

APPENDIX D

DRAINAGE COVENANT, OFFER OF DEDICATION AND CURB AND SIDEWALK NOTATION

D.1 STANDARD DRAINAGE COVENANTS AGREEMENT. This form shall be used, as applicable, unless another form is approved by the Township.

The Owner(s) for themselves, their heirs, executors, administrators, and successors and assigns do hereby covenant to bind themselves, their heirs, executors, administrators, successors, and assigns and the lands described in the plan entitled _____ to faithfully perform all of the following requirements:

1. The Owner(s) shall be responsible for stabilization and reconstruction (to approved design grades and specifications) of all drainage swales and detention basins within an owner's lot, which because of construction activities, grading, or stripping of vegetation on the owner's lot has caused damage to said public improvements.
2. All drainage and detention basin easements shown on this plan shall be maintained in a grassed or otherwise improved condition, in accordance with the grades and designs shown on the approved development plans for this project. All these easements shall be kept free of all obstructions, including but not limited to, such obstructions as fill, temporary or permanent structures, and plants (other than grass). Fences may be constructed within these easements, within the requirements of other Township Ordinances, provided that the fence is of a type and location that will not impede the flow of stormwater, and provided that the owner(s) shall be bound to remove such fence at the owner(s) expense and without compensation to the owner(s) if determined by the Township to be necessary to allow work within the easement. The maintenance of all such easements shall be the responsibility of the current lot owner(s) at any point in time, including future owner(s).
3. Whenever sedimentation is caused by stripping vegetation, grading or other earth moving activities, it shall be the responsibility of the Owner(s) to remove the sedimentation from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at the Owner(s)'s expense.
4. The Owner(s) shall make provision for and be personally responsible for strict compliance with all of the aforesaid covenants, and any other agreement contained in any and all agreements with the Township. Upon failure by the Owner(s) to comply within the time period specified by oral or written notice, or in the event the Township, in its sole and absolute discretion determines the work to be on an emergency nature, the Township may perform such work as may be necessary in its sole and absolute discretion to bring the Owner(s) into compliance at the Owner(s)' expense and the Owner(s) shall be charged for said expense, plus a 20% surcharge for the Township's administrative expenses, plus any costs expended by the Township if a municipal lien or suit in assumpsit or equity is filed, which expense the Owner(s) hereby agree to assume and pay.

D.2 OFFER OF DEDICATION - Model Form.

The undersigned owner(s) offer to dedicate to the Township of Bethlehem for public use the following: the street rights-of-way for the following streets: _____; utility easements shown on the approved plans; and all public improvements to be constructed within their limits and within any proposed public open spaces and all other improvements stated as proposed to be public on the plans or accompanying documents or required to be dedicated under Township requirements.

Date Signature of Owner Signature of Owner

D.3 ACCEPTANCE OF DEDICATION PLAN NOTATION - Model Form.

THE BOARD OF COMMISSIONERS OF BETHLEHEM TOWNSHIP HEREBY ACCEPT THE STREET RIGHT-OF-WAY INDICATED HEREON FOR PUBLIC USE.

~~Chairman~~, Board of Commissioners Township Manager Date
President Ord 1-95

D.4 CURB AND SIDEWALK PLAN NOTATION- Required Form.

The Owner(s) of the lot will maintain the curb and sidewalk at no expense to Bethlehem Township, and shall hold Bethlehem Township harmless in the event of any claims arising from the construction, reconstruction or maintenance of the curb and sidewalk.

D.5 - see Ord 1-95 - Covenants and Agreement to Maintain Stormwater Management Facilities

8. Section 1017. REGULATORY SIGNS.

- A. The developer shall be required to provide or fund traffic regulatory signs that shall meet current design standards as established by PennDOT.
- B. Such signs shall have a clear height of seven (7) feet.
- C. Such signs shall be installed upon the installation of the base course of pavement of the approved streets.


9. Appendix D.5.

Covenant and Agreement To Maintain Stormwater Management Facilities - The Owner, on behalf of the Owner and the heirs, executors, administrators, successors and assigns of the Owner, hereby promises, covenants and agrees and with the Township of Bethlehem, its successors and assigns, to fully comply with the terms and conditions of a certain Covenant and Agreement to Maintain Stormwater Management Facilities between Owner and the Township of Bethlehem to be recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, including the duties to perform such maintenance, repair, refurbishment, reconstruction, and replacement of stormwater management facilities, including but not limited to drainage swales, detention and retention basins, stormwater piping systems, inlet and outlet structures, and all appurtenant structures and facilities to the foregoing, as shown on the Plan and located on the lands of the owner which are not to be dedicated to the township as public facilities, as may be necessary or advisable in the opinion of the Township to ensure the structural integrity and the functioning of the facilities, and their compliance with the ordinances of the Township. The Owner does hereby bind the Owner, the heirs, executors, administrators, successors, and assigns of the Owner, and the land, to the faithful performance of the foregoing.

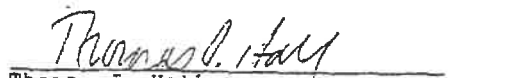
10. Appendix C and D. Change references to the Chairman of the Board of Commissioners to the President.

ENACTED AND ORDAINED this 6th day of March, 1995 at a regular public meeting after the public hearing thereon.

BOARD OF COMMISSIONERS


Larry Spikato,
President

ATTEST:


Thomas J. Hall,
Township Manager/Assistant Secretary