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460 Norristown Road, Suite 110
Blue Bell, PA 19422

Return To: Same as above

Parcel Nos. 18-01-0040;
18-01-0040.010

**EAST COVENTRY TOWNSHIP
CHESTER COUNTY**

RESOLUTION NO. 2014-15

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
EAST COVENTRY TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA, GRANTING APPROVAL OF A
PRELIMINARY/FINAL MINOR SUBDIVISION (LOT LINE
ADJUSTMENT) PLAN SUBMITTED BY THOMAS L. AND
MARIE F. PENCE FOR THE PROPERTY LOCATED AT
400 AND 420 SPIECE ROAD IN EAST COVENTRY
TOWNSHIP.**

WHEREAS, Thomas L. and Marie F. Pence (the "Applicant") have submitted for approval to East Coventry Township (the "Township") a Preliminary/Final Minor Subdivision (Lot Line Adjustment) Plan (the "Plan") consisting of two (2) sheets prepared by McNeill Land Surveying, LLC, dated August 1, 2014, last revised November 7, 2014, that is specifically numbered, titled, dated and last revised as set forth in Exhibit "A" attached hereto and made fully part hereof; and

WHEREAS, the Plan has been reviewed by the Township Planning Commission, the Township Engineer, the Township Planner, the Township Solicitor and other Township advisors, and has been found acceptable, subject as herein below provided.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, as follows:

SECTION A. AUTHORITY; SHORT TITLE; DEFINITIONS.

1. This Resolution is adopted pursuant to and in accordance with the Subdivision and Land Development Ordinance of 2011 (Ordinance No. 179) enacted August 8, 2011, as amended through Ordinance No. 192, enacted August 13, 2012 and effective August 18, 2012 (collectively, the "SALDO"), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Township of East Coventry, revised September 9, 2013.

2. This Resolution shall be known and may be cited as the "Resolution for Preliminary/Final Plan Approval for the 400 and 420 Spiece Road Lot Line Adjustment."

3. Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

SECTION B. WAIVERS.

1. The Board of Supervisors waived strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in this Resolution, at its September 8, 2014 meeting:

a. Section 301.3.A(1)(a) to waive the requirement that additional right-of-way be offered for dedication to the Township to satisfy Township road widths.

b. Section 304.3.C to waive the requirement that a Site Context Map be provided at a scale not less than one (1) inch = two hundred feet (200') showing the relationship of the site to natural and manmade features existing within one thousand feet (1,000') of the site.

c. Section 305.3.B.1(c) to require that the offering of additional street right-of-way along Spiece Road be reflected on the preliminary/final subdivision plan.

d. Section 309.C to require that the Applicant execute a deed of dedication to the Township for additional street right-of-way on Spiece Road.

e. Section 404.1.D(5) to require that additional monuments be placed at the limits of the additional right-of-way on Spiece Road at changed in direction.

SECTION C. CONDITIONS OF PRELIMINARY/FINAL PLAN APPROVAL. Approval of the Plan is hereby granted subject to the following conditions:

1. A Chester County Act 247 County Referral application and accompanying fee shall be provided to the Township for submission to the Chester County Planning Commission in accordance with SALDO §302.1 for its review and approval prior to releasing the Plan for recording.

2. The Applicant shall submit a revised Plan to the Township, for review and approval of the Township Engineer, reflecting the following changes:

a. The telephone numbers of the owners of record and the Applicant shall be noted on the Plan in accordance with SALDO §304.3.A.(1).

b. All applicable Township ordinances shall be noted on the Plan. In addition, all zoning boundaries within two hundred (200') feet of the site shall be provided as required by SALDO §304.3.A.(8).

c. The lot areas, net of prohibitive slopes, shall be provided and the zoning table on plan sheet 2 shall list lot area (net) in similar form to plan sheet 1, as required by SALDO §§304.3.A.(9) and 304.3.E(3).

d. The survey error of closure not exceeding one (1) foot in twenty-five thousand (25,000) feet shall be noted on the Plan in accordance with SALDO §304.3.A.(12).

e. The location of the onsite water supply for Original Lot 2 shall be noted on the Plan as required by SALDO §304.3.A.(15).

