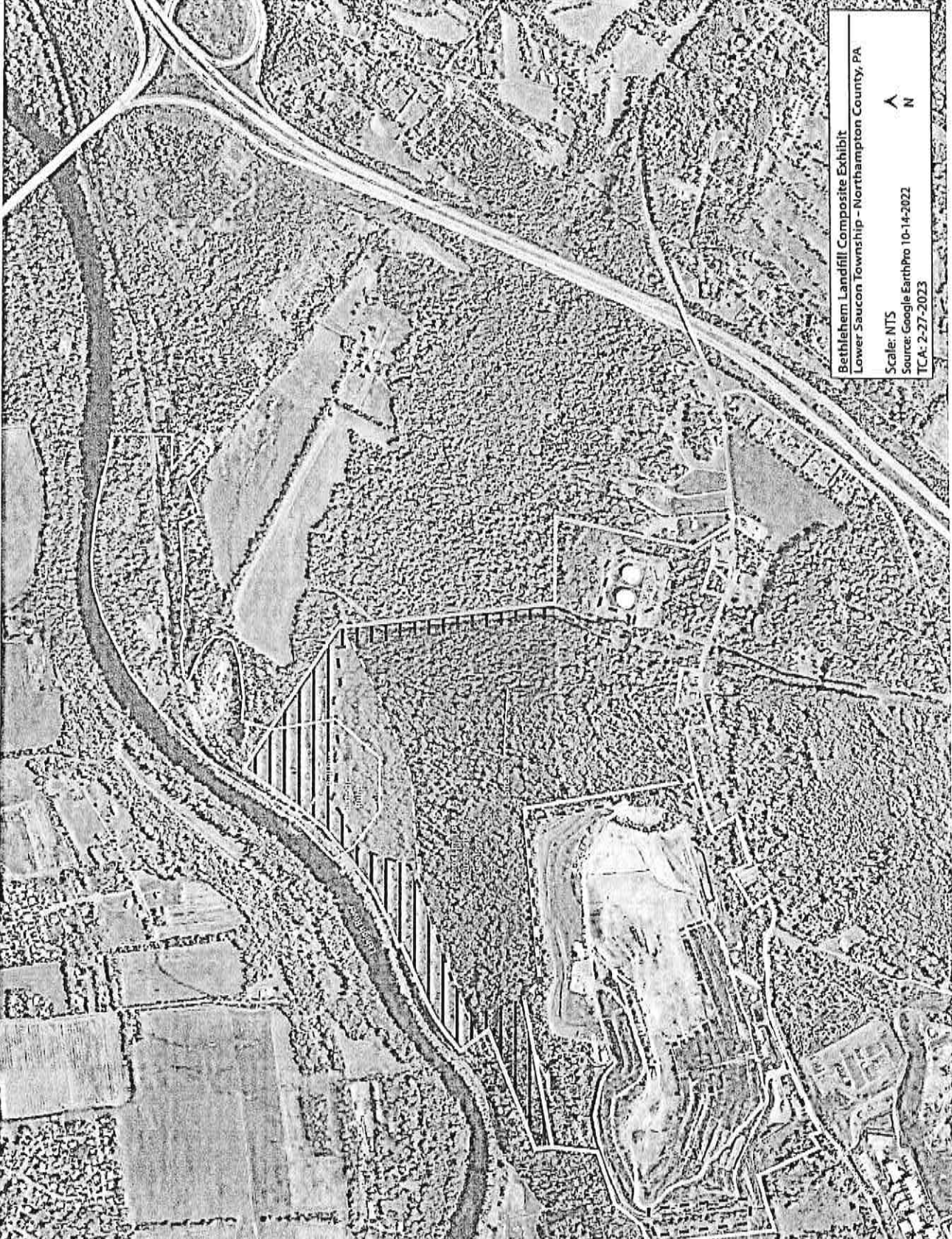
Exhibit "D"





**Legend**

- Existing Landfill
- Landfill Expansion
- Proposed Impacted Area
- Existing Areas with Restrictive Covenants Prohibiting Landfill Activities
- Proposed Conservation Easement Area
- Approx. Limit of Carbonate Geology
- Redington Historic District



Bethlehem Landfill Composite Exhibit  
 Lower Saucon Township - Northampton County, PA

