

OFFICIAL

**BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 679-2023**

AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, ALLEGHENY COUNTY, PENNSYLVANIA ACCEPTING AND ADOPTING THE PORTION OF ROYAL OAK DRIVE (FORMERLY IDENTIFIED AS ROYAL OAK COURT) AND OTHER PUBLIC INFRASTRUCTURE AS IDENTIFIED IN THE FINAL SITE RECORDING PLAN FOR THE SQUIRE RIDGE PLAN PHASE III, AS THE SAME ARE LAID OUT AND CONSTRUCTED AND RECORDED IN THE DEPARTMENT OF REAL ESTATE, ALLEGHENY COUNTY, PENNSYLVANIA IN PLAN BOOK VOLUME 235, PAGE 65, 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 A MAINTENANCE AGREEMENT WITH THE DEVELOPER PROVIDING THAT THE DEVELOPER SHALL AND WILL MAINTAIN AFORESAID IMPROVEMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS AGAINST DEFECTIVE WORKMANSHIP AND MATERIAL IN SAID PLAN; REQUIRING THE DEVELOPER TO REIMBURSE THE BOROUGH'S EXPENSES AND TO PROVIDE A FINANCIAL SECURITY TO SECURE ITS OBLIGATIONS UNDER SAID MAINTENANCE AGREEMENT.

WHEREAS, Pitell Contracting, Inc., a Pennsylvania business corporation, duly organized and existing under the laws of the Commonwealth of Pennsylvania, with its current local and registered address being 3413 Babcock Boulevard, Pittsburgh, PA 15237 ("Developer"), has laid out a plan of lots situated in the Borough of Franklin Park designated as the Squire Ridge Plan Phase III, which has been recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 235, Page 65; and

WHEREAS, the Developer and the Borough of Franklin Park ("Borough") entered into a Development Agreement on March 29, 2002, for the development of the Squire Ridge Plan Phase III to include the construction of streets, curbs, and surface water drainage facilities abutting thereon; and

WHEREAS, by enactment of Ordinance No. 643-2018 on July 18, 2018, the Borough relocated a portion of McDevitt Road and vacated a portion of McDevitt Road associated with Lots 9, 10, and 11 in Squire Ridge Plan Phase III; and

WHEREAS, the Developer thereafter recorded a revised Squire Ridge Plan Phase III in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 299, Page 6 to revise the lot lines and redesignate Lots 9-R, 10-R, and 11-R; and

WHEREAS, as requested by the Developer and consented to by the Borough through enactment of this Ordinance, the 20-foot walking trail easement identified on the Squire Ridge Plan Phase III abutting Lots 1, 2, and 15 is hereby vacated and the fence around the stormwater management facility is no longer required; and

WHEREAS, pursuant to the Development Agreement, the Developer undertook to physically construct and install the roadway identified on the Squire Ridge Plan Phase III being identified as Royal Oak Court, now known as a continuation of Royal Oak 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 installations have been completed to the satisfaction of the Borough as noted in the letter report from Lennon Smith Souleret Engineering, Inc. dated August 8, 2023, which Borough Council approved at its regular meeting on August 16, 2023; and

WHEREAS, the Developer has requested that the Borough accept and adopt this portion of Royal Oak Drive (a cul de sac and 50-foot wide right-of-way with a length of 182 linear feet) and all appurtenances identified on the Squire Ridge Plan Phase III as Borough improvements subject to the execution of a 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, incorporating the above recitals by reference:

SECTION 1. The Borough does hereby accept and adopt the portion of Royal Oak Drive formerly identified as Royal Oak Court (a cul de sac and 50-foot wide right-of-way with a length of 182 linear feet) and all appurtenances in the Squire Ridge Plan Phase III, and its curbs and abutting surface water draining facilities thereon, as physically constructed and installed in the Squire Ridge Plan Phase III 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 accepts the public access easements over any sidewalks within the right-of-way but the abutting property owners are responsible for winter maintenance and for any repairs following the expiration of the Maintenance Agreement referenced in Section 2. The Borough releases the Developer from the obligation to construct the 20-foot walking trail easement abutting Lots 1, 2, and 15 and hereby vacates the same. The Borough releases the Developer from the obligation to construct the fence around the stormwater management facility because it is no longer required. In order to apprise the public of the proposed location, profile and dimensions of the street and to confirm the Developer's dedication for public use and associated representations and warranties, the following map is incorporated by reference and appended to this Ordinance as **Exhibit "A"**: Squire Ridge Plan Phase III which has been recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 235, Pages 65.