f. The size and grade of the sanitary sewers in Spiece Road shall be noted on the Plan as required by SALDO §304.3.E.(9).

g. All waivers requested by the Applicant and granted by the Board of Supervisors shall be shown on the Plan in accordance with SALDO §305.3.B.1(d) and shall be in the form of the Waiver Request Matrix set forth in SALDO Appendix 22-A.

h. The title of the Plan shall be revised to add a reference as follows: "(Lot Line Adjustment)".

i. A General Note shall be added to the Plan in form and substance satisfactory to the Township Solicitor prohibiting the owners of Lot 2 from further subdividing all or any portion of Lot 2 without first submitting an application for, and obtaining major subdivision approval from, the Board of Supervisors in accordance with SALDO §301.3.A.

j. The original and proposed net lot areas of Lot 2 and Lot 3 shall be revised to deduct areas of prohibitive slopes as required by the definition for "net lot area" in SALDO §202.

k. All prohibitive and precautionary slopes shall be delineated on Original and proposed Lot 2 and Lot 3 and General Note 10 on plan sheets 1 and 2 shall be revised accordingly as required by SALDO §§303.2.B(1)(a) and 303.2.B(1)(b).

l. The rear yard setback for proposed Lot 3 shall be measured as a perpendicular offset from the proposed rear property line as required by SALDO §803.1.A.

3. The revised boundary survey incorporating the revisions identified in this Resolution shall be signed and sealed by the Professional Land Surveyor registered in the Commonwealth of Pennsylvania responsible for its preparation to satisfy the requirements of SALDO §§304.3.A(3), 304.3.A(26) and 305.3.B(1)(n) prior to recording the Plan at the Office of the Chester County Recorder of Deeds (the “Recorder’s Office”).

4. The Applicant shall add a signature block to the Plan for execution by the Chairman of the East Coventry Township Planning Commission in accordance with SALDO §307.2.

5. The signature block for the Township Engineer shall be changed to read “... reviewed by ...” instead of “... approved by...”

6. All signature blocks on the Plan shall be fully executed prior to the recording of the Plan at the Applicant’s expense at the Recorder’s Office.

7. Prior to the Township releasing the Plan for recording, an updated legal description for Original Lot 3 and a corrective deed for Original Lot 3 shall be provided by the Applicant and recorded by the Applicant or the Township, if necessary, to remedy any current defects or disparities in the legal description or title to Original Lot 3.

8. Prior to the Township releasing the Plan for recording, the Applicant shall provide documentation satisfactory to the Township that the owners of the land identified on the Plan as “N/F Leonard H. & Minnie M. & Leonard H. Jr. Bauman” consent to the shed encroachment on Lot 2.

9. The Applicant shall successfully address any comments made by the Chester County Planning Commission to the Plan and/or supporting documentation provided by the Applicant.

10. Prior to the Township releasing the Plan for recording, the Applicant shall submit legal descriptions for the following to the Township Engineer for review and approval:

- a. That portion of Original Lot 3 to be conveyed to the owners of Lot 2;
- b. The boundaries of Lot 2 following the lot line adjustment and its consolidation with that portion of Lot 3 being transferred; and
- c. The boundaries of Lot 3 after the lot line adjustment.

The legal description(s) shall be revised if and as required by the Township Engineer prior to the recording of the Plan or any deeds of conveyance.

11. The owner of Lot 3 shall convey that portion of Lot 3 containing approximately 62,054 square feet, as depicted on the Plan, to the owners of Lot 2, in accordance with the following requirements:

- a. A special warranty deed granting and conveying fee simple title shall be executed and delivered by Barbara L. Pence, as Grantor, to Thomas L. and Marie F. Pence, as Grantees. The deed, which shall be prepared by counsel for the Applicant and reviewed and approved by the Township Solicitor, shall be recorded at the Recorder's Office at the Applicant's expense immediately following the recording of the Plan.

