

RESOLUTION 25-2022

**BOARD OF SUPERVISORS OF WEST VINCENT 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 Vincent Township and the Commonwealth of Pennsylvania;

WHEREAS, the Board of Supervisors of West Vincent 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 Vincent Township;

WHEREAS, Marcus S. Howell and Justine Veronique Howell are the owners in fee simple of a parcel of real property consisting of 26 acres (+/-) identified as Chester County Parcel Number 25-6-40 located at 175 Cedar Lane in West Vincent Township, Chester County, Pennsylvania (hereinafter the "Property").

WHEREAS, West Vincent 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 390-203 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 390-203 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 February 7, 2022, has determined that the Property contains ten (10) Transfer Development Rights;

WHEREAS, Grantors intends to transfer via sale nine (9) of the ten (10) Transfer Development Rights to West Vincent Township and retain one (1) Transfer Development Right.

WHEREAS, the Township intends to retire and extinguish the acquired Transfer Development Rights;

WHEREAS, the Township has agreed to pay \$32,000 for each of the nine acquired TDR's from the Property for a total sum of \$288,000;

WHEREAS, As required as part of the transfer of TDR's 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 Vincent 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 nine (9) TDR's assigned to the Property with one (1) remaining Transfer Developemnt Right assigned to the Property.

2. The Township approves the payment of \$32,000 for each of the nine acquired TDR's from the Property for a total sum of \$288,000 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 nine (9) TDR's assigned to the Property, with one (1) remaining Transfer Development Right assigned to the Property.

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

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 nine (9) TDR's assigned to the Property and hereby retires and extinguishes the conveyed nine (9) TDR's from any a future potential use.

6. The Township hereby authorizes the Manager, Secretary, Treasurer and Solicitor of West Vincent 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 19th DAY OF September, 2022

**WEST VINCENT TOWNSHIP
BOARD OF SUPERVISORS**


Bernie Couris, Chairman


Sara Shick, Vice Chairman

Dana Alan, Member

ATTEST:


Kathryn Shillenn, Secretary