

OFFICIAL

**BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 680-2023**

AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, ALLEGHENY COUNTY, PENNSYLVANIA ACCEPTING AND ADOPTING LA PLACE POINTE COURT AND ALL OTHER PUBLIC INFRASTRUCTURE AS IDENTIFIED IN THE FINAL SITE RECORDING PLAN FOR THE LA PLACE POINTE LAND DEVELOPMENT PLAN, A/K/A TAYLOR RIDGE APARTMENTS, AS THE SAME ARE LAID OUT AND CONSTRUCTED AND RECORDED IN THE DEPARTMENT OF REAL ESTATE, ALLEGHENY COUNTY, PENNSYLVANIA IN PLAN BOOK VOLUME 237, PAGES 33 AND 34, 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, Kress Brothers Builders, LP, a Pennsylvania limited partnership, formerly identified as Kress Properties Limited Partnership, a Pennsylvania limited partnership, with its current local and registered address being 4930 S. Pioneer Road, Gibsonia, Pa 15044 ("Developer"), has laid out a plan of lots situated in the Borough of Franklin Park designated as the Taylor Ridge Apartments, formerly known as La Place Pointe Land Development Plan, which has been recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 237, Pages 33 and 34; and

WHEREAS, the Developer and the Borough of Franklin Park ("Borough") entered into a Development Agreement on July 24, 2002, for the development of the La Place Pointe Land Development Plan to include the construction of streets, curbs, and surface water drainage facilities abutting thereon; and

WHEREAS, by Assignment/Assumpsit Agreement dated September 18, 2002, Developer did assume all liabilities and obligations of Kress Properties, L.P. under the plans, permits and approvals approved by the Borough on August 21, 2002; and

WHEREAS, the Developer recorded a Lot Consolidation Plan on February 19, 2013, in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 276, Page 91, to consolidate the six lots into one lot identified as Parcel A; and

WHEREAS, pursuant to the Development Agreement, the Developer undertook to physically construct and install a roadway identified on the La Place Pointe Land Development Plan as La Place Pointe 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 installations have been completed to the satisfaction of the Borough as noted in the letter report from Lennon Smith Souleret Engineering, Inc. dated August 10, 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 La Place Pointe Court (a cul de sac and 50-foot wide right-of-way with a length of 522 linear feet) and all appurtenances identified on the La Place Pointe Land Development Plan 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 La Place Pointe Court (a cul de sac and 50 foot wide right-of-way with a length of 522 linear feet) and all appurtenances in La Place Pointe Land Development Plan, currently identified by the Allegheny County Department of Real Estate as Block and Lot No. 1068-J-12, and its curbs and abutting surface water draining facilities thereon, as physically constructed and installed in the La Place Pointe Land Development Plan 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 or within a sidewalk easement, 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. In order to apprise the public of the proposed location, profile and dimensions of the streets 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"**: La Place Pointe Land Development Plan which has been recorded in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 237, Pages 33 and 34.

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 La Place Pointe Land Development Plan, a/k/a the Taylor Ridge Apartments, accepted and adopted hereunder by the Borough for a period eighteen (18) months from the date of enactment of this Ordinance 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 La Place Pointe Land Development Plan by equipment in connection with the construction of dwelling houses in the La Place Pointe Land Development Plan providing that said agreement shall require the Developer to deliver unto the Borough a financial security in the amount of \$32,020.00 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 La Place Pointe Court within the La Place Pointe Land Development, a/k/a the Taylor Ridge Apartments 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

