

WORCESTER TOWNSHIP

BOARD OF SUPERVISORS

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2011- 20

**3481 Germantown Pike
(Terra Landscaping)**

RESTATED 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 "Property"); and

WHEREAS, the Developer proposes to construct an indoor storage building as well as associated parking and stormwater management facilities (the "Development") on the Property; and

WHEREAS, the Development, as 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 ("Approved Plans"), received preliminary/final land development approval from the Worcester Township Board of Supervisors on April 20, 2011 by Resolution No. 2011-08; and

WHEREAS, since receiving preliminary/final approval, the Approved Plans have been revised as a result of comments during the land development review and approval process in Lower Providence Township; and

WHEREAS, the revised plans have been prepared by Hibbeln Engineering Company and consist of seventeen (17) sheets dated July 30, 2007, with a last revision date of October 24, 2011 (the "Revised Plans"); and

WHEREAS, the Developer has submitted the Revised Plans to the Township for review; and

WHEREAS, the Revised Plans have been reviewed for consistency with the Approved Plans and recommended for approval by the Township Engineer; and

WHEREAS, consistent with the Township Engineer's recommendation, the Board of Supervisors desires to restate the grant of preliminary/final land development approval as set forth in Resolution No. 2011-08.

NOW, THEREFORE, BE IT RESOLVED that Worcester Township hereby grants preliminary/final approval of the land development as shown on the Revised Plans 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 Revised 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 Revised Plans, the Developer shall resolve to the satisfaction of the Township, all issues set forth in the Township Engineer's review letters dated March 9, 2011 and November 8, 2011, the entire contents of which are incorporated herein by reference.

3. Prior to the recording of the Revised 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 13, 2010 with regard to Application 10-10.

4. Prior to the recording of the Revised 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 13, 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 Revised 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 Revised 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 Revised 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 Revised 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 Revised Plans, notes on the Revised 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 Revised Plans, notes on the Revised 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 November 16, 2011.

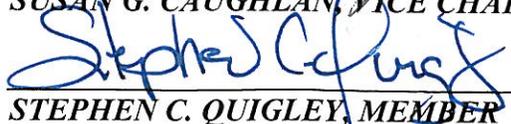
WORCESTER TOWNSHIP



ARTHUR C. BUSTARD, CHAIRMAN



SUSAN G. CAUGHLAN, VICE CHAIR



STEPHEN C. QUIGLEY, MEMBER