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Return To: Same as above

Parcel Nos. 18-04-0008;  
18-04-0009

**EAST COVENTRY TOWNSHIP  
CHESTER COUNTY**

**RESOLUTION NO. 2016- 10**

**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/ANNEXATION) PLAN SUBMITTED BY  
JOHN A. KOURY, JR. FOR THE PROPERTY LOCATED  
AT 439 RIDGE ROAD AND ELEANOR DRIVE IN EAST  
COVENTRY TOWNSHIP**

**WHEREAS**, John A. Koury, Jr. has submitted for approval to East Coventry Township (the "Township") a Preliminary/Final Minor Subdivision (Lot Line Adjustment/Annexation) Plan (the "Plan") consisting of one (1) sheet prepared by Bursich Associates, Inc., dated March 1, 2016, and last revised June 16, 2016; and

**WHEREAS**, the Plan has been reviewed by the Chester County Planning Commission, the Township Planning Commission, the Township Engineer, the Township Planner, the Township Traffic Engineer, 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. 205, enacted December 14, 2015 (collectively, the “SALDO”), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Township of East Coventry.

2. This Resolution shall be known and may be cited as the “Resolution for Preliminary/Final Minor Subdivision Plan Approval for the 439 Ridge 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 hereby waives strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in this Resolution:

a. Section 304.3.C requiring that a Site Context Map be provided that shows the location of the site within its neighborhood context.

b. Section 304.3.E(9) requiring that the Plan show the location, size, material used, invert elevation, proposed connection to existing facilities and percent of grade of all sanitary and storm sewers, including all manholes, inlets and culverts.

c. Section 405.9 requiring the installation of additional paving or other street improvements where the site abuts an existing street to the extent deemed by the Board of Supervisors to be in the public interest.

d. Section 406.7 requiring the installation of road widening improvements where the site abuts an existing street of improper cartway or right-of-way width.

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

1. The boundary survey 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) and §305.3 prior to recording the Plan at the Office of the Chester County Recorder of Deeds (the “Recorder’s Office”).

2. All signature blocks and certifications on the Plan shall be fully executed and notarized, as appropriate, prior to the recording of the Plan at the Applicant’s expense at the Recorder’s Office in accordance with SALDO §305.3.B(1)(g) and SALDO §307.2.

3. The Waiver Request Matrix shall be revised to include approval dates for all waivers granted by the Board of Supervisors, as appropriate, prior to the recording of the Plan per SALDO §704.3.

4. A special warranty deed (the “Deed”) granting and conveying fee simple title to that portion of Parcel B to be conveyed to the owner of Parcel A, as shown on the Plan, shall be executed and delivered by John A. Koury, Jr., as Grantor, to John A. Koury, Jr., as Grantee. The Deed, which shall be prepared by 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. A legal description for that portion of Original Parcel B

being conveyed to the owner of Original Parcel A shall be prepared for review and approval of the Township Engineer and attached to or incorporated into the Deed.

5. A Deed of Consolidation shall be executed and delivered by John A. Koury, Jr. consolidating the conveyed portion of Original Parcel B with the adjoining lands of Original Parcel A that is to be conveyed in accordance with Paragraph 4 above. A legal description for consolidated Parcel A shall be prepared by the Applicant for review and approval of the Township Engineer and attached to or incorporated into the Deed of Consolidation. The Deed of Consolidation shall be acceptable in form and substance to the Township Solicitor and recorded on the same date as and immediately following the recording of the Plan and the Deed.

6. Prior to releasing the Plan for recording, a Deed of Dedication shall be executed and delivered by John A. Koury, Jr., as Grantor, to the Township, as Grantee, granting and conveying fee simple title in perpetuity to the lands constituting the ultimate right-of-way along the frontage of the Property on the northerly side of Ridge Road (S.R. 0023). A legal description for the ultimate right-of-way shall be prepared by the Applicant's engineer for review and approval of the Township Engineer and attached to or incorporated into the Deed of Dedication. The Deed of Dedication shall be acceptable in form and substance to the Township Solicitor and recorded on the same date as and immediately following the recording of the Plan. Title insurance from a reputable title insurance company shall be provided at the Applicant's expense as required by SALDO §305.2.E(3).

7. 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 Traffic Engineer, the Township Solicitor and other Township consultants, relating to the preparation and/or review of the following: the Deed,

the deed of consolidation, the deed of dedication, all required legal descriptions, and any other documentation required by this Resolution to be delivered prior to recording the Plan.

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

9. 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.

10. 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 August 10, 2016, 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 waivers granted in Section B of this Resolution (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 the conditions set forth in this Section C, 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 July 11, 2016.

**EAST COVENTRY TOWNSHIP**

Attest: *Bernard A. Rodgers* By: *Ray A. Kolb*  
Bernard A. Rodgers, Secretary Ray A. Kolb, Chairman

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.

APPLICANT:

Date: July 13, 2016

  
John A. Koury, Jr.