

RESOLUTION R 2015- 16
HOPEWELL TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA

A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA GRANTING FINAL APPROVAL OF PHASE ONE OF THE CLAIRMONT MANOR SUBDIVISION AND LAND DEVELOPMENT PLAN IN ACCORDANCE WITH HOPEWELL TOWNSHIP SUBDIVISION & LAND DEVELOPMENT ORDINANCE NO. 91-2

WHEREAS, Maronda Homes, Inc. (hereinafter the “Developer”) and Hopewell Township (“hereinafter the “Municipality,” “Township,” or “Hopewell”) also herein referred to as a “Party” and/or collectively as the “Parties,” in connection with the proposed development of certain real property situate in Hopewell Township owned by Developer, and more particularly identified as the Clairmont Manor Subdivision and Land Development Plan Phase One, (hereinafter referred to as “Clairmont Manor Phase One,”) and generally depicted in the Plan drawing attached to a February 10, 2014 Development Improvement Agreement (hereinafter the “Agreement”) between the Parties as Exhibit “A,” further identified as Lot Parcel No. 65-204-0142-000-01-1, and more particularly identified in the additional Exhibits to the Agreement (hereinafter referred to as the “Property” or the “Plan”); and

WHEREAS, in 2007 the Developer submitted to the Municipality a Subdivision and Land Development Plan “Plan” proposing to develop approximately forty-five (45) acres of land for 107 residential building lots, with access points along Tee Line Drive and proposed Casey Drive, and inclusive of various public improvements and private facilities that were recommended for approval by the Hopewell Township Planning Commission and the Beaver County Planning Commission conditioned upon compliance with comments of the Township Engineer in various review letters including a grading permit and bonding therefore, approval of the sanitary sewer plan, execution of a Development Improvement Agreement and bonding for all new facilities, issuance of a highway occupancy permit, a Storm Water Maintenance Report and Agreement and creation of a Homeowners Association which would assume ownership and maintenance of public open space; and

WHEREAS, preliminary, but not final plat approval, was given by the Hopewell Township Board of Commissioners on June 25, 2007; and

WHEREAS, subsequent to receiving the aforementioned approval, the Developer was unable to proceed with development of the Plan until 2014 at which time Developer requested and received approval from Municipality to proceed with the Plan development as preliminarily approved but in three (3) distinct phases as it was Developer's intention to construct and complete certain Public Improvements, without posting, or only partially posting, the required financial security for said improvements; and

WHEREAS, the Developer, in order to accommodate meeting its bonding and financial security requirements relative to the Plan, requested that the Plan, as approved, be recorded and constructed in three (3) separate phases, requiring three (3) separate Subdivision and Land Development Plan approvals and recordings and three (3) separate Development Improvement Agreements, with Phase One consisting of thirty-five (35) residential lots, certain public improvements and private facilities as set forth in this Agreement; Phase Two consisting of twenty-three (23) residential lots, certain public improvements and private facilities to be set forth in a future Development Improvement Agreement; and Phase Three consisting of forty-nine (49) residential lots, certain public improvements and private facilities (including a second point of ingress and egress connecting to Juanita Street) to be set forth in a future Development Improvement Agreement; and

WHEREAS, Developer desires to construct and to dedicate to public use in three (3) separate phases of development certain public improvements (hereinafter collectively referred to as "Public Improvements") which shall include all roadways, curbing, street identification signs, sidewalks, water distribution system (including fire hydrants and related appurtenances), sanitary sewer system (including gravity wastewater collection system, wastewater pumping station, force main and related appurtenances), storm water inlets and piping to storm water retention ponds, including an assignment of easements to the Municipality, and an electric street lighting system and natural gas supply lines (all as set forth in the Agreement); and to have such Public

Improvements accepted by the Municipality as part of the public improvement system of the Municipality, or an appropriate Municipal Authority or utility company, to serve the Property and the buildings located thereon; and

WHEREAS, Developer desires to conduct certain private activities and/or construct certain private facilities, in three (3) separate phases of development, including, without limitation, clearing, excavation, grading, residential building construction, driveway construction, seeding, landscaping, private utility connections, certain storm water management facilities and open areas; and

WHEREAS, the required Public Improvements associated with Clairmont Manor Phase One, are set forth on the Overall Utility Plan, Sheet C124, last revised on September 16, 2013, attached to the Agreement and marked as Exhibit "G" including, but not limited to: all clearing of ground and earthmoving measures necessary to bring the roadways, rights of way and Phase One lots to the proposed final grades; the storm water management facility depicted on proposed Lot 108; the wastewater pumping station depicted on proposed Lot 109; all highlighted sanitary and storm sewers and related appurtenances; the wastewater force main and related appurtenances that will convey sewage from the wastewater pumping station to the gravity wastewater collection system; all highlighted underground utilities (electric, cable, telephone, water and gas) and related appurtenances; and all highlighted pavement, sidewalks, underdrains, street signs, electric street lighting depicted on the plan; and

WHEREAS, the Agreement provides that upon either 1) satisfactory completion of the Public Improvements and conveyance of title to said Public Improvements from the Developer, along with any permits and approvals relative thereto, to the Municipality or an appropriate Municipal Authority, or 2) posting by the Developer of the requisite financial security as set forth in this Agreement and the attachments thereto; the final plat shall be approved by the Municipality and the Plan recorded; and

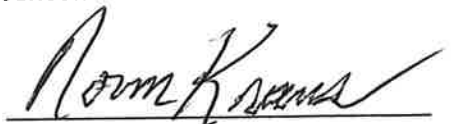
WHEREAS, the Developer has now posted with the Municipality the requisite financial security as set forth in the Agreement for the Phase One Public Improvements and therefore the Board of Commissioners has determined that Phase One of the Clairmont Manor Final Subdivision and Land Development Plan is hereby approved.

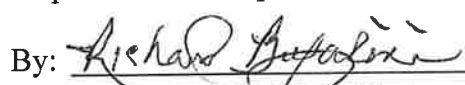
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR HOPEWELL TOWNSHIP, and it is hereby resolved and enacted by the authority of the same that Final Subdivision and Land Development approval for Phase One of the Clairmont Manor Subdivision and Land Development Plan is granted subject to the following conditions:

- SECTION 1. The applicant shall comply with all provisions of the Township Code and the laws of the Commonwealth of Pennsylvania and obtain all permits required by law.
- SECTION 2. The applicant shall comply with all provision of the February 10, 2014 Development Improvement Agreement with regard to all three (3) phases of the Plan.
- SECTION 3. The Clairmont Manor Phase One Plan shall be recorded by the Township. No Occupancy Permits shall be issued for any residential structures until the requisite Public Improvements identified in the Agreement have been completed and accepted by the Township. The Developer shall notify any lot purchasers of this restriction at the time of sale.

RESOLVED AND ENACTED this 12th Day of October, 2015

Attest:


Norm Kraus, Township Manager

Hopewell Township Board of Commissioners
By: 
Richard Bufalini, President