

**UPPER DUBLIN TOWNSHIP BOARD OF COMMISSIONERS**  
**MONTGOMERY COUNTY, PA**  
**RESOLUTION NO. 18- 2274**  
**LAND DEVELOPMENT APPLICATION U.D. NO. 17-01 FOR FINAL LAND**  
**DEVELOPMENT/SUBDIVISION APPROVAL FOR THE MIXED-USE**  
**DEVELOPMENT KNOWN AS "PROMENADE AT UPPER DUBLIN"**

WHEREAS, BT Dreshertown, LP ("Developer") is the owner of a property located at Welsh & Dreshertown Roads, comprising approximately 25.4 acres of land (the "Property"); and,

WHEREAS, the Property is located in the OC Office Center Zoning District and designed according to the Mixed Use Development standards of Upper Dublin Township Zoning Code, Chapter 255, Sections 255-60.D. and 255-61.1; and,

WHEREAS, the Property will be developed pursuant to Final Land Development Plans prepared by Gilmore & Associates, Inc., dated February 10, 2017, last revised on January 12, 2018, consisting of sheets 1 through 60 (the "Plans"), together with a Post-Construction Stormwater Management Report, prepared by Gilmore & Associates, Inc. dated February 10, 2017, last revised January 12, 2018 (the "Report"), all of which are incorporated herein by reference and expressly made a part hereof (the "Project"); and,

WHEREAS, the Property also will be developed pursuant to the Declaration of Covenants and Restrictions dated December 5, 2016, and the Amendment to Declaration of Covenants and Restrictions dated March 28, 2017 ("Covenants and Restrictions"); and,

WHEREAS, the Board of Commissioners, on June 7, 2017, conducted a hearing on the conditional use application of Developer (In Re: Application for Conditional Use of BT Dreshertown, LP.), and on July 11, 2017, issued its Findings of Fact, Conclusion of Law, and Decision ("Conditional Use Approval"); and,

WHEREAS, the application has received Preliminary Subdivision/Land Development approval from the Township by Resolution 17-2259, dated July 11, 2017, which resolution identifies preliminary application plans, documents, reports, approved waivers, and accompanying data that depicts the specific improvements and layouts associated with the Project, and also identifies pertinent conditions of approval that the Developer has agreed to satisfy to the Township's satisfaction, all of which are incorporated herein by reference and expressly made a part hereof; and,

WHEREAS, the Developer desires to obtain final land development approval of the Plans from the Upper Dublin Township Board of Commissioners in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.

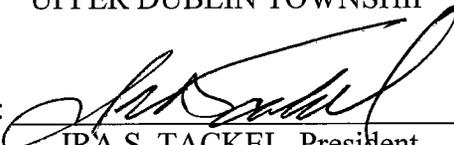
NOW, THEREFORE, be it resolved, that Upper Dublin Township hereby grants final approval of land development application UD #17-01, as shown on the Plans subject, however, to the following conditions:

1. The WHEREAS clauses are incorporated by reference as if fully set forth herein.
2. The Project shall be constructed in strict accordance with the Plans, the comments and details on the Plans, the Report, the terms and conditions of this Resolution, and the terms and conditions of a Land Development Agreement between the Developer and the Township, in a form to be approved by the Township Solicitor, and entered into prior to recording of the final plans.
3. The development shall be constructed in strict accordance with Upper Dublin Township Resolution 17-2259, the contents of which identify specific conditions applicable to this project and which are necessary to accomplish the objectives of the Ordinances and regulations of the Township, and which the Developer has previously agreed to satisfy and complete in accordance with the Township's reasonable direction regarding compliance.
4. The Developer will provide security in a form acceptable to the Township Solicitor, and in an amount to be approved by the Township Engineer, for any improvements or common amenities shown on the Plans and required as a condition for final approval, including but not limited to internal roads, sidewalks, trails, stormwater management facilities, open space, landscaping, lighting, parking and off-site traffic improvements, including the Township inspection of the above (to the extent such improvements are not separately escrowed by the Pennsylvania Department of Transportation).
5. The Developer shall comply with all conditions set forth in the review letter of the Township Engineer, Tom Fountain, dated February 8, 2018, except as modified by this Resolution.
6. Developer shall provide deeds of dedication in a form and manner approved by the Township Solicitor. All deeds shall be accompanied by title insurance benefitting the Township indicating free and clear title from all liens, encumbrances, and restrictions that could adversely affect the use of the areas for roadways and other municipal purposes.
7. Developer shall provide to the Township Engineer for his approval the legal descriptions for the open space areas, easements, rights of way, walking trails and the internal roads prior to the Plans being recorded.
8. Developer shall comply with all applicable Township, County, Commonwealth and Federal rules, regulations, codes, ordinances, and statutes.
9. Developer shall obtain all required approvals from various agencies having jurisdiction over the Project, including but not limited to, Pennsylvania DEP, Montgomery County Health Department, Montgomery County Conservation District, Pennsylvania Department of Labor & Industry, PennDOT, and shall comply with all rules and regulations of these agencies.
10. All documentation shall be executed prior to recording of the Record Plans.

- 11. The cost of accomplishing, satisfying and meeting all of the terms, conditions and requirements of the Plans, notes to the Plans and the Land Development Agreement shall be borne entirely by the Developer and shall be at no cost to the Township.
  
- 12. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the payment of all applicable fees and the funding of all escrows under the Land Development Agreement, and as required by the Upper Dublin Township Code, must be accomplished within ninety (90) days from the date of the grant of final plan approval, unless a written extension is granted by Upper Dublin Township. Until such time as the applicable fees and contributions have been paid, the escrow is fully funded, the security provided and the Land Development Agreement executed, the final plat or record plan shall not be signed or recorded. In the event that the fees have not been paid and the escrow has not been funded within ninety (90) days of the grant of final plan approval (or any written extension thereof), this contingent land development approval shall expire and be deemed to have been revoked.

Approved by the Board of Commissioners of Upper Dublin Township this 13<sup>th</sup> day of March 2018.

UPPER DUBLIN TOWNSHIP

By:   
IRA S. TACKEL, President

ATTEST:

  
PAUL A. LEONARD, Township Manager/Secretary