

RESOLUTION NO. 73-106

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN SWAMS, A PENNSYLVANIA CORPORATION AND THE TOWNSHIP OF HOPEWELL.

BE IT RESOLVED by the Board of Commissioners of the TOWNSHIP OF HOPEWELL, a municipal corporation under the First Class Township Code situate in the County of Beaver and Commonwealth of Pennsylvania, AND IT IS HEREBY RESOLVED:

1. THAT that certain proposed development agreement between SWAMS, a Pennsylvania corporation and the Township of Hopewell, a true and correct copy of which is attached hereto and, by reference, made a part hereof, is hereby accepted and approved.
2. THAT the President of the Board of Commissioners is hereby authorized and directed to execute said development agreement for and in behalf of the Board of Commissioners of the Township of Hopewell.
3. THAT the Township Secretary is hereby directed to attest the execution of said development agreement and to impress the seal of the Township of Hopewell upon the same.
4. THAT said agreement shall be executed as of the date of the adoption of this Resolution.
5. THAT four duplicate copies of said development agreement shall be executed; that the Township Secretary shall distribute the same as follows:
 - One copy for Township records.
 - One copy to the Township Planning Commission.
 - One copy to SWAMS Corporation.
 - One copy to be attached to and made part of the minutes of this meeting.

A G R E E M E N T

THIS AGREEMENT made this 7th day of June,
1973 between

SWAMS, a Pennsylvania corporation having its registered office at 4355 Brodhead Road in the Township of Hopewell, County of Beaver and Commonwealth of Pennsylvania, hereinafter referred to as "DEVELOPER"

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TOWNSHIP OF HOPEWELL, a municipal corporation under The First Class Township Code situate in the County of Beaver and Commonwealth of Pennsylvania, hereinafter referred to as "TOWNSHIP"

WHEREAS, the DEVELOPER did previously make application to rezone Beaver County Tax Parcel No. 65-194-123, a tract of 112 acres, more or less, from R-2 Residential and C Conservation to R-3 General Residential; and

WHEREAS, the DEVELOPER requested said zoning change in order to construct a multi-family or planned residential development on the subject property and did submit a preliminary plan in connection therewith; and

WHEREAS, the Hopewell Township Planning Commission, after public hearing held upon said application, has recommended that the subject property be rezoned to R-3 General Residential; and

WHEREAS, the Beaver County Planning Commission, after review and investigation, has advised that it has no objection to the requested zoning change; and

WHEREAS, the Board of Commissioners on November 14, 1972 did hold a public hearing upon the requested zoning change; and

WHEREAS, the Board of Commissioners has conducted an independent investigation to determine the adequacy of the collector street to handle the flow of present and anticipated traffic, the safety of children and adults who daily walk along said collector street and the resulting adverse impact of the proposed development upon neighboring single-family developments; and

WHEREAS, the Board of Commissioners has reviewed DEVELOPER'S revised preliminary plan and DEVELOPER'S proposals to make financial contribution for certain off-site improvements and to accept certain conditions limiting the development of the subject property, said proposals being set forth at length herein; and

WHEREAS, after full consideration of the recommendations of the TOWNSHIP and County Planning agencies, the statements, positions and matters, both pro and con, advanced at the public hearing held on November 14, 1972, the independent investigation conducted by the Board of Commissioners and DEVELOPER'S proposals as hereinafter set forth, the Board of Commissioners has determined to grant the requested zoning change;

NOW, THEREFORE, as a condition precedent to the enactment of an ordinance amending the Official Zoning Map of the 1961 Zoning Ordinance of Hopewell Township to rezone the real estate

described in Exhibit A hereof (hereinafter referred to as "the subject property") from R-2 Residential and C Conservation to R-3 General Residential, the parties hereto, INTENDING TO BE LEGALLY BOUND HEREBY, do covenant and agree as follows:

1. That no substantial deviation will be permitted in the development of the subject property which will exceed the limits of work shown in DEVELOPER'S revised preliminary plan, a copy of which is annexed hereto and, by reference, made a part hereof.

