

Resolution No. 2010- 11

A RESOLUTION OF THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, OFFICIALLY APPROVING THE PRELIMINARY AND FINAL LAND DEVELOPMENT PLAN, WITH CONDITIONS, FOR THE LAND DEVELOPMENT PLAN REFERENCING THE DEVELOPMENT OF AN OFFICE BUILDING AND HOTEL REDEVELOPMENT PROJECT, LOCATED ALONG MANOR ROAD, APPROXIMATELY 500 FEET SOUTH OF THE US 30 COATESVILLE-DOWNTOWN BYPASS IN THE CITY OF COATESVILLE.

WHEREAS, the City of Coatesville is a Chartered Third Class City in the Commonwealth of Pennsylvania; and,

WHEREAS, the Coatesville Planning Commission has reviewed the Preliminary and Final Land Development Plan ("Plan") submitted by the developer, Coatesville Inn Associates, a Pennsylvania Limited Partnership (the "Applicant"), for the land located along Manor Road, approximately 500 feet south of the US 30 Coatesville-Downingtown Bypass for the construction of an office building and hotel redevelopment project, and related improvements in the City of Coatesville; and,

WHEREAS, this Plan was prepared by D. L. Howell Associates, Inc.; and,

WHEREAS, the Coatesville Planning Commission has recommended the approval of the Plan subject to certain conditions; and,

WHEREAS, the Coatesville City Council is willing to approve the Applicant's Plan dated December 18, 2009, last revised April 2, 2010, subject to the Applicant's agreement to and satisfactory compliance with the following conditions:

1. Comply with the comments and requirements of T&M set forth in the review letter addressed to the City of Coatesville dated April 8, 2010, a copy of which is attached hereto as Exhibit "A."
2. Comply with the comments and requirements of Thomas Comitta Associates, Inc. set forth in the Memorandum to the City of Coatesville dated April 8, 2010, a copy of which is attached hereto as Exhibit "B".
3. Submission, in a form acceptable to the Coatesville City Solicitor, of a Development Agreement and the Financial Security Agreement, including the posting of required escrow prior to commencement of any work.
4. Applicant's receipt of all outside permits necessary for development, with the specific understanding that if any such permit – such as a Highway Occupancy Permit – affects the layout, that such revisions will require further review by the City, its Planning Commission and consultants.

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5. The Applicant has agreed to encumber a portion of property which Applicant is the owner of the air rights over, located south of the proposed Plan (and more broadly identified on the overall site plan for reference purposes) with a FIFTY FOOT (50') wide easement with an approximate length of TWO HUNDRED FEET (200') through the property to enable the City to gain access to the Brandywine Creek from Manor Road for a possible future connection over the Brandywine Creek to a Regional Recreational Area as shown on the overall site plan. The Applicant, as a further condition of this approval, shall execute an Easement Agreement, in a form acceptable to the City Solicitor governing this same easement. The Applicant has the authority to reserve the right to relocate the easement in the future depending upon the manner in which the balance of the property is developed to a location acceptable to the City, which such acceptance will not be unreasonably withheld. The Applicant is not being compensated for this substantial fifty foot wide easement across its property as referenced previously, and the value of and benefits conferred by this easement shall be treated as compensation to the City with respect to the requirements of Section 197-58 relative to the provision of parks and recreation areas, or the payment of a fee-in-lieu thereof with respect to this specific land development application and the property affected thereby. It is specifically recognized that the Applicant will have to address the provisions of Section 197-58 upon any subsequent application and that the fact that the easement is located on other property of Applicant which may be included in a subsequent application will not establish compliance with Section 197-58 with respect to such other property.
6. To the extent that a further revision of the plans is needed to comply with outstanding comments of the City consultants or other conditions referenced herein, said plans which establish compliance shall be treated as approved without further action of City Council at such time as the consultants confirm same.
7. The Applicant, through its authorized representative, shall countersign a copy of this Resolution indicating acceptance by the Applicant of the above set forth conditions of Preliminary and Final Land Development Approval failing which the Plan of the Applicant shall be deemed denied for failure to comply with the above conditions.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Coatesville, that the City of Coatesville approves Applicant's Preliminary and Final Plan subject to Applicant's agreement to and compliance with the conditions listed above.

IN WITNESS THEREOF, the Council of the City of Coatesville has adopted and enacted this Resolution this 12th day of April , 2010.



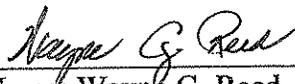
Name: Edward Simpson
Title: President, City Council

ATTEST:



Name: Wayne G. Reed
Title: Interim City Manager

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of City Council held on Monday, April 12, 2010 and recorded in the minutes as such.



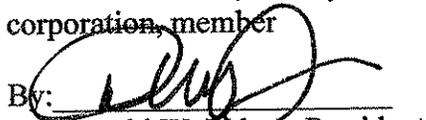
Name: Wayne G. Reed
Title: Interim City Manager

The above conditions are accepted by the Applicant.

COATESVILLE INN ASSOCIATES, a Pennsylvania limited partnership

By: **COATESVILLE INN, LLC**, a Pennsylvania limited liability company, general partner

By: **OLIVER COATESVILLE INN CORPORATION**, Pennsylvania corporation, member



By: _____
Donald W. Pulver, President