

**OFFICIAL  
BOROUGH OF FRANKLIN PARK  
ORDINANCE NO. 581-2010**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, ALLEGHENY COUNTY, PENNSYLVANIA ACCEPTING AND ADOPTING AS BOROUGH STREETS PIONEER DRIVE, HOLMES DRIVE AND COLONIAL DRIVE IN PHASE IV AND COLONIAL COURT IN PHASE V AND ALL APPURTENANCES, IN THE SETTLERS WALK PLAN OF LOTS THERETO AS THE SAME AND LAID OUT AND CONSTRUCTED AND RECORDED IN THE DEPARTMENT OF REAL ESTATE, ALLEGHENY COUNTY, PENNSYLVANIA IN PLAN BOOK VOLUME 251, PAGE 12; ACCEPTING AND ADOPTING ALL APPURTENANCES THERETO AS BOROUGH FACILITIES INCLUDING BUT NOT LIMITED TO CURBS AND SURFACE WATER DRAINAGE FACILITIES ABUTTING THEREON, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF BOROUGH COUNCIL TO ENTER INTO AN AGREEMENT WITH FRANKLIN PARK PROPERTIES, LLC PROVIDING THAT FRANKLIN PARK PROPERTIES, LLC SHALL AND WILL MAINTAIN AFORESAID IMPROVEMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS AGAINST DEFECTIVE WORKMANSHIP AND MATERIAL IN SAID PLAN; REQUIRING FRANKLIN PARK PROPERTIES, LLC TO PROVIDE A SURETY BOND OR OTHER APPROPRIATE SECURITY IN THE AMOUNT OF \$89,200.00 (\$69,400.00 PHASE IV AND \$19,800.00 PHASE V) TO SECURE ITS OBLIGATIONS UNDER SAID AGREEMENT.**

WHEREAS, the Borough of Franklin Park accepted and adopted the dedicated public improvements designated as Settlers Walk Plan of Lots Phases I and II by Ordinance No. 535-2005; and

WHEREAS, the Borough of Franklin Park accepted and adopted the dedicated public improvements designated as Settlers Walk Plan of Lots Phase III by Ordinance No. 554-2007; and

WHEREAS, Franklin Park Properties, LLC has laid out a Plan of Lots situated in the Borough of Franklin Park designated as Settlers Walk Plan of Lots Phases IV and V and recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 251, page 12 (Phase IV) and Plan Book Volume 254, page 192 (Phase V); and

WHEREAS, on July 6, 2005 (Phase IV) and June 14, 2006 (Phase V), Franklin Park Properties entered into Development Agreements with the Borough of Franklin Park for

the development of Settlers Walk Plan of Lots Phases IV and V to and include the construction of streets and curbs abutting thereon; and

WHEREAS, pursuant thereto Franklin Park Properties, LLC undertook to physically construct and install Pioneer Drive, Holmes Drive, and Colonial Drive in Phase IV and Colonial Court in Phase V, the curbs thereon and abutting surface water drainage facilities in accordance with the plans submitted to the Borough, a copy of which is contained in the Borough files and incorporated herein by reference, to the specifications of the Borough, which installation have been completed to the satisfaction of the Borough and the Borough has been requested by Franklin Park Properties, LLC to accept and adopt 1,920 linear feet of Pioneer Drive, 535 linear feet of Holmes Drive, and 730 linear feet of Colonial Drive in Phase IV and 455 linear feet of Colonial Court in Phase V of the Settlers Walk Plan of Lots and all appurtenances in the Settlers Walk Plan of Lots, as Borough improvements subject to the execution of the Maintenance Agreement and the securing of the same by an appropriate surety performance bond or other approved security.

NOW, THEREFORE, it is hereby ordained and enacted by Borough Council of the Borough of Franklin Park as follows:

Section 1. The Borough of Franklin Park does hereby accept and adopt 1,920 linear feet of Pioneer Drive, 535 linear feet of Holmes Drive, and 730 linear feet of Colonial Drive in Phase IV and 455 linear feet of Colonial Court in Phase V of the Settlers Walk Plan of Lots and its curbs and abutting surface water draining facilities thereon, as physically constructed and installed in the Settlers Walk Plan of Lots Phases IV and V as described in the site plan drawings which are contained in the Borough files and incorporated herein by reference.

Section 2. The President of Borough Council is authorized, empowered and directed to execute a Maintenance Agreement with Franklin Park Properties provided that said Franklin Park Properties, LLC shall and will maintain the aforesaid improvements

accepted and adopted hereunder by the Borough for a period of eighteen (18) months from the date of said agreement against damages occasioned to said improvements as the result of faulty workmanship and/or materials or as the result of the use of the streets in said Plan by equipment in connection with the construction of dwelling houses in said Plan providing that said agreement shall require Franklin Park Properties, LLC to deliver unto the Borough their bond with approved surety or other satisfactory security in the amount of \$89,200.00 (\$69,400.00 Phase IV and \$19,800.00 Phase V) to secure its obligations under said agreement.

Section 3. Any ordinance or part of any ordinance conflicting with the provisions of this ordinance being the same are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED into law by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania, at its meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

**BOROUGH OF FRANKLIN PARK**

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor