**WORCESTER TOWNSHIP**
**BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 2009-22**

**MIKELEN SUBDIVISION**

**FINAL SUBDIVISION APPROVAL**

**WHEREAS, MIKELEN, LLC** ("Developer") is the equitable owner and developer of two tracts of land comprising 4.2 acres, more or less, situate in Worcester Township, which is more particularly shown on plans prepared by Woodrow & Associates, Inc., being plans consisting of six (6) sheets dated May 30, 2008, with a last revision date being November 2, 2009 (the "Plans"), setting forth the proposed development of the tract into four (4) residential building lots (the "Development") in accordance with those Plans (a complete schedule of the Subdivision Record Plan and all supporting Plans is attached hereto as Exhibit "A" and expressly made a part hereof); and

**WHEREAS,** the Plans described in Exhibit "A" attached hereto are being incorporated into this Final Approval by reference; and

**WHEREAS,** Developer has previously obtained and supplied to the Township all applicable permits from all Authorities, Agencies and Municipalities having jurisdiction in any way over the Development; and

**WHEREAS,** the Developer desires to obtain Final Subdivision Approval of the Plans from Worcester Township in accordance with Section 508 of the Pennsylvania Municipalities Planning Code;

**NOW, THEREFORE, BE IT RESOLVED,** that Worcester Township hereby grants Final Approval of the Development as shown on the Plans described on Exhibit "A" attached hereto, subject, however, to the following conditions:

1. The Board of Supervisors has previously waived or at this time waives the following requirements of the Subdivision and Land Development Ordinance:

a. Section 130-16 pertaining to the construction of road frontage improvements.

b. Section 130-18.A requiring the construction of sidewalks along all streets. Prior to recording the Plans, Developer shall pay a fee to the Township in the amount of Fifteen Thousand Seven Hundred Thirty and 00/100 Dollars ($15,730.00) in lieu the construction of sidewalks in the Development.

c. Section 130-18.B requiring the installation of curbs along each side of every residential, secondary and commercial street or road.

d. Section 130-22.B.1 requiring the measurement of building setback lines from the nearest side of the right-of-way or easement to the proposed building.

e. Section 130-24.B.1 requiring the preparation of a map of the watershed.

f. Section 130-28.G.4 requiring the planting of street trees. Developer is hereby granted partial relief from the full requirement to plant street trees and shall be permitted the count certain existing trees toward the total number of street trees required by Section 130-28.G.4 in accordance with the Plans.

g. Section 130-28.G.9.a requiring the planting of lot trees. Developer is hereby permitted to count existing trees toward satisfying the requirements of Section 130-28.G.9.a in accordance with the Plans

h. Section 130-33.C.1 requiring existing features within 400 feet of any part of the land being subdivided to be shown on the plan.

2. Prior to the Township's execution of the Plans, Developer agrees to execute a Subdivision and Escrow Agreement ("Development Agreement") with Worcester Township in which the Developer shall obligate itself to complete all of the public improvements shown on the Plans in accordance with Township criteria and specifications as well as to secure the completion of the said public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code.

3. Prior to the recording of the Plans, the Developer shall revise the Plans to resolve to the satisfaction of the Township, all issues set forth in the Township Engineer's review letter dated November 10, 2009 and any subsequent review letters prepared by the Township Engineer, the entire contents of which are incorporated herein by reference.

4. Consistent with Sections 509(b) and 513(a) of the Pennsylvania Municipalities Planning Code (as amended), the payment of all applicable fees, execution and funding of the Development Agreement, and recording of the final plans must all be accomplished within 90 days of the date of this Resolution unless a written extension is granted by the Township. The final plat or record plan shall not be signed nor recorded by the Township until the applicable fees have been paid and the Development Agreement shall have been executed and funded. In the event the fees have not been paid and the Development Agreement has not been funded and executed and the final plans have not been recorded within 90 days of

the date of this Resolution (or any written extension thereof), this contingent subdivision shall expire and be deemed to have been revoked.

5. The Development shall be constructed in strict accordance with the content of the Plans, the terms and conditions of the Preliminary Approval Resolution, being Resolution No. 2009-7, and the terms and conditions of the above-described Development Agreement, the entire contents of which are incorporated herein by reference.

6. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans and Notes to the Plans, Preliminary Approval Resolution and Development Agreement shall be borne entirely by the Developer and shall be at no cost to the Township.

7. Developer shall provide the Township Manager and the Township Engineer with at least seventy-two (72) hours notice prior to the initiation of any grading or ground clearing (whether for the construction of public improvements or in connection with individual building lots themselves) so that the Township may certify that all appropriate erosion and sedimentation control facilities have been properly installed and also that snow fencing or other types of boundary markers (acceptable to the Township) have been installed to protect such trees as are specifically proposed not to be eliminated during the construction of the Development.

8. Under the provisions of the Pennsylvania Municipalities Planning Code, the Developer has the right to accept or reject conditions imposed by the Board of Supervisors upon final approval. In the absence of an appeal of a notice of rejection filed in writing within thirty (30) days from the date of this resolution, the conditions set forth herein shall be deemed to have been accepted by the Developer. If the township receives written notice of an appeal or

rejection of any of the conditions set forth herein within thirty (30) days from the date of this resolution, this approval shall be deemed to have been automatically rescinded.

9. Consistent with Section 513 of the Pennsylvania Municipalities Planning Code, it shall be the responsibility of the Developer to deliver fully and properly executed Record Plan (3 paper and 2 mylar) to the Township in sufficient time that such Plan may be recorded at the Montgomery County Recorder of Deeds Office within ninety (90) days from the date of final approval. Failure to deliver such properly executed Plan to the Township within this time frame shall render the approval of the Plan null and void.

**APPROVED** at the public meeting of the Worcester Township Board of Supervisors held on November 18, 2009.

**WORCESTER TOWNSHIP**

By: Arthur C Bustard
**Arthur C. Bustard**, Chairman
Board of Supervisors

Attest: John V. Cornell
**John V. Cornell,** Recording Secretary

## EXHIBIT "A"

| Sheet No. | Description | Origination Date | Last Revision |
|---|---|---|---|
| 1 of 6 | Subdivision – Record Plan | 5/30/08 | 11/2/09 |
| 2 of 6 | Existing Features Plan | 5/30/08 | 11/2/09 |
| 3 of 6 | Context Map and Aerial Photo | 5/30/09 | 11/2/09 |
| 4 of 6 | Post-Construction Stormwater Management Plan | 5/30/08 | 11/2/09 |
| 5 of 6 | Erosion and Sediment Pollution Control Plan | 5/30/08 | 11/2/09 |
| 6 of 6 | Construction Details | 5/30/08 | 11/2/09 |