

**Township of Washington
Franklin County, Pennsylvania**

Ordinance No. 175

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA. AMENDING ARTICLE VI, OF THE WASHINGTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ORDINANCE #161, AS AMENDED, PERTAINING TO THE DEDICATION OF PARK AND RECREATION AREAS AND FEES IN LIEU THEREOF.

WHEREAS, the Board of Supervisors for Washington Township has determined that it is in the best interest of the residents of the Township of Washington (the "Township") to provide and ensure adequate park and recreation areas and facilities to serve present and future residents and occupants of Washington Township; and

WHEREAS, the Pennsylvania Municipalities Planning Code allows the adoption of provisions in a subdivision and land development ordinance requiring public dedication of land, and upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof for park and recreation purposes, the private reservation of land; and

WHEREAS, the Board of Supervisors has formally adopted The Washington Township Comprehensive Recreation, Park, and Open Space Plan, March 1, 2004, necessary for the exercise of said authority hereunder.

NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Township Supervisors for the Township of Washington, Franklin County, as follows:

Section 1. Article VI of the Washington Township Subdivision and Land Development Ordinance 161, as amended, is hereby amended as follows:

Sections 608, 609, 610, 611, 612, 613, shall be re-numbered 609, 610, 611, 612, 613, and 614.

A new Section 608 shall be adopted which shall read as follows:

PARK AND RECREATION AREAS AND FEES

SECTION 608

An Applicant or Developer of a subdivision or land development plan shall plan for, provide and dedicate to Washington Township a suitable and adequate park or recreation area to serve the needs of future residents or occupants of the subdivision or land development or, in the alternative, upon agreement with Washington Township, pay a fee in lieu of dedicating park or recreational areas, guarantee the private reservation of land and maintenance of park or recreation areas, construct recreational facilities, or provide for any combination of the foregoing, all in accordance with the provisions of this section.

1. Criteria for Proposed Park or Recreation Areas.

A. General Criteria

The proposed park or recreation areas, whether offered for dedication to Washington Township or proposed to become part of a private reservation of land, shall comply with and be subject to the following criteria:

Proposed park or recreation areas shall:

- a. Be easily and safely accessible, have good ingress and egress and have direct access to a public roadway, a minimum of fifty (50') feet wide.
- b. Be contiguous and regular in shape.
- c. Be suitable for park and recreational purposes by reasons of size, shape, location, topography and soil conditions for use and development as a park or recreation area.
- d. A minimum of seventy-five percent (75%) of the required area shall have a maximum slope of seven percent (7%).
- e. No more than twenty-five percent (25%) of the required area may be within flood plain or wetland areas, unless agreed to by the Township.
- f. Be served by all essential utilities, such as water, sewer and electric.
- g. Be compatible with the objectives, guidelines, and recommendations as set forth in the latest Washington

Township Comprehensive Park, Recreation, and Open Space Plan.

B. Specific Criteria Applicable to the Private Reservation of Land.

Proposed park or recreation areas proposed by the Applicant or Developer as part of the private reservation of land shall be subject to the following requirements:

- a. Final subdivision and/or development plans shall indicate the location and specifications of all park and recreation areas to be constructed and set forth metes, bounds and acreage(s) of the park and recreation area(s).
- b. Park and recreation areas shall be bonded and have improvement guarantees posted or deposited with the Township as with any other subdivision or land development improvements.
- c. A property owners association, or other entity acceptable to the Township, shall be established to own and maintain any private reservations of land.

C. Mandatory Dedication – Any proposal that would result in the creation of one or more new dwelling units shall be required to dedicate a minimum of .06 acres of park and/or open space per dwelling unit to the Township, prior to Final Plan approval.

As an alternative to dedication, and upon agreement with the Board of Supervisors, the applicant may agree to provide the following:

- a. Pay a fee-in-lieu of dedication.
- b. Guarantee the private reservation and maintenance of parkland or open space. The parkland or open space to be reserved shall be .06 acres of open space and/or parkland.

