

**OFFICIAL
BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 582-2010**

AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, ALLEGHENY COUNTY, PENNSYLVANIA ACCEPTING AND ADOPTING AS BOROUGH STREETS NORMAN DRIVE, DAWN DRIVE, GIBSON DRIVE, MARKLEY DRIVE, ROSEM COURT, AND CHRISTA COURT AND ALL APPURTENANCES IN THE NICHOLSON WOODS PLAN OF LOTS PHASE I, II, AND III THERETO AS THE SAME ARE LAID OUT, CONSTRUCTED AND RECORDED IN THE DEPARTMENT OF REAL ESTATE, ALLEGHENY COUNTY, PENNSYLVANIA IN PLAN BOOK VOLUME 209, PAGES 60-63 (PHASE I), VOLUME 215, PAGES 90-91 (PHASE II), AND VOLUME 229, PAGES 158-159 (PHASE III); ACCEPTING AND ADOPTING ALL APPURTENANCES THERETO AS BOROUGH FACILITIES INCLUDING BUT NOT LIMITED TO CURBS AND SURFACE WATER DRAINAGE FACILITIES ABUTTING THEREON, WITH THE EXCLUSION OF CERTAIN HANDICAP RAMPS AND AN UNDER-DRAIN LOCATED AT 1626 NORMAN DRIVE; EMPOWERING AND DIRECTING THE PROPER OFFICERS OF BOROUGH COUNCIL TO ENTER INTO AN AGREEMENT WITH ZOKAITES CONTRACTING, INC. PROVIDING THAT ZOKAITES CONTRACTING, INC. SHALL AND WILL MAINTAIN AFORESAID IMPROVEMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS AGAINST DEFECTIVE WORKMANSHIP AND MATERIAL IN SAID PLAN; REQUIRING ZOKAITES CONTRACTING, INC. TO PROVIDE AN APPROPRIATE FINANCIAL SECURITY IN THE AMOUNT OF \$124,000.00 TO SECURE ITS OBLIGATIONS UNDER SAID AGREEMENT.

WHEREAS, ZOKAITES CONTRACTING, INC. has laid out a Plan of Lots situated in the Borough of Franklin Park designated as the Nicholson Woods Plan of Lots Phase I, II, and III and recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 209, pages 60-63 (Phase I), Volume 215, pages 90-91 (Phase II), and Volume 229, pages 158-159 (Phase III); and

WHEREAS, on October 2, 2998 (Phase I), May 25, 1999 (Phase II), and November 27, 2000 (Phase III), ZOKAITES CONTRACTING, INC. entered into Development Agreements with the Borough of Franklin Park for the development of the Nicholson Woods Plan of Lots Phase I, II, and III to include the construction of streets and curbs abutting thereon; and

WHEREAS, pursuant thereto ZOKAITES CONTRACTING, INC. undertook to physically construct and install Norman Drive, Dawn Drive, Gibson Drive, Markley Drive, Rosem Court, and Christa Court, 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 ZOKAITES CONTRACTING, INC. to accept and adopt the streets and all appurtenances in the Nicholson Woods Plan of Lots Phase I, II, and III, as Borough improvements subject to the execution of the Maintenance Agreement and the securing of the same by an appropriate financial security pursuant to 53 P.S. § 10509 (k).

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 2,320 linear feet of Norman Drive, 1,450 linear feet of Dawn Drive, 410 linear feet of Gibson Drive, 1,075 linear feet of Markley Drive, 195 linear feet of Rosem Court, and 475 linear feet of Christa Court in the Nicholson Woods Plan of Lots Phase I, II, and III and all appurtenances in the Nicholson Woods Plan of Lots Phase I, II, and III and its curbs and abutting surface water draining facilities thereon, as physically constructed and installed in the Nicholson Woods Plan of Lots Phase I, II, and III as described in the site plan drawings which are contained in the Borough files and incorporated herein by reference. Specifically excepted from this acceptance and adoption are the four (4) handicap ramps at the intersection of Dawn Drive and Gibson Drive, the six (6) handicap ramps at the intersection of Gibson Drive and Norman Drive, the one (1) handicap ramp at the intersection of Norman Drive and Markley Drive, the three (3) handicap ramps at the intersection of Markley Drive and Christa Court, and the four (4) handicap ramps at the

intersection of Markley Drive and Rosem Drive. Also specifically excepted from this acceptance and adoption is the under-drain located in from of house number 1626 Norman Drive which was punctured and has been repaired at the Borough's expense.

Section 2. The President of Borough Council is authorized, empowered and directed to execute a Maintenance Agreement with ZOKAITES CONTRACTING, INC. providing that said ZOKAITES CONTRACTING, INC. 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 ZOKAITES CONTRACTING, INC. to deliver unto the Borough an appropriate financial security in the amount of \$124,000.00 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