SECTION 2. The President of Borough Council is authorized, empowered, and directed to execute a Maintenance Agreement with the Developer providing that the Developer shall and will maintain the improvements in Squire Ridge Plan Phase III, accepted and adopted hereunder by the Borough for a period 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 the Squire Ridge Plan Phase III by equipment in

connection with the construction of dwelling houses in the Squire Ridge Plan Phase III providing that said agreement shall require the Developer to deliver unto the Borough a financial security in the amount of \$19,200.00 to secure its obligations under said agreement. This Ordinance is further contingent upon the Developer reimbursing the Borough for all expenses incurred by the Borough in connection with the development, including the fees of the Borough's professional consultants, engineering estimates, legal documents, review fees, supervision, approvals and inspections. Such expenses shall include reasonable attorney fees, engineering fees, and professional consultant fees.

SECTION 3. As required by Section 1731(b) of the Borough Code, 8 Pa.C.S. §1731(b), the names of the property owners abutting the portion of Royal Oak Drive formerly identified as Royal Oak Court within the Squire Ridge Plan Phase III are listed in **Exhibit "B"** attached hereto, made a part hereof.

SECTION 4. 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 5. If any sentence, clause, section, or part of this Ordinance is for any reason found to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. This Ordinance is effective in accordance with applicable law. The Borough Secretary shall provide a signed and sealed copy of this Ordinance to the Allegheny County Department of Real Estate for recording.

ORDAINED AND ENACTED into law by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania, at its meeting held on _____ day of _____, 2023.

ATTEST:

BOROUGH OF FRANKLIN PARK

Secretary

By: _____
President

Approved by me this _____ day of _____, 2023.

