

RESOLUTION NO. 2018- 02

**WHEREAS**, Germany Township approved a Subdivision Plan and/or Land Development Plan and/or Stormwater Management Plan for Crosswinds Development, Phase II, on October 13, 2008, and which was recorded in Adams County Plat Book 95 at page 78; and

**WHEREAS**, Bon Ton Builders, Inc., and Floyd Forbes, Developers of Crosswinds Development Phase II, prepared a Second Amended Plan dated July 2, 2014, which was approved by Germany Township to illustrate As-Built Conditions and Plans regarding stormwater basins which called for construction specifications for ponds to be constructed and located on Lots 3, 31 and 33, as well as swales and stormwater facilities located on all other lots as depicted on the Second Amended Plan which is incorporated in its entirety herein by reference; and

**WHEREAS**, on August 4, 2014, Bon Ton Builders, Inc., and Floyd Forbes, Developers, and Germany Township entered into and executed a Stormwater Management Practices, Facilities and Systems Maintenance and Monitoring Agreement regarding the maintenance of the stormwater facilities located on Lots 3, 31 and 33 of Crosswinds Development Phase II, all of which is incorporated herein by reference; and

**WHEREAS**, by a letter dated October 23, 2017, Robert Sharrah, Engineer for Bon Ton Builders, Inc., and Floyd Forbes, Developers of Crosswinds Phase II, requested that modifications of the specifications for the stormwater management basins located on Lots 3, 31 and 33, and specifically that the sand/soil/compost mix and underdrains as specified on the approved Design Plans set forth in the Second Amended Plan dated July 2, 2014, not be required on each of Lots 3, 31 and 33; and

**WHEREAS**, on March 12, 2018, the Board of Supervisors of Germany Township unanimously decided to deny the request to modify the construction specifications previously approved by Germany Township in the As-Built Conditions and Plans set forth in the Second Amended Plan dated July 2, 2014, and specifically that the sand/soil/compost mix and the underdrains be included and constructed in each pond on Lots 3, 31 and 33; and

**WHEREAS**, Germany Township, upon further review, and with input and opinions received from the Germany Township Engineer and the lot owner of Lot 3, the Board of Supervisors, at their regular monthly meeting on August 13, 2018, voted to rescind their decision of March 12, 2018, specifically with the request from Bon Ton Builders, Inc., and Floyd Forbes, for relief from installing the sand/soil/compost mix and underdrains for Lot 3 only; and

**WHEREAS**, at a meeting of the Board of Supervisors on August 13, 2018, the current owners of Lot 3 requested that the rock emergency spillway be removed and be replaced with a grass spillway, which the Board of Supervisors voted upon and granted the request.

**WHEREAS**, at their monthly meeting on August 13, 2018, the Board of Supervisors upheld the denial to Bon Ton Builders, Inc., and Floyd Forbes' request for relief from installing the sand/soil/compost mix and underdrains for Lots 31 and 33, the result of which is that the As-Built Specifications set forth in the Second Amended Plan prepared by Bon Ton Builders, Inc., and

Floyd Forbes, Developers of Crosswinds Phase II, dated July 2, 2014, approved by Germany Township, and that Bon Ton Builders, Inc., and Floyd Forbes shall comply with said specifications for the construction of the stormwater management ponds on Lots 31 and 33, requiring the installation of sand/soil/compost mix and underdrains as approved.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Germany Township as follows:

1. Bon Ton Builders, Inc., and Floyd Forbes shall not be required to install sand/soil/compost mix and underdrains for Lot 3 only in Crosswinds Development, Phase II, and therefore grants the request for relief filed by Bon Ton Builders, Inc., and Floyd Forbes, as to Lot 3 only.

2. Bon Ton Builders, Inc., and Floyd Forbes, Developers of Crosswinds Development, Phase II, shall be required to prepare new As-Built Conditions and Plans regarding the stormwater basin on Lot 3, a copy of which is attached hereto, made a part hereof and referred to as Exhibit "A", all of which shall be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

3. The rock emergency spillway currently installed on Lot 3 shall be removed and replaced with grass spillway.

4. Notification will be sent by the Board of Supervisors to the present owner of Lot 3 of Crosswinds Development Phase II that the long term maintenance of the stormwater basin installed on Lot 3 aforesaid will be the responsibility of the present owner and all subsequent owners of Lot 3, and that it will be the requirement of the present owner of Lot 3 and all subsequent and future owners of Lot 3 to maintain said basin, and if the basin on Lot 3 should fail to de-water satisfactorily in the future, then it will be the responsibility of the owner of Lot 3 to prepare and pay for a Plan to be submitted, reviewed and approved by the Township prior to any construction for the remediation of any failure of Lot 3 to de-water satisfactorily. Said Plan, if applicable, after approval by the Township, shall be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

5. Bon Ton Builders, Inc., and Floyd Forbes, Developers of Crosswinds Development, Phase II, shall be required to install the sand/soil/compost mix and underdrains for Lots 31 and 33 of Crosswinds Development Phase II pursuant to the construction specifications set forth in the Second Amended Plan prepared by Bon Ton Builders, Inc., and Floyd Forbes, dated July 2, 2014, and approved by Germany Township, illustrating As-Built Conditions and Plans for the stormwater basins on Lots 31 and 33.

6. This Resolution shall be placed on record in the Adams County Recorder of Deeds Office to specifically notify the owner of Lot 3 and all future and subsequent owners of Lot 3 of the provisions of this Resolution.

**THIS RESOLUTION** is adopted the \_\_\_\_ day of \_\_\_\_\_ 2018.

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
Germany Township

COMMONWEALTH OF PENNSYLVANIA     :  
  : ss:  
COUNTY OF ADAMS                                     :

On this, the \_\_\_ day of \_\_\_\_\_, 2018, before me, a Notary Public, the undersigned officer, personally appeared Thomas E. Osborne, who acknowledged himself to be Chairman of the Germany Township Board of Supervisors, and that he as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Township by himself as Chairman.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal.

\_\_\_\_\_  
Notary Public