

ERECTED INTO A TOWNSHIP IN 1733  
**TOWNSHIP OF WORCESTER**  
AT THE CENTER POINT OF MONTGOMERY COUNTY  
PENNSYLVANIA

1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

Phone (610) 584-1410  
Fax (610) 584-8901

**THIS SECTION COMPLETED ONLY BY TOWNSHIP:**  
APPEAL NO. : CVA 2019-03 DATE FILED: 12/19/19, 20

RECEIVED  
DEC 19 2019

APPLICATION:  **BOARD OF SUPERVISORS**  
 **ZONING HEARING BOARD**

1. Date of Application: \_\_\_\_\_

2. Classification of Appeal (Check one or more, if applicable):
- a. Appeal from the Zoning Officer's Determination
  - b. Request for Variance
  - c. Request for Special Exception
  - d. Challenges to the Validity of Zoning Ordinance or Map
  - e. Request for Conditional Use Hearing
  - f. Request for Amendment to Zoning Map
  - g. Request for Zoning Ordinance Amendment
  - h. Request for a Curative Amendment
  - i. Request for other relief within the Jurisdiction of the Zoning Hearing Board as established in Section 909.1(a) of the Pennsylvania Municipalities Code

3. Applicant:

- a. Name: DIV-AR Property LP
- b. Mailing address: 1420 US Highway 206, Suite 200  
Bedminster, NJ 07921
- c. Telephone number: 908-254-3123
- d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: Owner of legal title (REQUIRED)

**Please attach Deed to prove ownership, an Agreement of Sale to prove equitable ownership, or an Affidavit allowing Tenant to apply for necessary relief.**

4. Applicant's attorney, if any:

- a. Name: J. Edmund Mullin, Esquire
- b. Address: PO Box 1479, 375 Morris Road  
Lansdale, PA 19446
- c. Telephone number: 215-661-0400

5. Property Details:
- a. Present Zoning Classification: IR Industrial Research District
  - b. Present Land Use: Manufacturing, Industrial and Research facilities
  - c. Location (Street Address):  
2750 Morris Road, Lansdale, PA 19446
  - d. Parcel #: 67-00-02512-00-4
  - e. Lot Dimensions:
    - (1) Area: 84.25 AC
    - (2) Frontage: 1,580.96 ft
    - (3) Depth: 2,436.79 ft irregular
  - f. Circle all that apply in regards to the above specified property:
    - Public Water     Public Sewer
    - ~~Private Well~~             ~~Private Septic~~
  - g. Size, construction, and use of existing improvements; use of land, if unimproved: **(Please submit as an attachment)**
6. Proposed Use(s):
- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)**
7. Legal grounds for appeal (Cite specific sections of Pennsylvania Municipalities Planning Code, Zoning Ordinance, Subdivision Regulations, and/ or other Acts or Ordinances). All sections that apply must be listed in which relief is required and an explanation provided. **(Please submit as an attachment)**
8. Has any previous appeal been filed concerning the subject matter of this appeal?  
 Yes     No
- If yes: specify: **(Please submit as an attachment)**
9. Challenges please list requested issues of fact or interpretation:  
**(Please submit as an attachment)**
10. Worcester Township to provide the list of names and addresses of all property within 500 feet of the perimeter of the subject property. **(REQUIRED: SECTION 150-224)**

**CERTIFICATION**

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.

  
 \_\_\_\_\_  
 Signature

KURT R. PADAVANO  
 Authorized Representative  
 \_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF \_\_\_\_\_ : SS

The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.

  
\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant


Sworn to and subscribed before me this 16<sup>th</sup> day of December, 2019

  
\_\_\_\_\_

Notary Public

HEATHER RELLA  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 50080810  
My Commission Expires 4/17/2023

Date Received: 12/19/19

  
\_\_\_\_\_  
Zoning Officer

**DIV-AR Property LP**  
**Application – Conditional Use**

Legal grounds for conditional use:

Section 150-134.2(d) of the Worcester Township Zoning Ordinance states that a building or a combination of buildings may be erected or used and a lot may be used or occupied, for any of the following purposes and no other:

- d. Any other legitimate use not otherwise permitted expressly or by implication elsewhere in this Zoning Code when authorized as a conditional use by the Board of Supervisors and after the imposition of conditions designed to eliminate (to the extent reasonably possible) adverse effects upon neighboring properties and the general public health, safety and welfare.

The proposed use is a parking lot to accommodate up to 300 delivery vans and 311 automobiles within an area already striped for 611 vehicles. The area will be restriped in accordance with the plan attached to this application.

