



CITY OF BETHLEHEM  
OFFICE OF THE CITY SOLICITOR

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INTEROFFICE MEMORANDUM


To: Louise M. Kelchner, City Clerk  
From: William P. Leeson, Esq., City Solicitor  
Re: Lehigh Northampton Airport Authority  
Airport Road Improvements Project  
Date: September 12, 2018

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As part of the overall Airport Road improvements project being undertaken by the Lehigh Northampton Airport Authority (LNAA), certain roadway and traffic signal improvements will be completed on City Line Avenue and Avenue A in the City of Bethlehem. As a result, PennDOT requires that the City execute a Joinder to the Custom Reimbursement Grant Agreement between the Commonwealth of Pennsylvania Department of Transportation and the Lehigh Northampton Airport Authority. The purpose of the Joinder is for the City to authorize entry upon City property, if necessary, to perform any work necessary for or in furtherance of the project and to agree to maintain and operate those certain improvements that are located within the City of Bethlehem. PennDOT has advised that the City is not responsible for design engineering or construction funding, LNAA is.

Attached is a proposed resolution authorizing the Mayor and Controller to execute the Joinder. The City is not a party or signatory to the principal finding agreement between PennDOT and the LNAA. Also attached for your reference is a copy of the Joinder.

In order to keep the project moving forward, it is requested that the authorizing Resolution be placed on Council's upcoming agenda for review and approval.

  
William P. Leeson, Esq., Solicitor

Cc: Robert J. Donchez, Mayor  
Michael Alkhal, Director, Public Works

JOINDER BY CITY OF BETHLEHEM

Because the Local Project Sponsor, the Lehigh Northampton Airport Authority, is not a municipality, the City of Bethlehem (“Municipality”), where certain Project improvements are located, by signing below, has agreed to undertake the duties and responsibilities required of it by Paragraph No. 18 and Exhibit E, relating to the maintenance and operation of the improvements. Accordingly, the Municipality agrees to maintain and operate the following improvements:

The project includes the improvement of approximately 670 feet of City Line Avenue and 250 feet of Avenue A. In addition the following two signals will be replaced as part of this project:

- Airport Road (SR 987) & City Line Road/Airport Entrance
- Airport Road (SR 987) & Avenue A/Postal Road

The Municipality also agrees to authorize the Local Project Sponsor and its consultants, subconsultants, contractors, subcontractors and suppliers to enter upon its property, if necessary, to perform any work necessary for or in furtherance of the Project. The undersigned Municipality is joining in this Agreement solely for the purpose of agreeing to assume these duties and obligations; it is assuming no financial responsibility or other obligations with respect to the design and construction of the improvements.

ATTEST:

**CITY OF BETHLEHEM**

BY \_\_\_\_\_

BY \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**\* Unless the individuals signing on behalf of the Municipality are authorized to do so by statute or regulation, the Municipality’s resolution or other document delegating signature authority must be attached. Please indicate the signers’ titles in the blanks provided and date all signatures.**

RESOLUTION NO. 2018-\_\_\_\_\_

WHEREAS, the Lehigh Northampton Airport Authority (hereinafter "LNAA") is undertaking a project involving improvements to Airport Road (hereinafter "Project"); and

WHEREAS, in connection with the Project, LNAA will enter into a Custom Reimbursement Grant Agreement with the Commonwealth of Pennsylvania, acting through the Department of Transportation; and

WHEREAS, because the LNAA is not a municipality and because certain improvements to be completed as part of the Project are located within the City of Bethlehem, the Commonwealth of Pennsylvania, acting through the Department of Transportation, requires that the City of Bethlehem join in the Custom Reimbursement Grant Agreement for the following purposes: (1) authorizing the LNAA and its consultants, subconsultants, contractors, subcontractors and suppliers to enter upon its property, if necessary, to perform any work necessary for or in furtherance of the Project, and (2) agreeing to maintain and operate those certain improvements that are located within the City of Bethlehem.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bethlehem that the Mayor and the Controller are hereby authorized to execute a Joinder to the Custom Reimbursement Grant Agreement between Commonwealth of Pennsylvania acting through the Department of Transportation and the Lehigh Northampton Airport Authority, and such other agreements and documents as are deemed by the City Solicitor to be necessary and/or related thereto, for the purposes set forth therein.

Sponsored by \_\_\_\_\_

\_\_\_\_\_

ADOPTED by Council this          day of          , 2018.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk