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Return To: Same as above

Tax Parcel Nos. 18-002-0004; 18-002-0011; 18-002-0005; 18-002-0008;  
18-002-0007; and 18-002-0006

**EAST COVENTRY TOWNSHIP  
CHESTER COUNTY**

**RESOLUTION NO. 2017-22**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
EAST COVENTRY TOWNSHIP, CHESTER COUNTY,  
PENNSYLVANIA, GRANTING APPROVAL OF A  
PRELIMINARY/FINAL MINOR (LOT LINE  
ADJUSTMENT) SUBDIVISION PLAN SUBMITTED BY  
EXELON GENERATION COMPANY, LLC FOR THE  
PROPERTY LOCATED ON FRICKS LOCK ROAD IN  
FRICKS LOCK VILLAGE, EAST COVENTRY TOWNSHIP.**

**WHEREAS**, Exelon Generation Company, LLC (the “Applicant”) has submitted for approval to East Coventry Township (the “Township”) a Preliminary/Final Minor (Lot Line Adjustment) Subdivision Plan (the “Plan”) consisting of one (1) sheet prepared by Rettew Associates, Inc. dated June 26, 2017, for Lots 11, 13, 17 and 18 on Fricks Lock Road in Fricks Lock Village, East Coventry Township, Chester County, Commonwealth of Pennsylvania (the “Property”); and

**WHEREAS**, the Plan has been reviewed by 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. 213, enacted June 12, 2017 (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 (Lot Line Adjustment) Subdivision Approval for Fricks Lock Village.”

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. SALDO §304.3.A.(15), which requires that the locations and dimensions of significant features within the Property be shown on the Plan, to permit the Applicant to show only readily visible features on the Plan.

b. SALDO §304.3.A.(22), which requires that the locations of all existing structures on the Property and the distance thereof from lot lines and the locations and

dimensions of all historic resources, where known, be shown on the Plan, in order to allow the dimensions to lot lines to not be shown.

c. SALDO §304.3.B(1), which requires the Plan be drawn on a scale no greater than one inch equals 50 feet, in order to allow the Plan to be drawn at a scale of one inch equals 100 feet.

d. SALDO §304.3.C, which requires a separate Site Context Map be provided, in order to permit the Applicant to not provide a Site Context Map.

e. SALDO §305.3.B(2)(a), which requires a Final Conservation Plan prepared in accordance with Section 22-306 be provided, in order to permit the Applicant to not provide a Final Conservation Plan.

f. SALDO §404, which requires the installation of monuments or markers at property corners, in order to allow approximately fourteen (14) iron pins to be installed in locations satisfactory to the Township Engineer to identify the perimeter of the property being conveyed to the Township, but excluding Lot 12 on the Plan.

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

1. That portion of the Property identified as Lots 12, 13, 14, 18, and 18A on the Plan shall be donated to the Township pursuant to the terms and conditions set forth in that certain Agreement between Exelon Generation Company, LLC and East Coventry Township dated February 2011 (the "Agreement"). Each of the foregoing lots shall be used for Township purposes and, by reason of said Township uses, shall be exempt from the minimum area, bulk and dimensional standards of the base and overlay zoning districts as authorized by Zoning Ordinance §306.

i. General Note 1 shall be revised to change “PURPOSED” to “PROPOSED”.

3. 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 Office of the Chester County Recorder of Deeds (the “Recorder’s Office”) in accordance with SALDO §305.3.B(1)(g) and SALDO §307.2.

4. A retained easement in form and substance satisfactory to the Township, upon advice of the Township Solicitor, shall be prepared by counsel for the Applicant for the access and utility easement depicted on the Plan within the Fricks Lock Road right-of-way situated on Tax Parcel 18-002-0011. A legal description and plot plan for the proposed easement, in form and substance satisfactory to the Township Engineer, shall be provided by the Applicant's engineer in accordance with SALDO §22-305.3.B(1)(a). The retained easement shall be referenced in the Special Warranty Deed as more particularly set forth in paragraph 10 of this Resolution.

5. The Applicant's engineer shall prepare and provide legal descriptions in form and substance satisfactory to the Township Engineer for the following areas shown on the Plan: (i) that portion of existing Tax Parcel 18-002-0011 identified as Lot 11A on the Plan; (ii) the remainder of Tax Parcel 18-002-0011 following the removal of Lot 11A; (iii) that portion of existing Tax Parcel 18-002-0008 identified as Lot 17A on the Plan; (iv) Tax Parcel 18-002-0005 following the consolidation of Lot 17A with Lot 17; (v) that portion of existing Tax Parcel 18-002-0008 identified as Lot 11B on the Plan; (vi) that portion of existing Tax Parcel 18-002-0004 identified as Lot 18A on the Plan; (vii) that portion of existing Tax Parcel 18-002-0004 identified as Lot 18 on the Plan; (viii) consolidated Tax Parcel 18-002-0004 following the addition of Lot