Scale: NTS  
 Source: Google EarthPro 10-14-2022  
 TCA: 2-27-2023

Exhibit "E"

July 12, 2023

**LOWER SAUCON TOWNSHIP  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-05**

**AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY AMENDING CHAPTER 180 (ZONING) TO REVISE THE ZONING MAP BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 275.70 ACRES OF LAND (SEVEN (7) NORTHAMPTON COUNTY TAX MAP PARCELS) FROM A RURAL AGRICULTURAL (RA) ZONING DESIGNATION TO A LIGHT INDUSTRIAL (LI) ZONING DESIGNATION, THE IDENTIFIED ACREAGE BEING LOCATED IN THE NORTHERN GEOGRAPHICAL AREA OF THE TOWNSHIP (IN THE VICINITY OF THE BETHLEHEM LANDFILL LOCATED AT 2335 APPLEBUTTER ROAD) TO THE NORTH OF APPLEBUTTER ROAD, EAST AND SOUTHEAST OF THE VILLAGE KNOWN AS STEEL CITY, SOUTH OF THE LEHIGH RIVER, AND WEST AND SOUTHWEST OF REDINGTON ROAD; REVISING SECTION 180-79.A(2) AND APPENDIX "A" TO ADD THE "LANDFILLS AND WASTE DISPOSAL FACILITIES" USES TO THE LIST OF PERMITTED USES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; REVISING SECTION 180-80.B AND APPENDIX "A" TO REMOVE THE "LANDFILLS AND WASTE DISPOSAL FACILITIES" USES FROM THE LIST OF USES REQUIRING SPECIAL EXCEPTION APPROVAL; REVISING SECTIONS 180-101 AND 180-109.F AND APPENDIX "A" TO EXEMPT THE "LANDFILLS AND WASTE DISPOSAL FACILITIES" USES FROM THE SITE PLAN APPROVAL PROCESS AND REQUIREMENTS IF THE USE WILL REQUIRE LAND DEVELOPMENT APPROVAL UNDER THE LOWER SAUCON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND A PERMIT FROM THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND ADDING SECTION 180-109.G TO PROVIDE FOR A NATURAL RESOURCE MITIGATION ALTERNATIVE IN THE LIGHT INDUSTRIAL (LI) DISTRICT; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.**



July 12, 2023

**WHEREAS**, Lower Saucon Township is a Township of the Second Class, Optional Plan of Government, located in Northampton County, Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Lower Saucon adopted Ordinance # 98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the "Code"); and

**WHEREAS**, the Council of Lower Saucon Township desires to amend the Code of the Township of Lower Saucon to revise the Township Zoning Map to increase the size of the Light Industrial (LI) Zoning District; to allow landfill and waste disposal uses/facilities as a permitted use in the Light Industrial (LI) Zoning District instead of requiring special exception approval; to exempt landfills and waste disposal uses/facilities from the site plan approval process and requirements if the use will require land development approval under the Lower Saucon Township Subdivision and Land Development Ordinance and a permit from the Pennsylvania Department of Environmental Protection; and to create a natural resource mitigation alternative for industrial users proposing to exceed the otherwise permitted disturbance of natural resources in the Light Industrial (LI) Zoning District; and

**WHEREAS**, the Council of Lower Saucon Township has determined that the adoption of this Ordinance containing the described amendments to the Zoning Map and text of the Zoning Chapter of the Code is in the best interest of the public health, safety, and welfare of the citizens of Lower Saucon Township.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended and revised as follows:

**Section 1. Amendment to Chapter 180 (Zoning), Section 180-15 (Zoning Map), Subsection A.**

The Zoning Map of the Township of Lower Saucon is amended in accordance with the revisions noted on the map attached hereto and incorporated herein by reference as Exhibit "A". Specifically, approximately 275.70 acres of land are being changed from Rural Agricultural (RA) to Light Industrial (LI). The identified acreage consists of seven (7) Northampton County Tax Map Parcels which are listed on Exhibit "B", attached hereto and incorporated herein by reference. The identified acreage is located in the northern geographical area of the Township (in the vicinity of the Bethlehem Landfill located at 2335 Applebutter Road) to the north of Applebutter Road, east and southeast of the village known as Steel City, south of the Lehigh River, and west and southwest of Redington Road. The Township Manager is directed to update the Zoning

July 12, 2023

Map to change the seven (7) parcels shown on Exhibits "A" and "B" from Rural Agricultural (RA) to Light Industrial (LI), as reflected on Exhibit "C", attached hereto and incorporated herein by reference.

