

TOWNSHIP OF MIDDLE SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA

RESOLUTION #03-2018-2

RESOLUTION CONFIRMING THE DEEMED REVOCATION OF THE TOWNSHIP'S TENTATIVE APPROVAL OF THE DEVELOPMENT PLAN FOR THE PLANNED RESIDENTIAL DEVELOPMENT FORMALLY KNOWN AS "BIG RIDGE" AND COMMONLY REFERRED TO AS "COUNTRY CLUB OF THE POCONOS" OR "COUNTRY CLUB OF THE POCONOS AT BIG RIDGE", AS TO A PORTION OF THE LANDS IN THE PLANNED RESIDENTIAL DEVELOPMENT, CONSISTING OF 320.53 ACRES, MORE OR LESS, AND AFFECTING THE REAL PROPERTY COMMONLY KNOWN AS 119 TOM X ROAD, TAX PARCEL NO. 9/10/1/86, AND PARCEL IDENTIFIER NO. 09733400033428.

WHEREAS, Section 66516 of the Pennsylvania Second Class Township Code and Section 10701, et seq., of the Pennsylvania Municipalities Planning Code authorize Township Boards of Supervisors to regulate planned residential development; and

WHEREAS, on June 9, 1988, the Board of Supervisors ("Board") of Middle Smithfield Township (the "Township") gave tentative approval to Mid-Monroe Development Corporation's development plan for the proposed planned residential development formally known as "Big Ridge" and commonly referred to as "Country Club of the Poconos" or "Country Club of the Poconos at Big Ridge" (hereinafter referred to as "CCP PRD"); and

WHEREAS, Mid-Monroe Development Corporation, and other subsequent landowners in the CCP PRD proceeded, in sections, with the filing of development plans for final approval for some, but not all, of the area of property contained within the CCP PRD tentatively approved Plan; and

WHEREAS, no application has been made for final approval of the CCP PRD development plan for a portion of the CCP PRD consisting of 320.53 acres, more or less, and commonly known as 119 Tom X Road, Tax Parcel No. 9/10/1/86, and Parcel Identifier No. 09733400033428 (the "Remaining Lands"); and

WHEREAS, the Township is the owner of the Remaining Lands, having received the property from Big Ridge Developers, L.P., a successor in interest to Mid-Monroe Development Corporation, by virtue of a deed dated February 12, 2010, and recorded in the recorder's office of Monroe County, Pennsylvania, on the same date; and

WHEREAS, the time for filing an application for final approval of a development plan as to the Remaining Lands under the CCP PRD tentative approval has now expired; and

WHEREAS, Sec. 710(c) of the Pennsylvania Municipalities Planning Code provides that "in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Municipal Secretary or Clerk of the Municipality"; and

WHEREAS, notice of the Board's intention to adopt this Resolution has been given to the North and South Property Owner Associations in the CCP PRD, Big Ridge Developers, L.P., Toll Brothers, and DANSAM.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby resolved as follows:

SECTION 1: Confirmation of Deemed Revocation of the Township's Tentative Approval as to the Remaining Lands of the CCP PRD.

(a) The Board of Supervisors of Middle Smithfield Township hereby confirms the deemed revocation of its tentative approval of the CCP PRD Development Plan as to the "Remaining Lands", consisting of the real property commonly known as 119 Tom X Road, Tax Parcel No. 9/10/1/86, and Parcel Identifier No. 09733400033428;

(b) The deemed revocation does not apply to DANSAM's current pending proposed final development plan for Country Club of the Poconos, Phase III, Section 5.

Section 2: Severability.

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.

Section 3: Effective Date.

This Resolution shall become effective upon the Board of Supervisors adopting an Amendment to the Middle Smithfield Township Zoning Ordinance providing for the re-zoning of the Remaining Lands from PRD Planned Residential District to another Township Zoning District.

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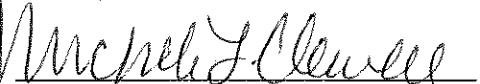
RESOLVED THIS 15<sup>th</sup> DAY OF MARCH, 2018, BY THE BOARD OF  
SUPERVISORS OF MIDDLE SMITHFIELD TOWNSHIP AT A LAWFUL SESSION  
DULY ASSEMBLED.

  
Annette Atkinson, Chairperson

  
Michael Dwyer, Vice Chairperson

  
Mark Oney, Supervisor

ATTEST:

  
Michele L. Clewell,  
Township Secretary