

**OFFICIAL
BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 584-2011**

AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, ALLEGHENY COUNTY, PENNSYLVANIA ACCEPTING AND ADOPTING AS A BOROUGH STREET BRANDTVIEW DRIVE AND ALL APPURTENANCES, IN THE BRANDTVIEW PLACE PLAN OF LOTS THERETO AS THE SAME ARE LAID OUT AND CONSTRUCTED AND RECORDED IN THE DEPARTMENT OF REAL ESTATE, ALLEGHENY COUNTY, PENNSYLVANIA IN PLAN BOOK VOLUME 259, PAGE 7; 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 BAYARD CROSSINGS CORP. PROVIDING THAT BAYARD CROSSINGS CORP. SHALL AND WILL MAINTAIN AFORESAID IMPROVEMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS AGAINST DEFECTIVE WORKMANSHIP AND MATERIAL IN SAID PLAN; REQUIRING BAYARD CROSSINGS CORP. TO PROVIDE A FINANCIAL SECURITY IN THE AMOUNT OF \$19,000.00 TO SECURE ITS OBLIGATIONS UNDER SAID AGREEMENT.

WHEREAS, Bayard Crossings has laid out a Plan of Lots situated in the Borough of Franklin Park designated as Brandtview Place Plan of Lots and recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 259, page 7; and

WHEREAS, revised subdivision plans were recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 263, page 57, Volume 264, page 131, and Volume 266, page 83;

WHEREAS, on August 15, 2007, Bayard Crossings Corp. entered into a Development Agreement with the Borough of Franklin Park for the development of the Brandtview Place Plan of Lots to include the construction of streets and curbs abutting thereon; and

WHEREAS, pursuant thereto, Bayard Crossings Corp. undertook to physically construct and install Brandtview Drive, 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 Bayard Crossings Corp. to accept and adopt 555 linear feet of Brandtview Drive in the Brandtview Place Plan of Lots and all appurtenances in the Brandtview Place Plan of Lots, as Borough improvements subject to the execution of the Maintenance Agreement and the securing of the same by an appropriate financial 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 555 linear feet of Brandtview Drive in the Brandtview Place Plan of Lots and its curbs and abutting surface water draining facilities thereon, as physically constructed and installed in Brandtview Place Plan of Lots as described in the site plan drawings which have been approved by the Borough, are contained in the Borough files, and are incorporated herein by reference.

Section 2. The President of Borough Council is authorized, empowered and directed to execute a Maintenance Agreement with Bayard Crossings Corp. provided that said Bayard Crossings Corp. 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 or the effective date of this ordinance, whichever is later, 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 Bayard Crossings Corp. to deliver unto the Borough their financial security in the amount of \$19,000.00 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.

Section 4. This ordinance is effective immediately.

ORDAINED AND ENACTED into law by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania, at its meeting held on ____ day of _____, 2011.

ATTEST:

BOROUGH OF FRANKLIN PARK

Secretary

By: _____
President

Approved by me this ____ day of _____, 2011.

Mayor