

STIPULATION OF SETTLEMENT
CENTER SQUARE GOLF COURSE PROPERTY

It is hereby stipulated, this 19th day of July, 2017, by and between The Cutler Group, Inc., through its counsel, Richard P. McBride, Esquire and the Board of Supervisors of Worcester Township, as follows:

A. **BACKGROUND:**

1. The Cutler Group, Inc. as Applicant (hereinafter “Applicant”) filed a conditional use application on August 20, 2014 with Worcester Township (“Township”) regarding lands containing 157.63 acres, more or less, fronting on Skippack Pike, then and currently operated as the Center Square Golf Course (“Property”) seeking to develop same as and for a Residential Life Care Facility with a total of 475 total units, comprised of single family detached and attached independent living units totaling 334 units, and a 141 unit senior care center.

2. Following conduct of six evenings of hearings the Board of Supervisors (“Board”) denied the conditional use application and Applicant appealed to the Montgomery County Court of Common Pleas.

3. The County Court reversed the denial and granted Applicant’s conditional use application in an Opinion dated September 1, 2016 entered at Montgomery County CCP, No. 2015-13769.

4. Following appeal by the Board to the Commonwealth Court, the Decision of the Montgomery County Court was affirmed in Order entered July 3, 2017, thereby confirming Applicant’s entitlement to develop the Property for the aforesaid 475 unit project.

5. The Board is desirous of reducing the number of dwelling units in the development of the Property and removing from the development any senior care facility.

6. Applicant is willing to proceed with the development by significantly reducing the total number of dwelling units and removing any senior care facility.

7. Board and Applicant wish to establish provisions for development of the Property for a significantly reduced number of dwelling units than the 475 as have been the subject of its conditional use approval, as well as to avoid any further litigation in regard to Applicant's entitlement to so develop the Property.

8. Applicant and Board are executing this Stipulation for the purpose of terminating entitlement of Applicant to proceed with the Residential Life Care Facility development and, in lieu thereof, Applicant shall have the right to develop the Property with single family detached and single family attached dwelling units in accordance with the provisions as set forth hereinbelow.

B. TERMS OF SETTLEMENT:

1. Upon approval by the Board of a final record plan in accordance with the provisions of this Stipulation, all rights of Applicant to develop the Property pursuant to its conditional use application shall terminate. Pending the preparation and processing of such plan for the alternative development, Applicant shall hold in abeyance any further submission for approval and development in accordance with its conditional use entitlement.

2. Board shall in all good faith process and approve subdivision plans providing for a total of 125 single family detached dwelling units and a total of 125 single family attached dwelling units in accordance with the terms of this Stipulation. The minimum lot sizes and design criteria for both the detached and attached lots shall be as attached hereto as Exhibit "A".

3. The fully engineered preliminary and final plans shall be designed substantially as depicted on the concept plan prepared by Heuser Design, a copy attached hereto as Exhibit "B".

4. There shall be a minimum of a 50 foot wide perimeter buffer area surrounding the entire Property separating any future lots from either bordering roadways or bordering properties. These areas, as well as all other common areas inclusive of stormwater basins and facilities situate within same, shall be either owned and maintained by a Homeowners Association or Worcester Township. The Board shall decide at the time of preliminary subdivision plan approval whether it chooses to have these areas dedicated to the Township or owned and maintained by the future Homeowners Association.

5. The roadways within the single family detached portion of the development shall be dedicated to Worcester Township, while the roadways within the attached dwelling unit portion of the development may be undedicated and maintained by the Homeowners Association. The Board shall determine at the time of preliminary subdivision plan approval which portions of the roadways servicing the single family attached dwelling units are to be owned and maintained by the future Homeowners Association. All roadways shall be constructed in accordance with the requirements of the Worcester Township SALDO.

6. Public sewer service shall be provided by Worcester Township at its Valley Green facility. Township shall cooperate fully in the processing of any necessary 537 amendment or revision and in allowing connection of sanitary sewer lines from the future development of the

Property into the nearest available dedicated sanitary lines belonging to Township or any Township Authority. Applicant shall be responsible for the payment of a tapping fee in the sum of \$2,000.00 for each of the 250 units. The tapping fees shall be paid for all dwelling units proposed for development in each phase thereof at the time of signing of Development Agreements for that particular phase.

7. Applicant shall pay to Township the sum of \$3,000 per dwelling unit, at the time of execution of the Development Agreement for each phase of development for the number of dwelling units within that phase, same to be in lieu of any traffic impact fee or charge as might otherwise be applicable.

