

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2012- 21

Morris Road Investors, L.P.

RESTATED PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, MORRIS ROAD INVESTORS, L.P. ("Developer") is the owner and developer of a certain tract of land consisting of 87.01± acres situate in Worcester Township with frontage on Morris Road, Shultz Road and Berks Road (the "Property"); and

WHEREAS, the Developer proposes the construction of additional loading docks and a parking lot expansion at the existing facility on the Property (the "Development"); and

WHEREAS, the Development, as shown on plans prepared by Irick, Eberhardt & Mientus, Inc., being plans consisting of twenty-five (25) sheets dated June 17, 2011 with what appeared to be a mistakenly noted final revision date of September 29, 2011 (the "Approved Plans"), received preliminary/final land development approval from the Worcester Township Board of Supervisors on September 21, 2011 by Resolution No. 2011-12; and

WHEREAS, since receiving preliminary/final approval, the Approved Plans have been revised and submitted to the Township Engineer for review under cover letter dated July 25, 2012; and

WHEREAS, the revised plan submission consists of Plan Sheets 1, 4, 8, 13, 16, 21 and 26 of a 26 sheet Plan Set prepared by Irick, Eberhardt & Mientus, Inc. (the "Revised Plans"); and

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

WHEREAS, the Revised Plans propose to change the previously approved loading dock from a 6-foot-wide addition to a 10-inch bump-out addition and expand the approved phasing of the Development from the previously approved Phase 1A and Phase 2 to the proposed Phase 1A, Phase 1B and Phase 2; and

WHEREAS, the Revised Plans have been 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. 2011-12.

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 confirms the previously granted waivers from strict compliance with the following provisions of the Worcester Township Subdivision and Land Development Ordinance:

a. Sections 130-17.D.(7) and 130-17.D.(11) requiring parking stalls to be no less than 10 feet in width and 20 feet in depth.

b. Section 130-28.F.(6)(d) requiring that slopes in excess of 25% be stabilized by utilizing riprap.

c. Section 130-28.G.(6)(b) requiring not more than 15 parking spaces in a continuous row without an intervening raised planting island of at least 10 feet in width and the length of a parking stall.

2. Prior to the recording of the Revised Plans, the Developer shall revise the Revised Plans to resolve to the satisfaction of the Township, all issues set forth in the Township

Engineer's review letters dated September 15, 2011 and August 7, 2012, the entire contents of which are incorporated herein by reference.

3. Prior to the recording of the Revised Plans, Developer shall enter into a Land Development and Financial Security Agreement ("Agreement") with Worcester Township for Phase 1A. The Agreement shall be satisfactory to the Township Solicitor and the Board of Supervisors. The Developer shall obligate itself to complete the public improvements associated with Phase 1A in accordance with the Revised Plans and the Township's 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. Prior to the issuance of a building permit for each subsequent phase, Developer shall enter into a Land Development and Financial Security Agreement with Worcester Township for such phase and shall secure the completion of the associated public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code. The agreement for each subsequent phase shall be satisfactory to the Township Solicitor and the Board of Supervisors.

4. 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 recording of 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.

5. Prior to the recording of the Revised Plans, Owner/Developer agrees to have its engineer work with the Township Engineer to design and install a reasonably aesthetic barrier (using jersey barriers, bollards, or some other structure acceptable to the Township), to

prevent or more significantly discourage left turns from the Property onto Schultz Road, subject to the approval of Montgomery County (the owner of Schultz Road).

6. The Development shall be constructed in strict accordance with the content of the Revised Plans, notes on the Revised Plans, the terms and conditions of this Restated Preliminary/Final Approval Resolution, and the required Land Development and Financial Security Agreements.

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

8. 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.

9. 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 Financial Security Agreement for Phase 1A 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

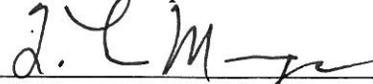
escrow has not been funded within ninety (90) days of this Resolution (or any written extension thereof), this contingent approval shall expire and be deemed to have been revoked.

10. 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/final 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 September 19, 2012.

WORCESTER TOWNSHIP

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

Attest: 
F. Lee Mangan, Secretary