



RESOLUTION NO. 2016-26

**APPROVAL OF SUBDIVISION INTO TWO PARCELS OF THE 13 ACRE PHASE I OF
SECTOR ONE OF PRD PLAN FOR ELLIS PRESERVE TOWN CENTER
(SUBDIVIDING THE HOTEL FROM THE SHOPPING CENTER AT THE
NORTHEWEST CORNER OF CLYDE LANE AND WEST CHESTER PIKE)**

WHEREAS, the Board of Supervisors of Newtown Township recites the following:

I. Introduction

1. This subdivision proposal is submitted by Ellis Retail Phase I, L.P. and Ellis Straw Party Retail/Hotel, L.P. (“Applicants”), to subdivide the 13 acre portion of Ellis Preserve Town Center into two lots with one lot containing a hotel and the other lot containing the remaining shopping center at the northwest Corner of Clyde Lane and West Chester Pike.

2 On November 23, 2015, the Board of Supervisors approved Resolution No. 2015-32 (executed on December 14, 2015) granting final approval for a hotel and approving certain other modifications to the final land development approvals of Phases I and IA of Sector One for applicant BPG Development Company/Equus Partners Limited (“BPG Equus”), successor in interest to BPG Real Estate Investors – Straw Party 1, L.P., et al. (“BPG”);

3. The aforementioned approval was the “Third Amended Final Plan” for Phases I and IA of the larger 218 acre Ellis Preserve Town Center site, and amended the Second Amended Final Plan approved by the Board of Supervisors on March 9, 2015, Resolution No. 2015-13.

4. On February 26, 2016, Applicants submitted to the Township an Application for approval of the aforementioned subdivision, along with the relevant Subdivision Plan, Page 1 of 1, dated February 22, 2016, and last revised May 4, 2016, and prepared by Bohler Engineering. The application and supporting submissions are referred to as the (“**Application and Subdivision Plan**”), seeking to subdivide the roughly 13 acre parcel into two lots, with the proposed hotel being on one 1.821 acre lot, and the remainder of the Phase I shopping center being on the remaining 11.179 acre lot.

II. Review of the current Application

5. The Township Engineer reviewed the Application and made comments in the form of review letters dated April 13, 2016 and May 6, 2016. The review letters are attached as Exhibit A.

6. On April 20, 2016, the Applicants’ engineer, Bohler, provided requested legal descriptions and provided other responses to the Township Engineer’s April 13, 2016 review letter. The response letter and attachments are attached as Exhibit B.

7. On April 28, 2016, the Newtown Township Planning Commission considered the Application and recommended approval.

8. On March 17, 2016, the Delaware County Planning Commission reviewed the Application and recommended approval. The review letter is attached as Exhibit C

III. Resolution

NOW THEREFORE, the Board of Supervisors of Newtown Township hereby RESOLVES:

- a) The recitals set forth above are incorporated herein by reference.
- b) The Application and Subdivision Plan is approved, subject to:

i) Applicants, landowners and subsequent landowners must comply with all conditions and promises set forth or incorporated in the relevant Tentative Plan and Final Plan Approvals, and specifically approval Resolution 2015-32, and approval Resolution 2015-13 as applicable, including but not limited to the design guidelines/design manual;

ii) Applicants, landowners and subsequent land owners must comply with all comments, conditions and assurances set forth in the April 13, 2016 Township Engineer Review letter and the April 20, 2016 Bohler response letter with attachments, including but not limited to reciprocal access, utility and stormwater management easements;

iii) The Applicants, landowners and subsequent landowners will record new deeds in accordance with legal descriptions provided by the Applicants;

iv) the overall PRD Plans will be revised to depict the new property lines;

v) Applicants, landowner and subsequent landowners shall comply in all respects with all applicable Township Codes, ordinances and regulations, as well as any applicable County, State or Federal regulations;

vi) Applicant, landowners and subsequent landowners shall amend the existing Developer's and Escrow Agreements for Phase I and IA with the Township as required by the Township Solicitor as necessary to incorporate the changes herein and provide financial security for same; and

c. This Approval is contingent upon payment of all outstanding professional fees/escrow replenishment, prior to filing with the recorder of deeds, except as properly challenged in accordance with the MPC.


RESOLVED, this 23rd day of _May, 2016, at a public meeting of the Board of Supervisors.

BOARD OF SUPERVISORS
NEWTOWN TOWNSHIP

BY: 

John A. Nawn, P.E., Chairman

ATTESTED


Stephen M. Nease, Secretary