Parking lot is not permitted as a use anywhere in the Worcester Township Zoning Ordinance. It is mentioned in C Commercial as being permitted when accessory to a permitted use, and none of those uses are permitted in the IR District. Accordingly, the use is permitted as not otherwise permitted expressly or by implication elsewhere in the Zoning Ordinance.

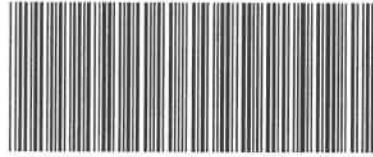




**RECORDER OF DEEDS**  
**MONTGOMERY COUNTY**  
*Nancy J. Becker*

One Montgomery Plaza  
 Swede and Airy Streets ~ Suite 303  
 P.O. Box 311 ~ Norristown, PA 19404  
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

**DEED BK 5928 PG 00358 to 00366**  
 INSTRUMENT # : 2014062116  
 RECORDED DATE: 09/18/2014 11:05:24 AM



3121654-0014K

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 9

**Document Type:** Deed  
**Document Date:** 09/16/2014  
**Reference Info:**

**Transaction #:** 3108180 - 6 Doc(s)  
**Document Page Count:** 8  
**Operator Id:** sford

**RETURN TO:** (Simplifile)  
 Prestige Abstract Corporation  
 100 South Broad Street  
 Philadelphia, PA 19110

**PAID BY:**  
 PRESTIGE ABSTRACT CORPORATION

**\* PROPERTY DATA:**

Parcel ID #: 67-00-02512-00-4  
 Address: 2750 MORRIS RD  
  
 PA  
 Municipality: Worcester Township (100%)  
 School District: Methacton

**\* ASSOCIATED DOCUMENT(S):**

**CONSIDERATION / SECURED AMT:**  
**\$18,300,000.00**

DEED BK 5928 PG 00358 to 00366  
 Recorded Date: 09/18/2014 11:05:24 AM

**FEES / TAXES:**

Recording Fee:Deed	\$95.00
Additional Pages Fee	\$8.00
Affordable Housing Pages	\$16.00
State RTT	\$183,000.00
Worcester Township RTT	\$91,500.00
Methacton School District RTT	\$91,500.00
<b>Total:</b>	<b>\$366,119.00</b>

I hereby CERTIFY that  
 this document is  
 recorded in the  
 Recorder of Deeds  
 Office in Montgomery  
 County, Pennsylvania.



**Nancy J. Becker**  
 Recorder of Deeds

**PLEASE DO NOT DETACH**

**THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT**

NOTE: If document data differs from cover sheet, document data always supersedes.  
 \*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

Prepared by:

Matthew J. Swett, Esquire  
Pepper Hamilton LLP  
3000 Two Logan Square  
18<sup>th</sup> and Arch Streets  
Philadelphia, PA 19103  
215.981.4788

Return to:

Stephanie Zirpoli, Esquire  
Ballard Spahr LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103  
215.864.8715

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
67-00-02512-00-4 WORCESTER TOWNSHIP  
2750 MORRIS RD  
MORRIS ROAD INVESTORS LP \$15.00  
B 024 L U 069 3341 09/18/2014 JD

Parcel Number: 67-00-02512-004

### SPECIAL WARRANTY DEED

**THIS INDENTURE** made the 16<sup>TH</sup> day of September, 2014, between MORRIS ROAD INVESTORS, L.P., a Pennsylvania limited partnership ("Grantor"), of the one part, and DIV-AR PROPERTY LP, a Delaware limited partnership ("Grantee"), of the other part.

**WITNESSETH**, that the said Grantor for and in consideration of the sum of Eighteen Million Three Hundred Thousand Dollars (\$18,300,000.00) lawful money of the United States of America, well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, and its successors and assigns, the land as more fully described in Exhibit "A" attached hereto and made a part hereof and known as 2750 Morris Road, Lansdale, Worcester Township, Montgomery County, Philadelphia, Pennsylvania.

**BEING** the same premises that Visteon Systems, LLC, a Delaware limited liability company, successor by merger to Ford Electronics and Refrigeration Corporation, a Delaware corporation, by Special Warranty Deed dated November 11, 2005 and recorded December 12, 2005 with the Montgomery County Recorder of Deeds in Deed Book 5582, Page 1680, conveyed unto Morris Road Investors, L.P., the Grantor herein, and that Visteon Systems, LLC, a Delaware limited liability company, successor by merger to Ford Electronics and Refrigeration Corporation, a Delaware corporation, by Quit Claim Deed dated November 11, 2005 and recorded December 12, 2005 with the Montgomery County Recorder of Deeds in Deed Book 5582, Page 1688, conveyed unto Morris Road Investors, L.P., the Grantor herein.