8. There shall be no other impact fees or charges imposed upon the proposed development.

9. Applicant shall be responsible to pay all reasonable costs incurred by Township for the review of Applicant's plans by its consultants, inclusive of the Township Engineer, Traffic Engineer and Solicitor. Applicant shall satisfy any such invoicing within 15 days of receipt. Township may impose an administrative fee of five (5%) percent in addition to and at the time of furnishing each such invoice. There shall be no other application fees or charges in regard to the filing, review and approval of Applicant's plans for development.

10. Applicant and Township agree to the filing of a Motion with the Court of Common Pleas of Montgomery County along with a proposed Order, requesting that the Order of Court approving the Applicant's conditional use be modified and that the terms and provisions of this Stipulation be and become the controlling Order of Court.

11. Further, Township agrees to undertake adoption of a zoning amendment for the Property allowing for development of same in accordance with the design criteria set forth herein.

C. PROPERTY DEVELOPMENT DESIGN CRITERIA AND COMMITMENTS:

1. The perimeter buffer as well as the general configuration of open space as depicted upon Exhibit "B" shall be observed in the final subdivision plans.

2. The layout as depicted upon Exhibit "B" shall be controlling and Applicant shall be required to satisfy any and all permitting requirements of the U.S. Army Corps of Engineers, Pennsylvania DEP, Montgomery County Conservation District as well as PennDOT. Provided, however, that the Board, upon advice of the Township Traffic Engineer, may elect to restrict access to and from Rt. 73 to one ingress and egress road, rather than the two as depicted upon Exhibit "B".

3. The fully engineered development plans designed as depicted upon Exhibit "B" shall be in compliance with the Worcester Township Subdivision and Land Development Ordinance in effect as of the date hereof, with the exception of waivers from provisions thereof which are reasonable and warranted to facilitate development as depicted upon Exhibit "B".

4. Subject to receipt of required permits from federal, state and other local agencies, subdivision plans shall be submitted by Applicant substantially as depicted upon Exhibit "B", and shall not be subject to denial by virtue of Township zoning or SALDO Ordinance requirements as might be in conflict with development as depicted upon Exhibit "B".

5. Upon approval of the final subdivision plans, Applicant may choose to develop in phases, provided such phases are depicted upon the approved final plans. There shall be no more

than three phases for each of the dwelling unit types as depicted on Exhibit "B", those being single family detached and single family attached units.

6. Applicant shall be required to comply with requirements in the Municipalities Planning Code with regard to the posting of required financial security to assure completion of improvements prior to the release of final subdivision plans for any phase for recording.

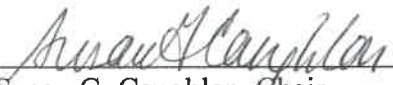
7. All provisions hereinabove shall be fully binding upon the successors and assigns of the parties hereto.

WHEREFORE, Applicant and Board, through their respective counsel, have executed this Stipulation of Settlement the date and year first above written with full intent to be bound by the terms hereof.

WITNESS:




Tommy Ryan, Township Manager

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS


Susan G. Caughlan, Chair

APPLICANT:
THE CUTLER GROUP, INC.

By: 

