

TOWNSHIP OF FRANKLIN

O-9-21

**AN ORDINANCE MEMORIALIZING
THE ACCEPTANCE OF THE STORMWATER IMPROVEMENTS AND THE
RELEASE OF THE PERFORMANCE GUARANTEE**

WHEREAS, the Township of Franklin has entered into a Letter Agreement with Richmond American Homes of Maryland, Inc. (“Richmond”) in connection with the residential subdivision commonly known as Washington Oaks II, to upgrade certain stormwater management facilities in Washington Oaks II, to mitigate some of the reported stormwater issues in the residential community and have the Township release the performance guarantee; and

WHEREAS, Richmond will design and install certain stormwater improvements relating to help mitigate the stormwater issues connected to Stormwater Basin No. 2 (“Basin No.2”), located along Peach Tree Drive, in the Washington Oaks II Subdivision; and

WHEREAS, the Township Engineer has confirmed that the Stormwater Improvements contained in the Resolution Authorizing a Remediation Plan for Washington Oaks Phase II (R-47-14), adopted on March 11, 2014, are the best option to mitigate the Basin No. 2 stormwater issues; and

WHEREAS, in order to facilitate the release of the performance guarantee, Richmond has agreed to install the stormwater improvements pursuant to the remediation action plan contained in R-47-14; and

WHEREAS, based upon Richmond’s request for a minor subdivision and bulk variance of property located at 126 Peach Tree Drive, Block 904, Lot 13, Franklin Township (“Spencer/White Property”), Richmond will convey that portion known as Block 904, proposed Lot 13.01 to Franklin Township by Deed of Conveyance for the maintenance of the stormwater basin currently existing on this portion of the Spencer White property; and

WHEREAS, Richmond, at its sole cost and expense will install the Stormwater Improvements within the existing Drainage and Access Easement on the Spencer/White Property; and

WHEREAS, based upon Richmond’s request for a minor subdivision and bulk variance of property located at 215 Cherry Tree Court, Block 903, Lot 12, Franklin Township (“Emmett Property”), Richmond will convey that portion known as Block 903, proposed Lot 12.01 to Franklin Township by Deed of Conveyance for the maintenance of the stormwater basin currently existing on this portion of the Emmett property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Franklin, the County of Gloucester as follows:

SECTION 1.

1. Richmond will design and install certain stormwater improvements relating to mitigating the stormwater issues connected to Stormwater Basin No. 2 located along Peach Tree Drive in the Washington Oaks II Subdivision;
2. Richmond will install the stormwater improvements pursuant to the remediation action plan contained in the Resolution Authorizing a Remediation Plan for Washington Oaks Phase II (R-47-14), adopted March 11, 2014;
3. Richmond will convey to the Township of Franklin by Deed of Conveyance that portion of the Spencer/White Property, known as Block 904, Lot 13.01, for the maintenance of the stormwater basin.

4. Richmond will convey to the Township of Franklin by Deed of Conveyance that portion of the Emmitt Property, known as Block 903, Lot 12.01, for the maintenance of the stormwater basin.

SECTION 2. This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

ATTEST:

TOWNSHIP OF FRANKLIN

Barbara Freijomil, Clerk

John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on May 25, 2021 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on July 13, 2021 at which time any person interested therein will be given an opportunity to be heard.

Barbara Freijomil, Municipal Clerk

Introduced May 25, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				

Adopted July 13, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				