**UNDER AND SUBJECT** to all currently valid and binding agreements, easements and restrictions of record.

**TOGETHER** with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, use, trust, property, possession, claim and demand whatsoever of the said Grantor as well at law as in equity, of, in, and to the same, including all inchoate rights, including, without limitation, inchoate rights of adverse possession.

**TO HAVE AND TO HOLD** the said lot or piece of ground described with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances unto the said Grantee, and its successors and assigns to and for the only proper use and behoof of the said Grantee, and its successors and assigns, forever.

**UNDER AND SUBJECT** as aforesaid.

**AND** the said Grantor, for itself and its successors and assigns, does covenant, promise and agree, to and with the said Grantee, and its successors and assigns, by these presents, that the said Grantor and its successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, and its successors and assigns, against the said Grantor, and its successors and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under the said Grantor shall and will **SPECIALLY WARRANT** and forever **DEFEND**.



IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal.  
Dated the day and year first above written.

Witness:

**MORRIS ROAD INVESTORS, L.P.**, a  
Pennsylvania limited partnership

By: Bergen Morris Road, LLC,  
its general partner

  
\_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: **Barry Howard**  
**Chairman of the Board**

CERTIFICATE OF RESIDENCE

The undersigned hereby certifies that the address of the within Grantee is

1041 U.S. Highway 202/206  
Bridgewater, NJ 08807

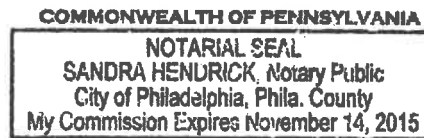
\_\_\_\_\_  
For Grantee

COMMONWEALTH OF PENNSYLVANIA :  
 : SS  
 COUNTY OF PHILADELPHIA :

On this, the 16<sup>th</sup> day of September, 2014, before me, the undersigned officer, personally appeared Barry Howard, who acknowledged himself to be the Chairman of the Board of BERGEN MORRIS ROAD, LLC, general partner of MORRIS ROAD INVESTORS, L.P., and that he, as such officer being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company as the general partner of the limited partnership by himself as such officer.

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

*Sandra Hendrick*  
 \_\_\_\_\_  
 Notary Public



**IN WITNESS WHEREOF**, the party of the first part has hereunto set its hand and seal.  
Dated the day and year first above written.

Witness:

**MORRIS ROAD INVESTORS, L.P.**, a  
Pennsylvania limited partnership

By: Bergen Morris Road, LLC,  
its general partner

\_\_\_\_\_

By: \_\_\_\_\_

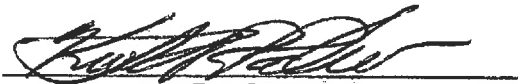
Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CERTIFICATE OF RESIDENCE**

The undersigned hereby certifies that the address of the within Grantee is

1041 U.S. Highway 202/206  
Bridgewater, NJ 08807



For Grantee

Kurt R. Padavano

EXHIBIT A  
Legal Description

ALL THAT CERTAIN tract or land with the improvements erected thereon,

SITUATE in Worcester Township, Montgomery County, Pennsylvania, bounded and described in accordance with an AL T A/ACSM Land Title Survey prepared by Control Point Associates, Inc. dated 9/27/2005 and last revised 11/14/2005 (file No. CPO5112), as follows:

BEGINNING at the intersection of the title line in the bed of Schultz Road (A.K.A. L.R. 46130, 33 foot wide legal right-of-way), with the southwesterly required right-of-way line of Morris Road (A.K.A. L.R. 46159, 33 foot wide legal right-of-way), and from said point of beginning running, thence;

The following eight (8) courses and distances along the southwesterly required right-of-way line of Morris Road:

1. South 53 degrees 27 minutes 48 seconds East, a distance of 152.27 feet to a point, thence;
2. North 36 degrees 32 minutes 12 seconds East, a distance of 5.00 feet to a point, thence;
3. South 53 degrees 27 minutes 48 seconds East, a distance of 300.00 feet to a point, thence;
4. South 36 degrees 32 minutes 12 seconds West, a distance of 5.00 feet to a point, thence;
5. South 53 degrees 27 minutes 48 seconds East, a distance of 350.00 feet to a point, thence;
6. North 36 degrees 32 minutes 12 seconds East, a distance of 5.00 feet to a point, thence;
7. South 53 degrees 27 minutes 48 seconds East, a distance of 359.38 feet to a point, thence;
8. South 54 degrees 00 minutes 00 seconds East, a distance of 561.50 feet to a point, thence;