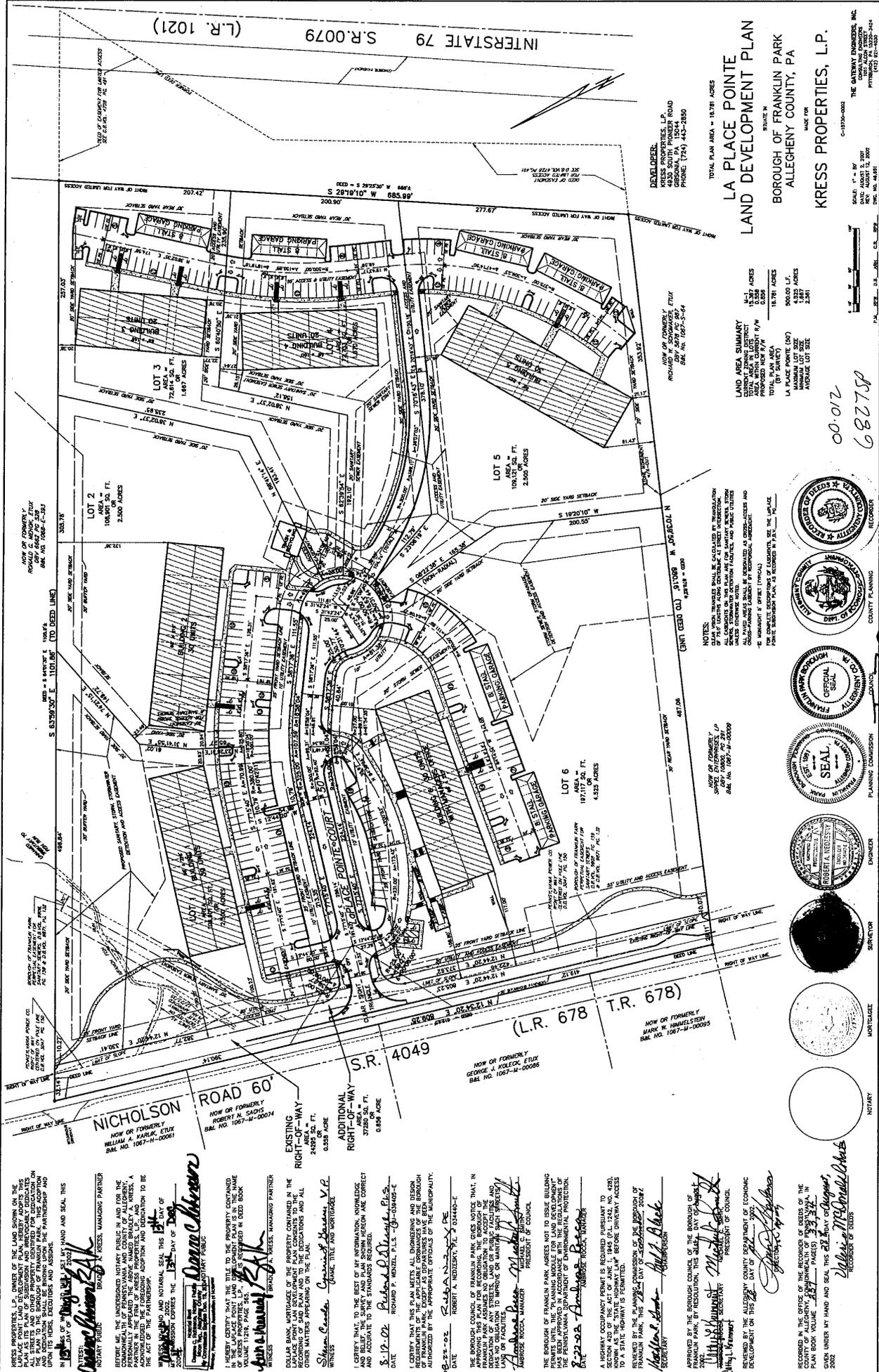
By: _____
President

Approved by me this _____ day of _____, 2023.

Mayor

EXHIBIT "A"

LA PLACE POINTE COURT LAND DEVELOPMENT SITE RECORDING PLAN
PBV 237, PAGES 33 AND 34



**LA PLACE POINTE
LAND DEVELOPMENT PLAN**

BOROUGH OF FRANKLIN PARK
ALLEGHENY COUNTY, PA

DEVELOPER:
KRESS PROPERTIES, L.P.
4830 SOUTH PINNAC ROAD
PITTSBURGH, PA 15206
PHONE: (724) 442-2800

TOTAL PLAN AREA = 18.78 ACRES

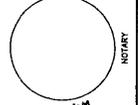
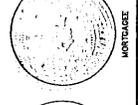
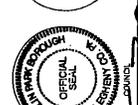
LAND AREA SUMMARY

LOT 1	1.27 ACRES
LOT 2	2.00 ACRES
LOT 3	1.68 ACRES
LOT 4	1.87 ACRES
LOT 5	2.00 ACRES
LOT 6	4.23 ACRES
TOTAL	18.78 ACRES

81289
210.00

NOTES:

1. ALL DIMENSIONS SHALL BE CALCULATED BY MEASUREMENT OF THE WORK TERRACES SHALL BE CALCULATED BY MEASUREMENT OF THE WORK TERRACES.
2. ALL DIMENSIONS ON THIS PLAN ARE FOR LAND ONLY. DIMENSIONS FOR UTILITIES, ERECTION, AND PUBLIC UTILITIES SHALL BE OBTAINED FROM THE APPROPRIATE AGENCIES.
3. DIMENSIONS FOR UTILITIES, ERECTION, AND PUBLIC UTILITIES SHALL BE OBTAINED FROM THE APPROPRIATE AGENCIES.
4. DIMENSIONS FOR UTILITIES, ERECTION, AND PUBLIC UTILITIES SHALL BE OBTAINED FROM THE APPROPRIATE AGENCIES.



KRESS PROPERTIES, L.P., OWNER OF THE LAND SHOWN ON THE LA PLACE POINTE LAND DEVELOPMENT PLAN, HEREBY APPLICANTS FOR THE LA PLACE POINTE LAND DEVELOPMENT PLAN, REQUESTS THAT THE BOROUGHS OF FRANKLIN PARK AND ALLEGHENY COUNTY, PA, APPROVE THE LA PLACE POINTE LAND DEVELOPMENT PLAN AND THE LA PLACE POINTE LAND DEVELOPMENT PLAN. THE LA PLACE POINTE LAND DEVELOPMENT PLAN IS A DEVELOPMENT PLAN FOR THE LA PLACE POINTE LAND DEVELOPMENT PLAN. THE LA PLACE POINTE LAND DEVELOPMENT PLAN IS A DEVELOPMENT PLAN FOR THE LA PLACE POINTE LAND DEVELOPMENT PLAN.

WILLIAM A. KAMRICK, ETUX
BAL. NO. 1067-M-00074

DAVID J. KAMRICK, ETUX
BAL. NO. 1067-M-00074

NOTE: ALL SIGNATURES MUST BE MADE WITH A BLACK INK FELT TIP PEN.

EXHIBIT "B"

LIST OF NAMES OF OWNERS OF A PROPERTY ABUTTING THE STREETS
AS REQUIRED BY SECTION 1731(B) OF THE BOROUGH CODE

La Place Pointe Court

Mr. Bradley A. Kress
Kress Brothers Builders, Inc.
4930 South Pioneer Road
Gibsonia, PA 15044