

**KENNETT TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2021-12**

**A RESOLUTION OF THE TOWNSHIP OF KENNETT, CHESTER COUNTY, PENNSYLVANIA, DESIGNATING OPEN SPACE INTEREST PROPOSED TO BE ACQUIRED IN CERTAIN REAL PROPERTY AND OPEN SPACE BENEFITS ASSOCIATED THEREWITH IN KENNETT TOWNSHIP.**

**WHEREAS**, Kennett Township has, as part of its Comprehensive Plan, adopted an Open Space Network Plan; and

**WHEREAS**, Kennett Township has adopted an Open Space, Trails, & Parks Master Plan and Needs Assessment; and

**WHEREAS**, said plans, recommended by the Kennett Township Planning Commission and adopted by the Board of Supervisors of Kennett Township, designate certain real property in Kennett Township for open space uses; and

**WHEREAS**, the Township desires to acquire open space property interests, as defined in the Open Space Lands Act, 32 P.S. §§5001-5013 (the “Open Space Act”), in certain real property in Kennett Township pursuant to the Open Space Act; and

**WHEREAS**, the Township has, in Article V of Chapter 12 of the Code of the Township of Kennett, established procedures for reviewing open space property interest considered for acquisition in accordance with the Open Space Act; and

**WHEREAS**, the Township, prior to acquisition of the open space property interest, will hold a public hearing pursuant to the Open Space Act.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Kennett Township, Chester County, Pennsylvania, as follows:

1. The above recitals are incorporated herein by reference.
2. The Township desires to acquire open space property interests in the following real property in Kennett Township:
  - a. 575 Bayard Road; UPI 62-4-235.1A;
  - b. 408 Burnt Mill Road; UPI Nos. 62-7-78 and 62-7-79; and
  - c. 438 Burnt Mill Road; UPI No. 62-8-1
3. The open space property interests to be acquired, and the proposed open space benefits are set forth in the proposed Conservation Easements attached hereto and incorporated herein by reference (the “Conservation Easements”). The real property set forth in Section

2 above has been designated for open space uses in a resource, passive recreation, or land use plan as required by the Open Space Act. The Board of Supervisors designates the open space property interests to be acquired as those set forth in said Conservation Easements.

- 4. In the event the Township acquires the open space property interests set forth in the Conservation Easements, the Township shall establish and maintain a repository of records of the interest in real property acquired in accordance with the Open Space Act.
- 5. In the event the Township acquires the open space property interests set forth in the Conservation Easements, the Township shall provide the school district within which the real property is located a copy of the recorded Conservation Easement.
- 6. Repealer. All resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent of the inconsistency
- 7. Severability. The provisions of this Resolution are declared to be severable. If any provision of this Resolution is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this Resolution.
- 8. Effective Date. This Resolution shall take effect immediately.

**ADOPTED and RESOLVED** this 2<sup>nd</sup> day of June, 2021.

**ATTEST:**

**BOARD OF SUPERVISORS OF KENNETT TOWNSHIP**

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Eden Ratliff, Manager

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Richard L. Leff, Chairman

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Whitney S. Hoffman, Vice-Chair

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Scudder G. Stevens, Member