2. The following revisions shall be made to the Plan prior to recording:
  - a. The Township shall be added to the Plan as a co-applicant and co-signatory by reason of its status as equitable owner of that portion of the Property to be donated to the Township pursuant to the Agreement.
  - b. General Note 2 shall be expanded to identify all Township ordinances applicable to the Plan, in form and substance satisfactory to the Township Engineer.
  - c. The Certification of Survey Accuracy shall be expanded to certify that the error of closure is less than one part in 25,000.
  - d. A Waiver Request Matrix shall be added to the Plan utilizing the template attached as Appendix 22-A to the SALDO. All portions of the Waiver Request Matrix shall be completed in accordance with SALDO §305.3.B(1)(d). Only those waivers approved by the Board of Supervisors pursuant to this Resolution shall be included on the Plan.
  - e. Signature lines for the Chairman and members of the Board of Supervisors shall be provided on the Plan as required by SALDO §307.2. The reference to “(Vice) President” in the Board of Supervisors signature block shall be changed to “Chairman”.
  - f. A signature line shall be provided for the Chairman of the East Coventry Township Planning Commission.
  - g. A “Reviewed by” signature block shall be provided for the East Coventry Township Engineer.
  - h. The following Plan revisions, in form and substance satisfactory to the Township Engineer, shall be made: (i) depict and identify Parcel No. 18-2-0; and (ii) identify Parcel No. 18-2-4.1.

11A, the addition of Lot 11B, and the removal of Lot 18A; (ix) consolidated Tax Parcel 18-002-0008 following the removal of Lot 17A, the removal of Lot 11B, and the addition of Lot 18A; (x) Tax Parcel 18-002-0006 identified as Lot 14 on the Plan; and (xi) Tax Parcel 18-002-0007 identified as Lot 12 on the Plan. All legal descriptions shall be submitted to the Township for review and approval by the Township Engineer and, once approved by the Township Engineer, shall be provided to the Township Solicitor for attachment to the appropriate legal documentation prior to recording such documents.

6. The Applicant's engineer shall prepare and provide plot plans or plats that correspond to the legal descriptions described in Subparagraphs 5(ii), 5(ix), 5(x) and 5(xi) above. All plot plans or plats shall be submitted to the Township for review and approval by the Township Engineer and, once approved by the Township Engineer, shall be provided to the Township Solicitor for attachment to the appropriate legal documentation prior to recording such documents.

7. Prior to the Township releasing the Plan for recording, the Applicant shall install approximately fourteen (14) iron pins in locations satisfactory to the Township Engineer to identify the perimeter of the property being conveyed to the Township, but excluding Lot 12 on the Plan, and shall deliver a letter to the Township signed and sealed by a professional land surveyor certifying that the iron pins have been installed identifying the perimeter of the property to be conveyed to the Township as required by SALDO §404.

8. Prior to the Township releasing the Plan for recording, a Deed of Consolidation shall be prepared and executed by the Applicant providing for the consolidation of Lots 11A and 11B with Tax Parcel 18-002-0004 (Lot 11), as shown on the Plan. The legal description for the consolidated parcel, once reviewed and approved by the Township Engineer, shall be 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 at the Recorder's Office at the Applicant's expense on the same date as and immediately following the recording of the Plan.

9. Prior to the Township releasing the Plan for recording, a Deed of Consolidation shall be prepared and executed by the Applicant providing for the consolidation of Lot 17A with Tax Parcel 18-002-0005 (Lot 17), as shown on the Plan. The legal description for the consolidated parcel, once reviewed and approved by the Township Engineer, shall be 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 at the Recorder's Office at the Applicant's expense on the same date as and immediately following the recording of the Plan.

10. Prior to the Township releasing the Plan for recording, one or more Special Warranty Deed(s) ("Deed(s)") shall be fully executed and delivered by the Applicant, as grantor, to East Coventry Township, as grantee, granting and conveying fee simple title to each of the following parcels of land, as shown on the Plan: (i) Tax Parcel 18-002-0011 (Lot 13) after the removal of Lot 11A and its consolidation with Lot 11; (ii) Tax Parcel 18-002-0007 (Lot 12); (iii) Tax Parcel 18-002-0006 (Lot 14); and (iv) consolidated Tax Parcel 18-002-0008 (Lots 18 and 18A). The legal descriptions for the foregoing parcels, once reviewed and approved by the Township Engineer, shall be attached to or incorporated into the Deed(s). The Deed(s) shall be acceptable in form and substance to the Township Solicitor and recorded by the Township in the Recorder's Office at the Applicant's expense on the same date as and immediately following the recording of the Plan.

11. Prior to the Township releasing the Plan for recording, the Applicant shall have performed and be in compliance with all conditions on its part to be performed under the

Agreement and that certain Lease Agreement between Exelon Generation Company, LLC and East Coventry Township dated May 13, 2013, to consummate the donation of Lots 12, 13, 14, 18 and 18A to the Township.

12. 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 Plan, the consolidation deeds, the legal descriptions, the Deed(s), and any other documentation required by this Resolution to be delivered prior to recording the Plan.

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 and the payment of all applicable fees 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 and the applicable fees have been paid, the Plan shall not be signed nor recorded. In the event that the conditions have not been satisfied and the fees have not been paid 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

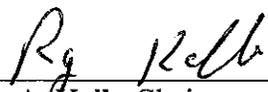
thirty (30) days of the date of this Resolution. In the event execution of this Resolution is not delivered to the Township office by 12:00 p.m. on September 13, 2017, or if the Township receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days 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 August 14, 2017.

**EAST COVENTRY TOWNSHIP**

Attest:   
**Bernard A. Rodgers, Secretary**

By:   
**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 (Lot Line Adjustment) Subdivision Approval.

APPLICANT:

EXELON GENERATION COMPANY, LLC

Date: 9/19/17

By:   
Name: Ronald L. Zaek  
Title: Assistant Secretary