2. That pursuant to the policy previously established by the Board of Commissioners rejecting proposals for development of greater density which would increase vehicular traffic upon marginal access streets in an established subdivision of lesser density, no highway connection shall be permitted between the subject property and the Kings Mill Manor Development.

3. That single-family dwellings and multi-family residential structures shall be permitted to be erected upon the subject property and used for residential purposes; that no commercial structures or uses not related to the residential development shall be permitted to be erected or maintained upon the subject property; that DEVELOPER shall be permitted to make such reasonable use of the subject property for active and passive recreation purposes as may receive the prior approval of the Hopewell Township Planning Commission.

4. That DEVELOPER shall reconstruct the intersection of Sohn Road and Longvue Avenue at the entrance of the subject property in accordance with the design and specifications recommended and/or accepted by the Township Planning Commission and approved by the Township Engineer; that the cost and expense of such reconstruction shall be solely borne by the DEVELOPER.

Provided, however, that DEVELOPER shall not be required to purchase or acquire additional property to enlarge the right of way of said intersection.

5. That prior to the undertaking of any work of development at the subject property upon Phase I of said revised preliminary plan, DEVELOPER shall make payment to the TOWNSHIP of the sum of \$7,500; that prior to the undertaking of any work of development at the subject property upon Phase II of said revised preliminary plan, DEVELOPER shall make payment to the TOWNSHIP of the sum of \$5,000; that prior to the undertaking of any work of development at the subject property upon Phase III of said revised preliminary plan, DEVELOPER shall make payment to the TOWNSHIP of the sum of \$2,500. No building permits shall issue for work of development at the subject property in any phase of said preliminary plan until prior respective payment, as above provided, has been made.

6. That the TOWNSHIP shall construct a sidewalk and install curbing along Longvue Avenue from the Senior High School driveway to the entrance to the subject property, a lineal distance of 2100 feet, more or less; that such work shall be performed not later than completion of Phase I of said revised preliminary plan or at such earlier time as, in the judgment of the Board of Commissioners, traffic flow on Longvue Avenue may endanger the safety of children and adults walking upon Longvue Avenue.

7. That the TOWNSHIP shall pave Longvue Avenue from the entrance of Kings Mill Manor to the subject property, a lineal distance of 470 feet, more or less, and a cartway width of 24 feet; that such work shall be performed not later than completion

of Phase II of said revised preliminary plan or at such earlier time as, in the judgment of the Board of Commissioners, traffic flow on Longvue Avenue to said development may be exposed to substantial inconvenience or unwarranted hazard.

8. That the TOWNSHIP shall widen Longvue Avenue to a cartway width of twenty-four feet from its intersection with Maratta Road to a point at the entrance to Kings Mill Manor; that such work shall be performed not later than completion of Phase III of said revised preliminary plan or at such earlier time as, in the judgment of the Board of Commissioners, the same may be required for pedestrian and traffic safety.

IN WITNESS WHEREOF, the parties hereto, each for itself, its successors and assigns, have caused the due execution of this Agreement as of the day and year first above written.

SWAMS

(SEAL)

s/ Louis J. Betters
by *N. Ray Miller*
President

ATTEST:

Charlotte M. Buffington
Secretary

TOWNSHIP OF HOPEWELL

(SEAL)

by *s/ N. Ray Miller*
President of the Board
of Commissioners

ATTEST:

s/ Charlotte M. Buffington
Secretary

EXHIBIT A

Agreement dated _____, 1973 between
SWAMS and the Township of Hopewell:

DESCRIPTION OF REAL ESTATE.

ALL that certain parcel of ground situate in the Township of Hopewell, Beaver County, Pennsylvania, described in Beaver County Deed Book 601, page 157 as containing 120.366 acres and being currently identified as Beaver County Tax Parcel No. 65-194-123. Said premises, being presently accessible from Longvue Avenue and Sohn Road, is bounded on the North by lands of the Township of Hopewell; on the East by lands of the Pennsylvania and Lake Erie Railroad; on the South by land now or formerly of Schmidt and Bauder; and on the West by lands now or formerly of Roy F. Johns and Kings Mill Manor Development.