

Prepared By: Mark A. Hosterman, Esquire
Marjorie A. Brown, Esquire
Wisler Pearlstine, LLP
460 Norristown Road, Suite 110
Blue Bell, PA 19422

Return To: Same as above

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

**EAST COVENTRY TOWNSHIP
CHESTER COUNTY**

RESOLUTION NO. 2012-26

**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 GLENN KUSZYK
FOR THE PROPERTY LOCATED AT 279 AND 287 KULP
ROAD IN EAST COVENTRY TOWNSHIP.**

WHEREAS, Glenn Kuszyk has submitted for approval to East Coventry Township (the “Township”) a Preliminary/Final Minor Subdivision (Lot Line Adjustment) Plan (the “Plan”) consisting of one (1) sheet prepared by McNeill Land Surveying, LLC, dated July 24, 2012, last revised December 14, 2012; 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 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.

2. This Resolution shall be known and may be cited as the "Resolution for Preliminary/Final Plan Approval for the 279 and 287 Kulp 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 December 10, 2012 meeting:

a. 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.

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) prior to recording the Plan at the Office of the Chester County Recorder of Deeds (the “Recorder’s Office”).

2. The certification of accuracy on the Plan shall be signed prior to recording the Plan in accordance with SALDO §305.3.B(g).

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

4. 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.

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

a. A line shall be added to the Zoning Chart on the Plan indicating the lot areas net of ultimate right-of-way or a notation as to the ultimate right-of-way area for each lot in accordance with SALDO §305.3.B.1(c) .

b. The dates of any waiver approvals granted by the Board of Supervisors shall be added to the Waiver Request Matrix shown on the Plan in accordance with SALDO §305.3.B.1(d).

c. The right-of-way dimension for Lot 2 at the southerly side of Lot 2 in the Existing Features view shall be changed to read 26.00 feet instead of 25.00 feet. The corresponding side lot line in the same view of Lot 2 shall be changed to read 224.00 feet instead of 225.00 feet.

d. The lot areas shown in the Existing Features view shall be revised to reflect the actual existing lot areas.

e. North arrows for the Existing Features and Proposed Lot Line Change views shall be provided.

f. The reference to land development in the signature blocks for the Board of Supervisors and the Township Engineer shall be removed. The Township Engineer signature block shall be changed to read "... reviewed by ..." instead of "... approved by..."

6. 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.

7. Prior to releasing the Plan for recording, a Deed of Dedication shall be executed and delivered by Glenn Kuszyk, 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 Lot 1 on the northerly side of Kulp Road.

8. Prior to releasing the Plan for recording, a Deed of Dedication shall be executed and delivered by Ralph E. Williams, Jr. and Karen L. Williams, as Grantors, 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 Lot 2 on the northerly side of Kulp Road.

9. Prior to the Township releasing the Plan for recording, the Applicant shall submit a legal description for that portion of Lot 1 being conveyed to the owners of Lot 2 to the Township Engineer for review and approval. The legal description shall be revised if and as required by the Township Engineer prior to the recording of the Plan or any deeds of conveyance or consolidation.

10. The Applicant shall convey that portion of Lot 1 to be conveyed to the owner of Lot 2, containing approximately 21,374.33 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 the Applicant, as Grantor, to Ralph E. Williams, Jr. and Karen L. Williams, 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 1 being conveyed with existing Lot 2, shall be executed and delivered by Ralph E. Williams, Jr. and Karen L. Williams. 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.

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

12. Prior to releasing the Plan for recording, the Applicant shall provide to the Township (a) financial security in an amount sufficient to cover the cost of setting concrete monuments for the ultimate right-of-way of Kulp Road, provided the concrete monuments are

not set before the Plan is recorded, and (b) a proposed schedule for setting the concrete monuments.

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

14. 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.

15. 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 January 9, 2013, 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 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 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 December 10, 2012.

EAST COVENTRY TOWNSHIP

By: Ray Kolb
Ray A. Kolb, Chairman

Attest: Bernard A. Rodgers
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.

APPLICANT:

Date:

12/12/12



Glenn Kuszyk