

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA
RESOLUTION NO. 2014- 24
Frog Hollow Racquet Club

PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, R&H SPORTS, L.P. ("Developer") is the owner and developer of a certain tract of land known as the "Frog Hollow Racquet Club", consisting of 11.5± acres situate in Worcester Township with frontage on Weber Road, which tract is further identified as Montgomery County Tax Parcel No. 67-00-03931-00-7; and

WHEREAS, Developer intends to construct a 10,393 square foot, 31 space parking lot and related improvements (the "Development") as more particularly shown on plans prepared by Czop/Specter, consisting of six (6) sheets, dated February 3, 2014 with a last revision date of April 29, 2014 (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 preliminary/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 130-16, requiring certain improvements along a property's frontage on roadways.

b. Section 130-17.B, requiring a driveway stopping area twenty feet behind the right-of-way line, which stopping area shall not exceed four percent grade. The grade at such location shall not exceed 4.35%, in accordance with the Plans.

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 May 1, 2014, prepared by the Township Engineer, the entire contents of which are incorporated herein by reference.

3. Prior to recording the Plans, the Developer shall provide the Township with all necessary permits and approvals from all authorities, agencies, municipalities and duly constituted public authorities having jurisdiction in any way over the Development.

4. Prior to recording the Plans, Developer shall enter into a Land Development and Financial Security Agreement ("Agreement") with the 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.

5. 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, execute a declaration to 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 lot owner is not fulfilled after reasonable notice to do so. The declaration shall be satisfactory to the Township Solicitor and shall be recorded simultaneously with the Plan.

6. 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.

7. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, this Preliminary/Final Approval Resolution, and the Agreement 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 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.

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 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.

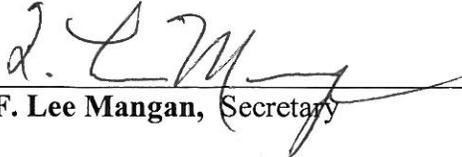
[Signature page to follow]

APPROVED at the public meeting of the Worcester Township Board of Supervisors held
on this 20th day of May, 2014.

WORCESTER TOWNSHIP

By: 

Arthur C. Bustard, Chairman,
Board of Supervisors

By: 

F. Lee Mangan, Secretary