**Section 2. Amendment to Chapter 180 (Zoning), Section 180-79 (Permitted uses), Subsection A(2) (Industrial uses) and Appendix "A" (Permitted, Conditional and Special Exception Land Uses).**

Chapter 180, Section 180-79.A(2) of the Code is amended to add a new Subsection (g) as follows:

"(g) Landfills and waste disposal facilities (see §180-109)."

Chapter 180, Appendix "A" of the Code is amended to replace the "S" in the LI column for "Landfills and waste disposal facilities" with a "P".

**Section 3. Amendment to Chapter 180 (Zoning), Section 180-80 (Special exception uses), Subsection B (Industrial uses).**

Chapter 180, Section 180-80.B of the Code is amended to replace Subsection (3) "Landfills and waste disposal facilities (see §180-109)" with the term "RESERVED".

**Section 4. Amendment to Chapter 180 (Zoning), Section 180-101 (Purpose).**

Chapter 180, Section 180-101 of the Code is amended to replace the first sentence therein with the following sentence: "This article requires that, unless a use is otherwise specifically exempted from this requirement elsewhere in this Article XVII, before any zoning permit is granted for the use of land or building for certain permitted, conditional and special exception uses, a site plan shall be reviewed by the Planning Commission and reviewed and approved by the Township Council."

**Section 5. Amendment to Chapter 180 (Zoning), Section 180-109 (Industrial uses), Subsection F (Additional requirements applying to extraction and processing of natural resources, landfills and waste disposal facilities and waste transfer and recycling facilities) and Appendix "A" (Permitted, Conditional and Special Exception Land Uses).**

Chapter 180, Section 180-109.F of the Code is amended to change existing Section 180-109.F(1) (Additional site plan requirements) from 180-109.F(1) to 180-109.F(2), change existing 180-109.F(2) (Standards) to 180-109.F(3), and to add a new Section 180-109.F(1) as follows:

"(1) If a landfill or waste disposal facility will require Land Development approval under the Lower Saucon Township Subdivision and Land Development Ordinance, and a permit from the Pennsylvania Department of Environmental Protection, it is not subject to the site plan approval process and requirements of this

July 12, 2023

Article XVII or any other Article or provision contained in Chapter 180."

Chapter 180, Appendix "A" of the Code is amended to remove the "X" in the Site Plan column for "Landfills and waste disposal facilities" and replace it with an asterisk ("\*"). Appendix "A" is further amended by adding the following language to the "NOTES" section below Note 5: "\* See Section 180-109.F(1)".

**Section 6. Amendment to Chapter 180 (Zoning), Section 180-109 (Industrial uses).**

Chapter 180, Section 180-109 of the Code is amended to add the following Subsection G:

"G. Natural Resource Mitigation Alternative

An applicant proposing to develop an industrial use within the Light Industrial Zoning District shall be exempt from the natural resource protection rates in Section 180-95.B and be permitted to exceed the net buildable site area permitted by Section 180-95.C(2)(c) ("Permitted Net Buildable Site Area"), utilizing a greater area of natural resource protection land than would be otherwise permitted by the Resource Protection Standards contained in Section 180-95 herein ("Excess Resource Utilization"), provided the Applicant dedicates to the Township for preservation an amount of land equal to the Excess Resource Utilization in accordance with the following requirements:

- (1) The Excess Resource Utilization shall be the difference between the resource protection land calculated by the Resource Protection Land formulas in Section 180-95.C(2)(b) ("Resource Protection Land") and the Applicant's proposed resource protection land (which is the difference between the Base Site Area pursuant to Section 180-95.C(2)(a) and Applicant's proposed buildable site area) ("Proposed Resource Protection Land"). The Applicant shall be permitted to dedicate land in excess of what is required if accepted by the Township.
- (2) The Applicant shall provide drawings and calculations clearly showing the Resource Protection Land, the Proposed Resource Protection Land, Applicant's proposed buildable site area, and the Excess Resource Utilization, and noting that it proposes to develop the use in accordance with this Subsection G.
  - (a) An additional plan sheet showing the limits of proposed buildable area and total acreage of existing environmentally protected lands is required.