- b. A deed of consolidation, consolidating that portion of Lot 3 being conveyed with Original Lot 2, shall be executed and delivered by Thomas L. and Marie F. Pence. The deed of consolidation, which shall be prepared by counsel for the Applicant and reviewed and approved by the Township Solicitor, shall be recorded at the Recorder's Office at the Applicant's expense immediately following the recording of the Plan and the special warranty deed.

12. A Declaration of Deed Restriction relating to Lot 2, in form and substance acceptable to the Township Solicitor, shall be executed and delivered by the Applicant and recorded in the Recorder's Office on the same date as and immediately following the recording of the Plan. The Declaration of Deed Restriction shall: (a) prohibit the further subdivision of all or any portion of Lot 2 without first obtaining major subdivision plan approval from the Board of Supervisors; and (b) name the Township as the sole beneficiary of the deed restriction.

13. Prior to the Township releasing the Plan for recording, the Applicant shall pay and/or reimburse the Township for all fees, charges and costs of the Township, the Township Engineer, the Township Planner, the Township Solicitor and other Township consultants, relating to the preparation and/or review of the following: the deed and deed of consolidation, the Declaration of Deed Restriction, all required legal descriptions, and any other documentation required by this Resolution to be delivered prior to recording the Plan.

14. All recording costs and applicable taxes and fees, if any, shall be paid by the Applicant.

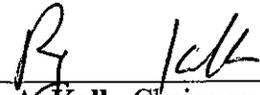
15. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions, the payment of all applicable fees and the funding of all escrows must be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by the Township. Until the conditions have been satisfied, the applicable fees have been paid and the escrows fully funded, the Plan shall not be signed nor recorded. In the event that the conditions have not been satisfied, the fees have not been paid and the escrows have not been funded within ninety (90) days of the date of this Resolution, or any written extension thereof, this contingent subdivision approval shall expire and be deemed to have been revoked.

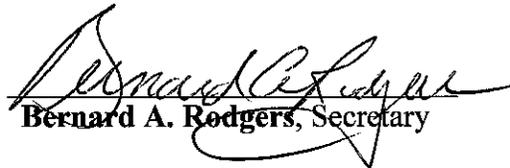
16. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by the Board of Supervisors upon preliminary/final approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to the Township within thirty (30) days of the date of this Resolution. In the event execution of this Resolution is not delivered to the Township office by 12:00 p.m. on October 8, 2014, or 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 waiver granted in Section B, Paragraph 1 (which waiver is 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 the condition set forth in Section B, Paragraph 1, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

SECTION D. EFFECTIVE DATE. This Resolution shall be effective immediately upon the adoption hereof.

APPROVED at the public meeting of the East Coventry Township Board of Supervisors held on September 8, 2014.

EAST COVENTRY TOWNSHIP

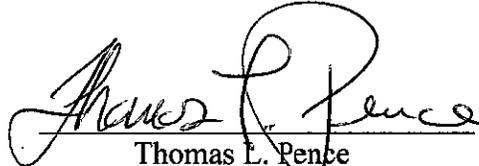
By: 
Ray A. Kolb, Chairman

Attest: 
Bernard A. Rodgers, Secretary

By signing below, the Applicant accepts and consents to all of the terms and conditions of approval contained in the foregoing Resolution Granting Preliminary/Final Minor Subdivision Approval.

APPLICANTS:

Date: 11-7-14


Thomas L. Pence

Date: 11/7/14

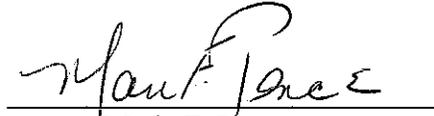

Marie F. Pence

EXHIBIT "A"

PLAN SHEETS

Sheet No.	Title	Date of Origination	Date Last Revised
1 of 2	Existing Features Plan	08/01/14	11/07/14
2 of 2	Minor Subdivision Plan	08/01/14	11/07/14

At the Board of Supervisors meeting held on November 10, 2014, a motion was made by Mrs. Geho, seconded by Mrs. Nocella to extend the return date for the applicants' acceptance of the conditions contained in this resolution to November 7, 2014.

I, Bernard A. Rodgers, East Coventry Township Manager, verify and affirm that the statement made above is true and correct.


Bernard A. Rodgers, Secretary
11-11-14