D. Dedication of Land to Washington Township.

- a. All or part of park or recreation areas may be offered for dedication to Washington Township, but the Township shall not be obligated to accept same.
- b. The Board of Supervisors, after receiving recommendation from the Planning Commission, may determine dedication or private reservation to be impractical because of the size,

shape, location, access, topography, drainage or other physical features of the land, or that such dedication or private reservation would adversely affect the subdivision or land development and its future residents or occupants, or that there is no other land area within the proposed subdivision or land development which is practical for dedication to the public or for a private reservation of land for park purposes because of size, access, topography, or other physical characteristics. In such event, the Applicant or Developer, upon agreement with the Township, shall pay a fee in lieu of dedication, in accordance with the requirements of this Section.

- c. When the Board of Supervisors deems it to be in the public interest to accept title to dedicated land, such acceptance shall be by means of a signed resolution to which the property description, lot plan with metes, bounds and acreage, and a fee simple title deed with general warranty free of any liens, encumbrances or easements on and to the dedicated recreation area, shall be attached.

E. Private Reservation of Land for Park or Recreation Purposes.

- a. All park and recreation areas proposed to be a private reservation of land as park and recreation area for use of the residents or occupants of the land subject of the subdivision or land development, shall upon agreement with the Developer or Applicant and the Board of Supervisors, be irrevocably conveyed to a duly incorporated property owner's association, or other entity acceptable to the Township, which shall be responsible to properly maintain perpetually all of such park and recreation areas, pay all taxes assessed to the land as well as any improvements thereon and supervise all activities conducted thereon. The Township shall have no obligation whatsoever in connection with such park or recreation areas other than the normal municipal services provided to the public in general.
- b. The deed of conveyance of such park and recreation areas shall contain a restrictive covenant limiting such land and improvements to the common use of the property owners within the development for the purposes initially approved by the Township. Said deeds shall also contain a restriction that said lands and improvements may not be sold or disposed of by the association, except to another organization formed to own and maintain said recreation

areas, without first offering to dedicate the land and improvements to the Township.

F. Fee in Lieu of Dedication.

- a. In lieu of dedicating park or recreation land to the Township, the Applicant or Developer may pay to the Township the after-developed fair market value of the land which would have been otherwise required for dedication. The after-developed fair market value shall be determined on the basis that the land has access to a public roadway and the availability of all utilities and shall not reflect a value of the land in a raw condition or state.
- b. This fair market value shall be submitted as part of the preliminary plan submission by the Applicant or Developer at the Applicant's or Developer's expense and shall be determined by a Member of the Appraisal Institute of the American Institute of Real Estate Appraisers (MAI) and shall include any documentation used to derive the land's after-developed fair market value.
- c. The Board of Supervisors shall have the right to reject any appraisal and select another appraiser at the expense of the applicant or developer which will establish the fee to be paid based upon the after-developed fair market value of the land.
- d. The Board of Supervisors may, from time to time, establish, by resolution, a fixed per dwelling unit fee, which fee shall be in place of the above described fair market value fee and shall remain in effect until a succeeding resolution establishing other fees is adopted.

G. All fees paid hereunder shall be due and payable in full upon approval of the final subdivision or land development plan or phase or section thereof and shall be paid prior to the release of any plan for recording.

H. All monies paid to the Township pursuant to this Section shall be deposited and utilized in accordance with the provisions and requirements of the Pennsylvania Municipalities Planning Code.

Section 2. In all other respects, the provisions of Ordinance No. 161, as amended, shall remain in full force and effect.

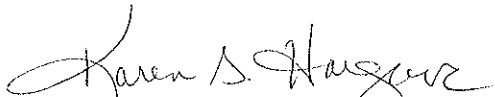
Section 3. If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or work in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of this amendment or the Washington Township Subdivision and Land Development Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this or the Washington Township Zoning Ordinance. The Board of Township Supervisors hereby declares that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 4. This Ordinance shall take effect five (5) days after its enactment.

DULY ENACTED AND ORDAINED this 21st day of April 2004, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS**

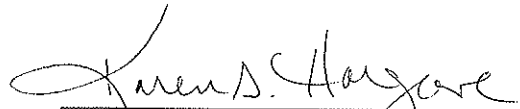


Karen S. Hargrave, Secretary

By: 

Arthur T. Cordell, Chairman

I, Karen S. Hargrave, Secretary of the Board of Supervisors, Washington Township, Franklin County, Pennsylvania, do certify that the foregoing is true and correct copy of an ordinance adopted at a regular meeting of the Washington Township Supervisors held April 21, 2004, in a regular session duly assembled.



Karen S. Hargrave, Secretary