The following two (2) courses and distances along the dividing line between Unit 69, Block 24, lands now or formerly Ford Electronics and Refrigeration Corporation and Unit 2, Block 24, lands now or formerly Jung Hee Shun:

9. South 35 degrees 48 minutes 00 seconds West, a distance of 354.41 feet to a point, thence;
10. South 53 degrees 42 minutes 00 seconds East, a distance of 175.00 feet to a point, thence;

The following two (2) courses and distances along the dividing line between Unit 69, Block 24 and Unit 27, Block 24, lands now or formerly Ulrich:

11. South 35 degrees 48 minutes 00 seconds West, a distance of 220.10 feet to a point, thence;
12. South 53 degrees 45 minutes 00 seconds East, a distance of 148.10 feet to a point, thence;

The following two (2) courses and distances along the dividing line between Unit 69, Block 24 and Unit 3, Block 24, lands now or formerly Caltabiano:

13. South 36 degrees 48 minutes 00 seconds West, a distance of 200.00 feet to a point, thence;
14. South 53 degrees 32 minutes 00 seconds East, a distance of 325.00 feet to a point on the centerline of Berks Road (A.K.A. T-379, 33 foot wide legal right-of-way), thence;

The following two (2) courses and distances along the centerline of Berks Road and title line:

15. South 36 degrees 48 minutes 00 seconds West, a distance of 458.88 feet to a point, thence;
16. South 37 degrees 07 minutes 00 seconds West, a distance of 1,205.40 feet to a point, thence;
17. Along the dividing line between Unit 69, Block 24 and Unit 5, Block 24, lands now or formerly Detwiler, North 54 degrees 20 minutes 00 seconds West, a distance of 227.05 feet to a point on the easterly required right-of-way line of the Northeast Extension of the Pennsylvania Turnpike, thence;

The following thirteen (13) courses and distances along the easterly required right-of-way line of the Northeast Extension of the Pennsylvania Turnpike:

18. North 17 degrees 50 minutes 15 seconds West, a distance of 240.00 feet to a point, thence;
19. North 14 degrees 01 minute 25 seconds West, a distance of 150.33 feet to a point, thence;
20. North 17 degrees 50 minutes 15 seconds West, a distance of 200.00 feet to a point, thence;
21. North 25 degrees 25 minutes 55 seconds West, a distance of 151.33 feet to a point, thence;
22. North 17 degrees 50 minutes 15 seconds West, a distance of 300.00 feet to a point, thence;
23. North 14 degrees 01 minute 25 seconds West, a distance of 150.33 feet to a point, thence;
24. North 17 degrees 50 minutes 15 seconds West, a distance of 161.36 feet to a point of curvature, thence;
25. Along the arc of a circle curving to the left, having a radius of 11,569.19 feet, a central angle of 00 degrees 11 minutes 36 seconds, an arc length of 39.01 feet, a chord bearing North 17 degrees 56 minutes 03 seconds West and a chord distance of 39.01 feet to a point of tangency, thence;

26. North 22 degrees 18 minutes 33 seconds West, a distance of 151.73 feet to a point, thence;
27. Along the arc of a circle curving to the left, having a radius of 11,559.19 feet, a central angle of 02 degrees 30 minutes 00 seconds, an arc length of 504.36 feet, a chord bearing North 20 degrees 01 minute 51 seconds West and a chord distance of 504.32 feet to a point, thence;
28. North 17 degrees 45 minutes 07 seconds West, a distance of 151.73 feet to a point, thence;
29. Along the arc of a circle curving to the left, having a radius of 11,569.19 feet, a central angle of 01 degrees 30 minutes 02 seconds, an arc length of 302.99 feet, a chord bearing North 22 degrees 43 minutes 01 seconds West and a chord distance of 302.98 feet to a point, thence;
30. North 23 degrees 05 minutes 20 seconds West, a distance of 101.86 feet to a point on the centerline of Schultz Road, thence;
31. Along the centerline of Schultz Road and title line, North 37 degrees 29 minutes 00 seconds East, a distance of 968.99 feet to the point and place of beginning.

CONTAINING 3,790,359 square feet or 87.015 acres.

EXCEPTING THEREOUT AND THEREFROM all that certain parcel as set forth in Notice of Condemnation in Deed Book 5891 Page 2803 and Declaration of Taking in Deed Book 5891 Page 2804.

BEING PARCEL NUMBER: 67-00-02512-004