

**HATFIELD TOWNSHIP
RESOLUTION 11-12**

**PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT APPROVAL
FOR OAK TREE INDUSTRIAL ASSOCIATES, L.P., FOR THE PROPERTY
LOCATED AT 2700 BERGEY ROAD, HATFIELD TOWNSHIP,
PENNSYLVANIA**

WHEREAS, Oak Tree Industrial Associates, LP, (the “Applicant”), is the owner of property located at 2700 Bergey Road, which is a portion of a parcel consisting of approximately 7.990 acres, and which is further identified as Hatfield Township Tax Block 77, Unit 80; and Montgomery County Tax Parcel No. 35-00-00331-01-2 (the “Property”); and

WHEREAS, the Applicant has requested preliminary/final approval of the land development plan for the Property shown on the set of plans entitled Oak Tree Office Campus prepared by Guy Engineering Associates, Inc., dated February 17, 2009, last revised April 9, 2011, sheets 1 through 29 of 29 (the “Plan”); and

WHEREAS, the Improvements include two office buildings, with a total area of 102,690 square feet; and

WHEREAS, the Plan and application have been reviewed by the Township Engineer, Township Traffic Engineer, Hatfield Township (the “Township”) and Montgomery County review agencies, and have been found to be suitable for preliminary/final approval, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the Hatfield Township Board of Commissioners grants preliminary/final approval of the Plan subject to the following conditions and requirements:

1. Following final approval, but prior to issuance of building permits, the Applicant shall execute a Land Development and Escrow Agreement (the “Agreement”), execute and deliver all necessary and appropriate deeds of dedication, and post financial security for construction of improvements on the Property, all of which shall be in a form acceptable to the Township Solicitor.
2. Following final approval, but prior to issuance of building permits, the Applicant shall tender to the Township an Open Space Contribution of \$34,230 in lieu of the open space requirements of Section 250-64 of the Hatfield Township Subdivision and Land Development Ordinance.

3. Following final approval, but prior to issuance of building permits, the Applicant shall tender to the Township a Transportation Impact fee of \$369,205.28 as required by the McMahon Associates, Inc letter dated March 22, 2010.
4. Payment of fees and contributions as set forth in paragraphs 2 and 3 shall be made proportionate to the square footage of the building being constructed and shall be paid prior to issuance of the building permit for the building at issue.
5. The Applicant shall further comply with all provisions and conditions set forth in the March 29, 2010 T&M Associates letter to Hatfield Township (attached hereto and incorporated herein by reference), except as expressly waived or expressly modified herein.
6. The Township grants waivers to the Applicant from the following requirements of the Township Subdivision and Land Development Ordinance:
 - (a) Section 250-30.A, to allow a curb reveal of 6" for internal driveways and parking areas.
 - (b) Section 250-38.A.2, to allow 40' buffer rather than the required 50' buffer along the Diaddezio property in consideration of additional landscaping to be planted on the Diaddezio property.
 - (c) Section 250-38.B.1, to allow planting of street trees closer than 15' to the ultimate right-of-way of Bergey Road.
 - (d) Section 250-67.B(1) & 250-72.A(1), to allow a plan scale of 1" = 50'.
7. This approval and the grant of the waivers set forth in paragraph 6 are further conditioned upon acceptance of the conditions contained herein by the Applicant and his signifying acceptance of these conditions by signing a copy of this Resolution and returning it to the Township.
8. In the event that said execution of the Resolution is not delivered to the Township office by noon, Wednesday, May 4, 2011, it shall be deemed that the Applicant does not accept these conditions and any approvals and grants of waivers conditioned upon the acceptance of the conditions are revoked and the application shall be considered denied for the reason of the denial of the waivers set forth in paragraph 6 and the resulting violation of the Plan of the terms of the Township Subdivision and Land Development Ordinance, as authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508.
9. Prior to recording of final plans, all outstanding legal, engineering, and administrative fees applicable to this subdivision must be paid by Applicant.

10. This approval is subject to the fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any plans be recorded, nor shall any development take place on the Property, unless and until all such conditions are fulfilled.

DULY PRESENTED AND ADOPTED by the Hatfield Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this 27th day of April 2011.

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Thomas C. Zipfel, President

ATTEST:

**Andrew S. Haines
Township Manager**

ACCEPTED: Oak Tree Industrial Associates, LP

By: _____

(Print Name and Title)

Date: _____