

**OFFICIAL
BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 587-2011**

AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, ALLEGHENY COUNTY, PENNSYLVANIA REPEALING ORDINANCE NO. 585-2011, AND ENACTING IN ITS PLACE A REVISED ORDINANCE ENTITLED "AN ORDINANCE ACCEPTING AND ADOPTING AS A BOROUGH STREET PORTIONS OF BOTH LAUREL DRIVE AND WATERLEAF DRIVE AND ALL APPURTENANCES TO THOSE PORTIONS, IN THE FIELDS OF NICHOLSON PRD PHASE 1 THERETO AS THE SAME ARE LAID OUT AND CONSTRUCTED AND RECORDED IN THE DEPARTMENT OF REAL ESTATE, ALLEGHENY COUNTY, PENNSYLVANIA IN PLAN BOOK VOLUME 258, PAGE 184; ACCEPTING AND ADOPTING ALL APPURTENANCES THERETO AS BOROUGH FACILITIES INCLUDING BUT NOT LIMITED TO CURBS AND SURFACE WATER DRAINAGE FACILITIES ABUTTING THEREON, RATIFYING THE ACTIONS OF THE PROPER OFFICERS OF BOROUGH COUNCIL TO ENTER INTO AN AGREEMENT WITH DAN & MICHAEL INC. d/b/a SIGNATURE HOMES PROVIDING THAT DAN & MICHAEL INC. d/b/a SIGNATURE HOMES SHALL AND WILL MAINTAIN AFORESAID IMPROVEMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS AGAINST DEFECTIVE WORKMANSHIP AND MATERIAL IN SAID PLAN; REQUIRING DAN & MICHAEL INC. d/b/a SIGNATURE HOMES TO PROVIDE A FINANCIAL SECURITY IN THE AMOUNT OF \$100,000.00 TO SECURE ITS OBLIGATIONS UNDER SAID AGREEMENT."

WHEREAS, Dan & Michael Inc. d/b/a Signature Homes laid out a Plan of Lots situated in the Borough of Franklin Park designated as Fields of Nicholson PRD Phase 1 – 2nd Revision and recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 258, page 184; and

WHEREAS, on November 3, 2004, Dan & Michael Inc. d/b/a Signature Homes entered into a Development Agreement with the Borough of Franklin Park for the development of the Fields of Nicholson PRD Phase 1 to include the construction of streets and curbs abutting thereon; and

WHEREAS, pursuant thereto, Dan & Michael Inc. d/b/a Signature Homes undertook to physically construct and install Laurel Drive, Waterleaf 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 Dan & Michael Inc. d/b/a Signature Homes to accept and adopt 1,500 linear feet of Laurel Drive and 560 linear feet of Waterleaf Drive in the Fields of Nicholson PRD Phase 1 and all appurtenances in the Fields of Nicholson PRD Phase 1, as Borough improvements subject to the execution of the Maintenance Agreement and the securing of the same by an appropriate financial security, as well as the certain terms and conditions relating to payments for or the transfer from Phase 1 to Phase 2 of certain items detailed in the Borough Engineer's letter dated November 11, 2010; and

WHEREAS, Borough Council did advertise and enact Ordinance No. 585-2011, which only accepted and adopted portions of Laurel Drive rather than portions of both Laurel Drive and Waterleaf Drive.

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

Section 1. Ordinance No. 585-2011, accepting and adopting as a Borough street portions of Laurel Drive, is hereby repealed in its entirety.

Section 2. The Borough of Franklin Park does hereby accept and adopt 1,500 linear feet of Laurel Drive and 560 linear feet of Waterleaf Drive, more particularly described as 1,349 linear feet of Laurel Drive from Nicholson Road 0+26 to Station 13+75, 151 linear feet of Laurel Drive from Station 21+20 to Station 22+95, 512 linear feet of Waterleaf Drive North Station 0+12 to Station 5+24, and 48 linear feet of Waterleaf Drive South Station 0+12 to Station 0+60, all within the Fields of Nicholson PRD Phase 1, and the curbs and abutting surface water draining facilities thereon, as physically

constructed and installed in Fields of Nicholson PRD Phase 1 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. The Borough hereby agrees to accept payment for or transfer from Phase 1 to Phase 2 all those certain items detailed in the Borough Engineer's letter dated November 11, 2010, incorporated herein by reference.

Section 3. The President of Borough Council was authorized, empowered and directed by Ordinance No. 585-2011 to execute a Maintenance Agreement with Dan & Michael Inc. d/b/a Signature Homes provided that said Dan & Michael Inc. d/b/a Signature Homes shall and will maintain the aforesaid improvements accepted and adopted hereunder by the Borough for a period of eighteen (18) months from January 19, 2011, 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 Dan & Michael Inc. d/b/a Signature Homes to deliver unto the Borough their financial security in the amount of \$100,000.00 to secure its obligations under said agreement. Receipt of said agreement and the required financial security on January 19, 2011 are hereby acknowledged by the Borough. The execution of said agreement is hereby ratified by the Borough.

Section 4. Should any part or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held to be invalid.

Section 5. All ordinances or parts thereof which are inconsistent with this Ordinance, including without limitation, Borough Ordinance No. 585-2011, are hereby repealed to the extent of such inconsistency.

Section 6. 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