

TOWNSHIP OF MIDDLE SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA

RESOLUTION NO. 06-2020-1

**RESOLUTION CONFIRMING CONDITIONAL APPROVAL OF THE  
PRELIMINARY/FINAL LAND DEVELOPMENT PLANS FOR MT. NEBO  
APARTMENTS; CONFIRMING THE STATUS OF THE FULFILLMENT OF  
CONDITIONS; GRANTING WAIVERS TO THE TOWNSHIP'S SUBDIVISION AND  
LAND DEVELOPMENT ORDINANCE AND STORMWATER ORDINANCE; AND  
AUTHORIZING FURTHER ACTION BY TOWNSHIP OFFICIALS**

WHEREAS, pursuant to the powers granted under the Pennsylvania Municipalities Planning Code 53 P.S. 10101, et seq., (the "MPC") of the Commonwealth of Pennsylvania, the Township of Middle Smithfield, County Of Monroe, State of Pennsylvania (the "Township"), has enacted a Subdivision and Land Development Ordinance ("SALDO"), Stormwater Management Ordinance, and Zoning Ordinance, each of which pertains to land development and subdivision, the uses of land and the regulation of the uses of land within the Township; and

WHEREAS, Mt. Nebo Apartments, LLC, ("Developer") is the owner of the real estate commonly known as PIN #09732300911784, Tax Map Parcel #09/9/2/22 (the "Property"), approximately 38 acres in size, plus or minus, and located on Mt. Nebo Road, in Middle Smithfield Township, the Developer having received its interest in the Property through a deed dated August 23, 2018, and recorded on August 29, 2018 in the Office of the Recorder of Deed, at Stroudsburg, Pennsylvania, in and for the County of Monroe, in Record Book Volume 2516, Page 567; and

WHEREAS, the Developer desires to develop the Property into a residential apartment complex, and submitted to the Township for approval a "Preliminary/Final Land Development Plan Mt. Nebo Apartments", dated November 5, 2018, and last revised January 22,

2020, prepared by Hanover Engineering, Bartonsville, Pennsylvania, (hereinafter the "Plans"), together with various supporting plans, profiles, data, specifications and related documents (the "Land Development Plans" or the "Approved Land Development Plans"); and

WHEREAS, the Township Engineer and Planning Commission reviewed the Plans, and found they are conditionally acceptable; and

WHEREAS, at its June 13, 2019 meeting, the Township Board of Supervisors (the "Board") granted the Developer conditional approval of its Plans;

WHEREAS, the Developer has requested confirmation of conditional approval, and the status of fulfillment of conditions, in order to assist in obtaining financial security for the cost of improvements for the land development.

NOW, THEREFORE, BE IT RESOLVED, by the Middle Smithfield Township Board of Supervisors as follows:

1. The Board hereby confirms that the Developer has fulfilled the conditions to Board approval of the Plans, subject to the developer:

- a. Providing the required financial security, satisfactory to the Solicitor, in the amount of the Township Engineer-approved estimated cost of improvements.
- b. Execution of Improvement and Stormwater Agreements in the form already approved by the Township Solicitor.
- c. Execution of the Plans.
- d. Payment of any additional professional fees that may be outstanding at the time of the Township execution of the developer agreements and Plans.

2. Upon Developer's satisfactory fulfillment of the conditions to approval listed in Section 1, the appropriate Township officials are authorized to execute and deliver to

Developer the approved Improvements Agreement and Stormwater Agreement, and execute and deliver the approved Plans to be filed by Developer with the County, with such modifications as approved by the Solicitor, Township Engineer and Township officials executing them.

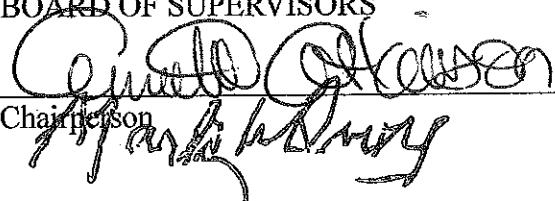
3. The appropriate Township officials are authorized to take such further incidental and necessary action to effectuate the intent of this Resolution.

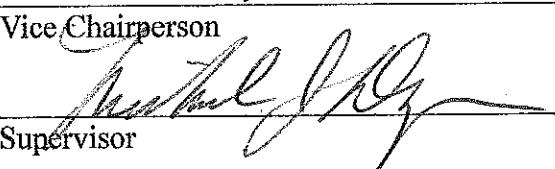
4. The provisions of this Resolution shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions shall remain in effect.

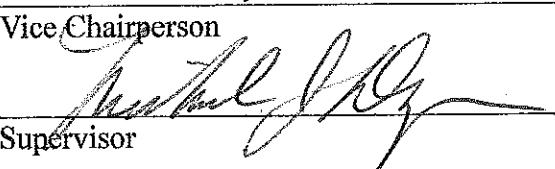
5. This Resolution shall be effective immediately and shall remain in effect until modified or repealed by further Resolution of the Board of Supervisors.

RESOLVED this 11th day of June, 2020, by the Board of Supervisors of the Middle Smithfield Township, at a lawful session duly assembled.

TOWNSHIP OF MIDDLE SMITHFIELD  
BOARD OF SUPERVISORS

  
Chairperson

  
Vice Chairperson

  
Supervisor

(Township Seal)

  
Michele Y. Clewell

Michele Clewell, Secretary

CERTIFICATION OF ADOPTION

I, Michele Clewell, duly qualified Secretary of Middle Smithfield Township, Monroe County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Middle Smithfield Board of Supervisors at a regular meeting held June 11, 2020 and said Resolution has been recorded in the Minutes of the Middle Smithfield Township Board of Supervisors and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of Middle Smithfield Township, this 11th day of June, 2020.

Township of Middle Smithfield  
Monroe County, Pennsylvania

Michele L. Clewell  
Michele L. Clewell, Township Secretary