

RESOLUTION 2024-09

**BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

WHEREAS, the preservation of open space and acquisition of interests in land benefits the public and advances the public health, safety, morals and general welfare of the citizens of West Pikeland Township and the Commonwealth of Pennsylvania;

WHEREAS, the Board of Supervisors of West Pikeland Township intends to promote and encourage the preservation of lands for Open Space Uses, as defined by the Pennsylvania Open Space Lands Act, 32 P.S. §5002 *et seq.*, within the Township by the acquisition of interests in real property;

WHEREAS, the acquisitions of interests in real property for Open Space Uses directly benefits the citizens of West Pikeland Township;

WHEREAS, Roy J. Sturgeon and Linda K. Sturgeon, are the owners in fee simple of a parcel of real property consisting of 39 acres (+/-) identified as Chester County Uniform Parcel Identification Number 34-1-48 located at 1800 Art School Road in West Pikeland Township, Chester County, Pennsylvania (hereinafter the "Property").

WHEREAS, West Pikeland Township, through its Zoning Ordinance promotes the preservation of designated areas and resources in the Township through the establishment of a transferable development rights ("TDR") program to permanently preserve resources considered important to the Township, including agricultural lands, prime agricultural soils, environmentally sensitive resources, open lands, and visual resources;

WHEREAS, Section 1706 of the Zoning Ordinance provides that the Township may purchase development rights and may accept ownership of development rights through transfer by donation and such development rights shall be either retired or extinguished by the Township or held in a TDR account for future sale to receiving area properties;

WHEREAS, Section 1703.E of the Zoning Ordinance provides that any purchase or donation to the Township shall be accompanied by an agreement or deed of transfer of development rights;

WHEREAS, the Township Engineer, by letter dated September 22, 2022, has determined that the Property contains twenty-one (21) Transfer Development Rights;

WHEREAS, Grantors intends to transfer via sale twenty (20) of the twenty-one (21) TDRs to West Pikeland Township and retain one (1) TDR.

WHEREAS, the Township has agreed to pay \$900,000 for the twenty (20) acquired TDRs from the Property.

WHEREAS, as required as part of the transfer of TDRs to the Township, the Grantors have agreed to record a Declaration and Restrictive Covenant Agreement against the Property restricting any future subdivision; limiting the future use of the Property.

NOW THEREFORE, the Board of Supervisors of West Pikeland Township HEREBY RESOLVES as follows in order to effectuate the acquisition of interests in real property for the above stated purposes:

1. The Township approves the Agreement of Sale To Convey to Transfer Development Rights, attached hereto as Exhibit "A"; conveying to the Township the twenty (20) TDRs assigned to the Property with one (1) remaining TDR assigned to the Property.

2. The Township approves the payment of \$900,000 for the twenty (20) acquired TDRs from the Property in three (3) equal installments to the Grantors;

3. The Township accepts and approves the conveyance by Deed of Transfer of Development Rights, attached hereto as Exhibit "B", of the twenty (20) TDRs assigned to the Property, with one (1) remaining TDR assigned to the Property.

4. The Township approves the recording of the Declaration and Restrictive Covenant Agreement, attached hereto as Exhibit "C".

5. Upon execution and recording of the Declaration and Restrictive Covenant Agreement and the Deed of Transfer of Development Rights, the Township hereby accepts the twenty (20) TDRs assigned to the Property and hereby retires and extinguishes the conveyed twenty (20) TDR's from any a future potential use.

6. The Township hereby authorizes the Manager, Secretary, Treasurer and Solicitor of West Pikeland Township to do all things necessary in furtherance of this Resolution and all actions taken by individuals acting on behalf of the Township prior to the date of this Resolution in furtherance of the acquisition of the Property and in furtherance of the Township business in this regard are hereby ratified and confirmed.

7. This Resolution shall be effective immediately.

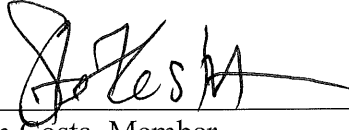
RESOLVED THIS 17 DAY OF January, 2024

**WEST PIKELAND TOWNSHIP
BOARD OF SUPERVISORS**

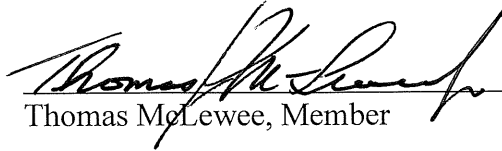


Noreen Vigilante, Chairman

Harold Hallman, III, Vice Chairman



Steven Costa, Member



Thomas McLewee, Member

Carin Mifsud, Member

ATTEST:



MADISON Orlor, Secretary