

THE COTTAGES AT STATE COLLEGE – PLANNED RESIDENTIAL DEVELOPMENT

POST-CONSTRUCTION ENVIRONMENTAL IMPACT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2018, by and between:

FERGUSON TOWNSHIP, CENTRE COUNTY, a home-rule municipality with offices at 3147 Research Drive, State College, PA, party of the first part, hereinafter referred to as “Township”

and

STATE COLLEGE APARTMENTS, LLC, A Delaware limited liability company, with a principal place of business at 250 Gibraltar Road, 3rd Floor West, Horsham, PA 19044, its successors and assigns, hereinafter referred to as “State College Apartments,” party of the second part.

WITNESSETH

WHEREAS, State College Apartments is the legal titleholder and developer, as successor to the prior developer, Springton Pointe, LP, of a certain property described in the deed recorded in the Office of the Recorder of Deeds of Centre County at Record Book 02209, Page 0719 and located in the Township, as more fully described and depicted on that certain plan entitled, “The Cottages at State College,” a Planned Residential Development; and

WHEREAS, State College Apartments is developing its said property in accordance with the Final PRD Plan (the “Final PRD Plan”) as documented in The Cottages PRD Terms and Conditions attached to the approval of the Final PRD Master Plan dated March 3, 2015, last revised November 13, 2015, and approved by the Ferguson Township Board of Supervisors on November 16, 2015 by Resolution 2015-32; and

WHEREAS, State College Apartments and Township, as part of the approved Terms and Conditions, executed a Storm Water Management Agreement in accordance with Chapter 26, Section 704 of the Ferguson Township Code of Ordinances.

NOW, THEREFORE, both parties agree that the protection of the Harter and Thomas Wellfields from contamination and pollution as a direct result of the development is paramount to the preservation of the water supply to the State College Borough Water Authority service area; and

FURTHER, that State College Apartments agrees to abide by the applicable laws of the Commonwealth of Pennsylvania and ordinances of the Township, as well as the executed agreements and Terms and Conditions of the Approval of The Cottages PRD; and

FURTHER, that State College Apartments recognizes and accepts in perpetuity any legal liability for damages to the Harter and Thomas Wellfields that may result from actions of State College Apartments

that are directly attributable to The Cottages PRD as a result of negligence or violation of the executed agreements and Terms and Conditions of the Approval of The Cottages PRD.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed on the day and year first above written.

State College Apartments, LLC

Township of Ferguson

Name

Name

Title

Title

Date

Date

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF BUCKS:

On this the ____ day of _____ 2018, before me, a notary public, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and that he executed the same for the purposes therein contained.

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

Notary Public

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF CENTRE:

On this the ____ day of _____ 2018, before me, a notary public, the undersigned officer, personally appeared _____, Chairman of the Ferguson Township Board of Supervisors, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and that he executed the same for the purposes therein contained.

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

Notary Public