Richard P. McBride, Esquire

Stipulation of Settlement Center Square

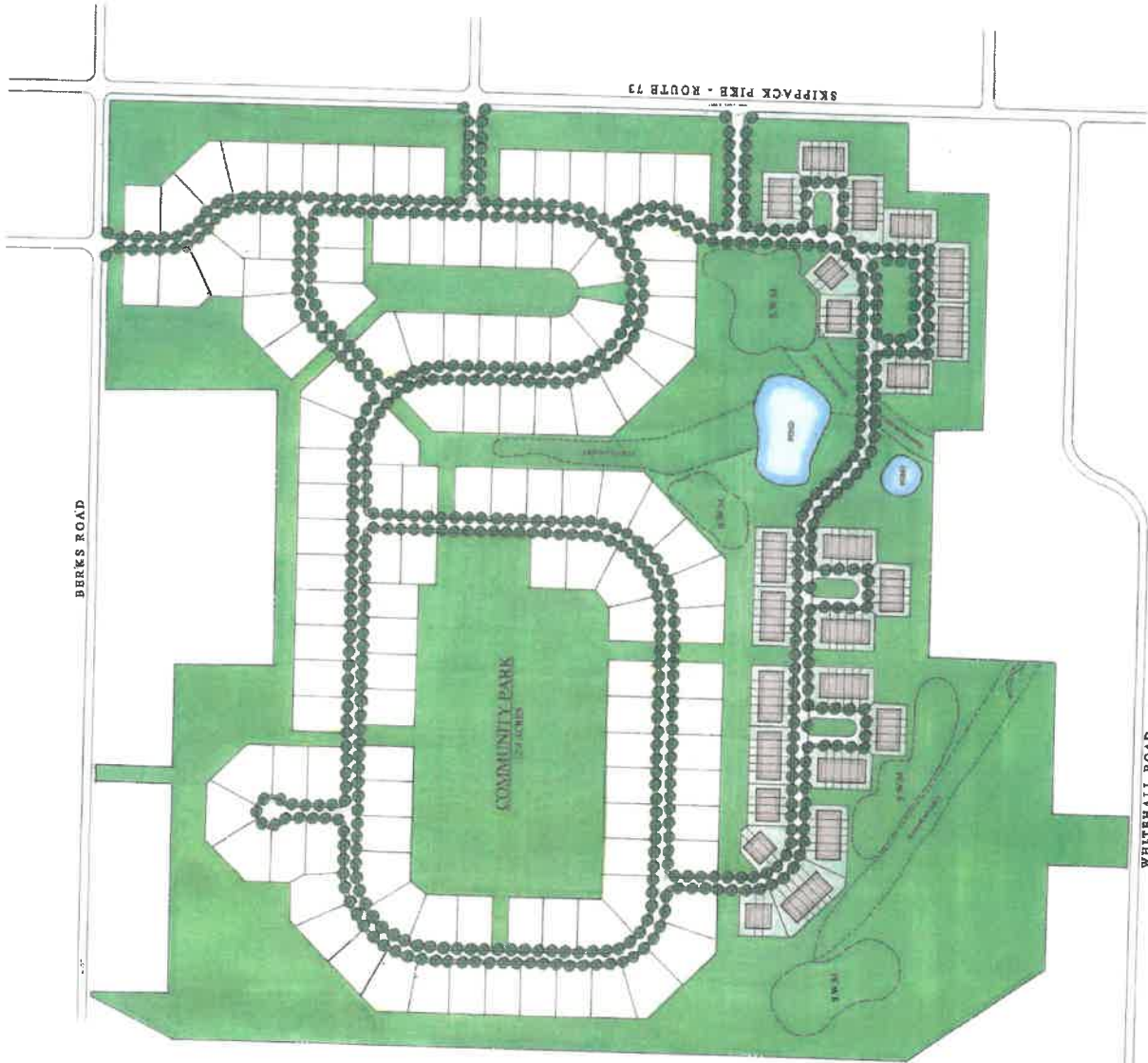
SINGLE FAMILY DETACHED LOT CRITERIA

MINIMUM LOT AREA:	15,000 S.F.
MINIMUM LOT WIDTH AT SETBACK LINE:	90 FT.
FRONT YARD – MINIMUM:	35 FT.
SIDE YARD:	10 FT./30 FT. aggregate
ABUTTING STREET	35 FT.
REAR YARD - MINIMUM:	30 FT.
MAXIMUM BUILDING HEIGHT:	35 FT.
MAXIMUM IMPERVIOUS SURFACE COVERAGE:	40%
MAXIMUM BUILDING COVERAGE:	30%

SINGLE FAMILY ATTACHED LOT CRITERIA

MINIMUM LOT AREA:	2,400 S.F.
MINIMUM FRONT YARD:	30 FT.
MAXIMUM BUILDING HEIGHT:	35 FT.
MINIMUM WIDTH AT BUILDING SETBACK LINE:	24 FT.
MINIMUM SIDE YARD (FROM PRIVATE RD OR R/W):	15 FT.
MINIMUM REAR YARD:	20 FT.
REAR YARD DECK:	MAY ENCROACH MAX. 10 FT. INTO REAR YARD
MINIMUM BUILDING SEPARATION (side to side):	30 FT.
MINIMUM BUILDING SEPARATION (other than side to side):	40 FT.

EXHIBIT "A"



DEVELOPMENT PROGRAM

SITE STATISTICS
 TOTAL TRACT AREA 117.8 ACRES
 DEVELOPABLE AREA (DA) 84.22 ACRES
 TOTAL LOTS 123
 • 89 (41 Single Family Detached)
 • 34 (167) 70'-x-150' Lots
 • 24 (12) 100'-x-150' Lot
 • 10 (5) 120'-x-150' Lot
 PROPOSED OPEN SPACE 30%
 EXCESS OF 50% IN EXCESS OF 50%

NOTE: STORM WATER MANAGEMENT FACILITIES SHOWN ARE CONCEPTUAL. ADDITIONAL FACILITIES MAY BE REQUIRED FOR UTILIZATION IN OPEN SPACE AREAS TO ENSURE PROPER WATER RETENTION/INFILTRATION, POTENTIALLY SPRAY TO IMPROVED TOURN WATER.

CONCEPT PLAN
 CENTER SQUARE GOLF CLUB
 RESIDENTIAL COMMUNITY
 WASHINGTON, DISTRICT OF COLUMBIA
 DATE: 07/17/2017



Exhibit "B"