- (b) Calculations shall be included on the plans that accurately reflect the Permitted Net Buildable Site Area, the Resource Protection Land, the Base Site Area, the Proposed Resource Protection Land, the Excess Resource Utilization, and the minimum amount of land that is required to be dedicated pursuant to this Subsection G.
- (3) The land proposed for dedication does not need to contain the same environmental resources as those resource protection lands on the subject property.
- (4) The land proposed for dedication shall be located within the municipal boundaries of Lower Saucon Township, shall not be within an industrial or commercially zoned area, and shall not contain any natural or man-made features that are inconsistent with the Township's Open Space Action Plan and Policies.
- (5) The land shall be offered for dedication to the Township in either fee simple or via a conservation easement that is acceptable to the Township Council.
- (6) With the approval of the Township Council, land that is currently occupied by a use, but that contains significant natural or historic resources, may be considered for dedication to the Township.
- (7) If the Applicant demonstrates that, after a good faith effort, it was unable to obtain, on commercially reasonable terms and conditions, any or enough property for dedication pursuant to this subsection, the Applicant may meet the requirements of this Subsection G by submitting a fee-in-lieu of dedication in accordance with the calculations in the Lower Saucon Township Subdivision and Land Development Ordinance, Section 145-51.E, with the "tract" referenced in Section 145-51.E therein to mean, for purposes of this Section 180-109.G, the number of acres required to be dedicated pursuant to the calculation in Section 180-109.G(1). The applicable calculated fee-in-lieu of dedication shall only be used by the Township for the purposes authorized by the Township's Open Space plan.
- (8) An applicant choosing to develop an industrial use in accordance with this Subsection G shall demonstrate and make the required dedication and/or fee-in-lieu of dedication payment prior to final land development approval by the Township Council.”

July 12, 2023

**Section 7. Violations and Penalties.**

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

**Section 8. Severability.**

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council of Lower Saucon Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

**Section 9. Repealer.**

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**Section 10. Effective Date.**

The provisions of this Ordinance shall become effective ten (10) days after adoption.

ENACTED and ORDAINED this \_\_\_\_ day of \_\_\_\_ 2023.

ATTEST:

LOWER SAUCON TOWNSHIP

\_\_\_\_\_  
Mark L. Hudson  
Township Manager

\_\_\_\_\_  
Jason Banonis  
Council President

- Exhibit "A" – Map Amendment (2023), showing parcels proposed to be changed from RA to LI
- Exhibit "B" – List of Parcels for Proposed Map Change (2023), listing parcels proposed to be changed from RA to LI
- Exhibit "C" – Map Amendment (2023), map showing adopted changes to official Zoning Map





**Exhibit B - List of Parcels for Proposed Map Change (2023)**

NO.	NORTHAMPTON COUNTY TAX MAP PARCEL NUMBER	LOCATION / STREET ADDRESS	ACRES
1	N8 14 1 0719E	RIVERSIDE DRIVE	60.60
2	N8 14 1A 0719	2390 RIVERSIDE DRIVE	0.30
3	N8 14 1B 0719	2396 RIVERSIDE DRIVE	0.50
4	N8 14 1B 0719	2396 RIVERSIDE DRIVE	0.50
5	N8 14 2 0719E	RIVERSIDE DRIVE	118.70
6	N8 14 15 0719	APPLEBUTTER ROAD	89.30
7	P7 5 33 0719 (portion of)	APPLEBUTTER ROAD	5.80

APPROXIMATE TOTAL:	275.70
--------------------	--------



**LEGEND**

- TOWNSHIP BOUNDARY
- PARCEL PROPERTY LINES
- ▨ LIGHT INDUSTRIAL (LI)
- ▩ LIGHT MANUFACTURING (LM)
- ▧ SUBURBAN RESIDENTIAL (R20)
- ▦ RURAL AGRICULTURAL (RA)

**Map Amendment (2023) - Exhibit C**

NOTE: PARCEL DATA FROM COUNTY OF NORTHAMPTON (GIS DATA).  
 ZONING DATA FROM LOWER SAUCON TOWNSHIP.

800' 0' 800' 1600'







**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial Systems of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Gary Neil Asteak

Signature:



Name:

Gary Neil Asteak

Attorney No.:

19233