

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA
RESOLUTION NO. 2011- 08

3481 Germantown Pike
(Terra Landscaping)

PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, NORTH GRANGE, LLC ("Developer") is the owner and developer of a certain tract of land consisting of 2.9± acres situate in Lower Providence Township and Worcester Township with frontage on Germantown Pike and North Grange Avenue (the "Development"); and

WHEREAS, the Development is more particularly shown on plans prepared by Hibbeln Engineering Company, being plans consisting of sixteen (16) sheets dated July 30, 2007 with a final revision date of January 3, 2011 (the "Plans"); and

WHEREAS, Developer has previously obtained and supplied or will obtain and supply to the Township all applicable permits from all Authorities, Agencies and Municipalities having jurisdiction in any way over the Development and any necessary offsite easements to legally discharge stormwater or connect to utilities; and

WHEREAS, the Developer desires to obtain preliminary/final land development 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 land development as shown on the Plans described herein subject, however, to the following conditions:

1. At this time, the Worcester Township Board of Supervisors waives strict compliance with the following provisions of the Worcester Township Subdivision and Land Development Ordinance:

a. Section 130-3.C.1 requiring the Plans to depict existing features within 400 feet of the Development.

b. Section 130-16, 130-18.A and 130.B requiring certain roadway improvements, including roadway widening, curbing and sidewalks, along North Grange Avenue.

2. 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 March 9, 2011 and any subsequent review letters prepared by the Township Engineer, the entire contents of which are incorporated herein by reference.

3. Prior to the recording of the Plans, the Developer shall add a note to the Plans which identifies the relief granted by the Worcester Township Zoning Hearing Board Order dated November 23, 2010 with regard to Application 10-10.

4. Prior to the recording of the Plans, the Developer shall add a note to the Plans providing the detail for the fence construction around the rear paved area as required by the November 23, 2010 Order of the Zoning Hearing Board. The fence detail provided in the note shall be subject to the review and approval of the Township Engineer.

5. Prior to recording the Plans, Developer shall enter into a Land Development and Financial Security Agreement ("Agreement") with Worcester Township. The Agreement shall be satisfactory to the Township Solicitor and the Board of Supervisors and 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.

6. Prior to recording the Plans, Developer shall demonstrate to the satisfaction of the Township that the Development is in compliance with the applicable ordinances, rules and regulations of Lower Providence Township.

7. Although the maintenance of all detention basins and surface stormwater drainage easements shall be the responsibility of the lot owner on whose lot said facilities are located, Developer shall, prior to the Township executing the Plans, reserve easements in favor of the Township so that the drainage facilities may be maintained by the Township (with all expenses being charged to the appropriate property owner) in the event that the maintenance responsibilities of the individual lot owners are not fulfilled after reasonable notice to do so.

8. The Development shall be constructed in strict accordance with the content of the Plans, notes on the Plans and the terms and conditions of this Preliminary/Final Approval Resolution.

9. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes on the Plans, this Preliminary/Final Approval Resolution, and the Land Development and Financial Agreement shall be borne entirely by the Developer and shall be at no cost to the Township.

10. 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 buildings or additions) 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.

11. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended) the payment of all applicable fees and the funding of all escrows under the Land Development and Escrow Agreement must be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by Worcester Township. Until the applicable fees have been paid and the escrows fully funded, the final plat or record plan shall not be signed nor recorded. In the event that the fees have not been paid and the escrow has not been funded within ninety (90) days of this Resolution (or any written extension thereof), this contingent approval shall expire and be deemed to have been revoked.

12. 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 preliminary approval. In the absence of an appeal or 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 and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraph 1, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

APPROVED at the public meeting of the Worcester Township Board of Supervisors held
on April 20, 2011.

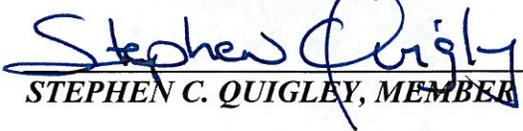
WORCESTER TOWNSHIP



ARTHUR C. BUSTARD, CHAIRMAN



SUSAN G. CAUGHLAN, VICE CHAIR



STEPHEN C. QUIGLEY, MEMBER