Mayor

EXHIBIT "A"
SQUIRE RIDGE PLAN PHASE III
RECORDING PLAN
PBV 235, PAGES 65

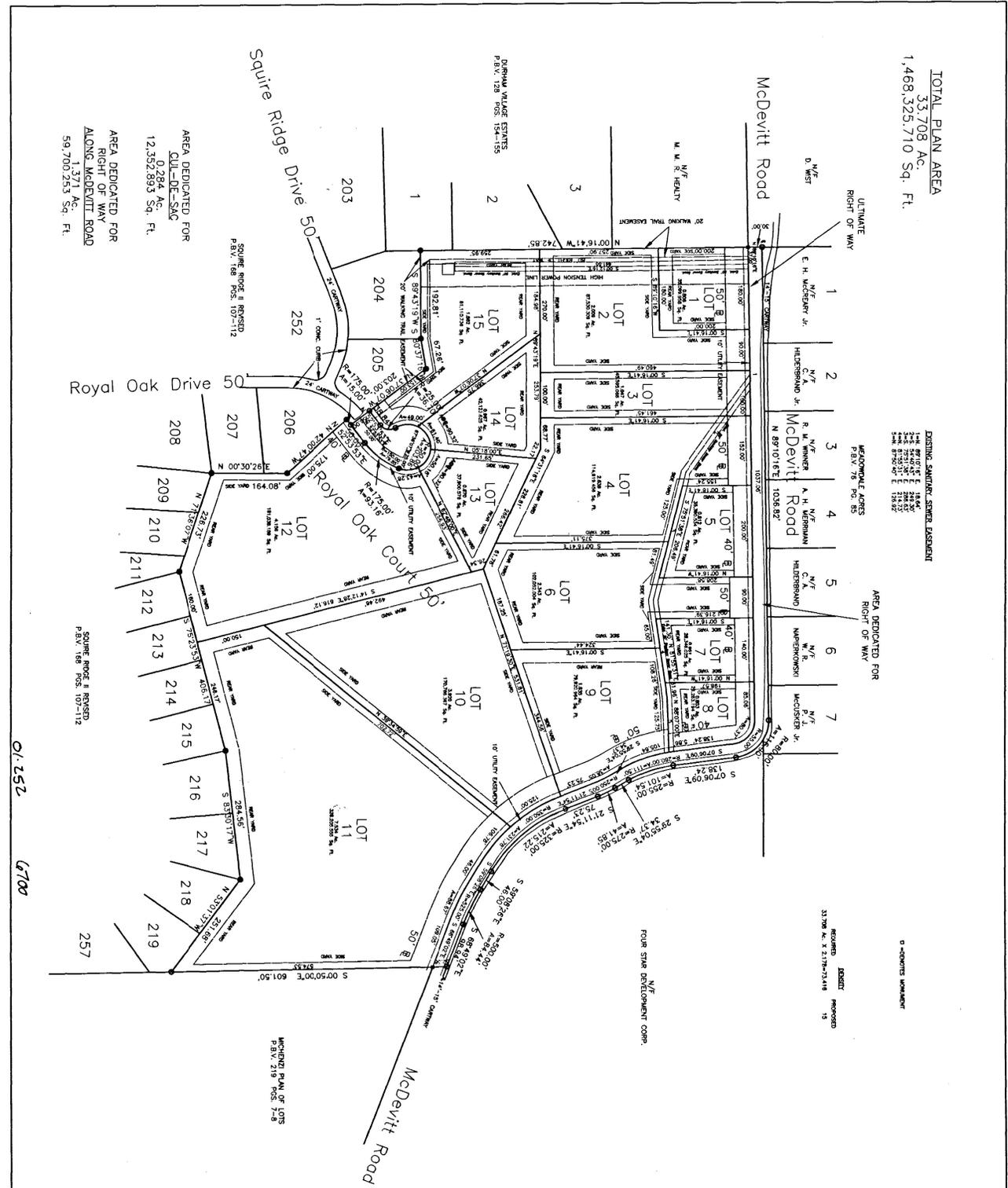
TOTAL PLAN AREA
33,708 Ac.
1,468,325,710 Sq. Ft.

DISTING. SURVEYS, ASSESS. RECORDS
1. M. M. R. HEALTY
2. R. M. WINNER
3. A. H. WERBMAN
4. H. M. WERBMAN
5. W. R. MCDONOUGH
6. M. J. MCDONOUGH
7. M. J. MCDONOUGH

AREA DEDICATED FOR
RIGHT OF WAY

RECORDED
3/17/98
RECORDED
1/15/98

PROPERTY ZONED: R-2 SINGLE FAMILY
MINIMUM LOT AREA = 20,000 Sq. Ft.
LOT WIDTH AT BUILDING SETBACK LINE = 90'
FRONT SETBACK = 50'/40'
SIDE YARD SETBACK = 15'
REAR YARD SETBACK = 15'
PERCENTAGE OF PAVING IN FRONT YARD = 20%
MAXIMUM BUILDING HEIGHT = 24'ATTIC BASEMENT
DWELLING UNITS (PER GROSS ACRES) = 2,178



01-252
G700

GRAPHIC SCALE
1" = 100'

REVISED 8/1/01 FOR APPROVAL COMMENTS	<p>FILED RECORDING, INC. 200 N. 10TH ST., SUITE 200 PHILADELPHIA, PA. 19107 TEL: 215-581-1100 FAX: 215-581-1101</p>	DATE	2
REVISED 6/15/01 FOR ENGINEER COMMENTS		DATE	
SCALE: 1"=100'		DATE	
SCALE: 1"=100'		DATE	
SCALE: 1"=100'		DATE	
PROJECT: SQUIRE RIDGE PHASE III RECORDED PLAN			
DRAWN BY: Situate			
CHECKED BY: Allegheny County			
DATE: 01-089			
DATE: 01-089			
DATE: 01-089			

