

AGREEMENT CONCERNING ROAD IMPROVEMENTS,
SIDEWALKS, CURBS, TRAILS AND PLAN APPROVAL

THIS AGREEMENT (the “Agreement”) made this 21st day of January, 2020 by and between CONESTOGA VALLEY SCHOOL DISTRICT, 2010 Horseshoe Road, Lancaster, PA 17601 (hereinafter “School District”) and the TOWNSHIP OF EAST LAMPETER, a Pennsylvania township of the Second Class, with offices located at 2250 Old Philadelphia Pike, Lancaster, Pennsylvania, 17602 (hereinafter “Township”).

Background:

The School District currently has submitted plans with the Township to do the following:

- (1) Consolidate two existing lots of record (Tax Parcel No. 3106950600000, 106.93 acres at 2110 Horseshoe Road, and Tax Parcel No. 3103367300000, 41.80 acres at 426 Mount Sidney Road) into a single lot. The 106.93 acre property at 2110 Horseshoe Road currently contains the existing School District offices, an existing high school building, an existing middle school building and various related improvements. The 41.80 acre property at 426 Mount Sidney Road contained an existing single family dwelling and related out buildings, which have been demolished.
- (2) Construct a new middle school building and related improvements (the “New Middle School Project”) on the combined lot.
- (3) Improve circulation at the existing high school building and the existing middle school building.
- (4) Although not addressed in the School District’s current plans submitted with the Township, this Agreement addresses the School District’s performance of public roadway and traffic control improvements legally required by PennDOT as part of the construction of the new middle school building along Horseshoe Road and at the intersection of Horseshoe Road and Mount Sidney Road.

The School District has advised the Township that it also intends within the next several years to separately perform the following additional work:

- (1) Convert the existing middle school into an elementary school (the “Conversion to Elementary School Project”).
- (2) Perform public roadway and traffic control improvements legally required by PennDot as part of the Conversion to Elementary School Project. Although public roadway and traffic control improvements are anticipated for the Conversion to Elementary School Project (because adding the new elementary school grades will cause an increase in traffic flow as compared to the current situation), improvements to Mount Sidney Road are not needed until the conversion to elementary school project is complete.

The Township is willing to defer consideration of certain public roadway and traffic control improvements on Mount Sidney Road until the School District performs the Conversion to Elementary School Project, and not require certain improvements on Mount Sidney Road for the New Middle School Project. The Township desires now, though, to obtain immediate assurance from the School District that prior to occupancy of the new elementary school to be developed through the Conversion to Elementary School Project, the School District will complete any and all public roadway and traffic control improvements legally required by PennDOT on Mount Sidney Road as part of the Conversion to Elementary School Project.

NOW THEREFORE, with the foregoing Background section incorporated herein, in consideration of the foregoing and intending to be bound, the parties agree as follows:

1. School District is permitted to begin construction of the New Middle School Project prior to obtaining PennDOT permits and recording the Land Development Plan at their sole risk.
2. As part of the New Middle School Project, School District is permitted to defer construction of the trail extension within the site extended to Mount Sidney Road, improvements, sidewalk and curbing along Mount Sidney Road, and the inclusion of crosswalks along Mount Sidney and Horseshoe Roads with PennDOT approval through the Highway Occupancy Permit process to determine connections.
3. School District shall meet with Township and PennDOT representatives to determine the need for and location of pedestrian crossings of Horseshoe Road and Mount Sidney Road and related crossing improvements. Permitting and construction of these crossings and improvements shall be completed prior to occupancy of the Elementary School with PennDOT approval or recommendation.
4. Prior to occupancy of the New Middle School, School District is required to commence with public roadway and traffic control improvements legally required by PennDOT to Horseshoe Road and the intersection of Horseshoe Road with Mount Sidney Road. No deferment of these improvements will be accepted by the Township.
5. Prior to occupancy of the New Middle School, School District must record the Final Land Development Plan for the entire project (both the New Middle School Project and the Conversion to Elementary School Project).
6. School District understands and acknowledges that no certificate of occupancy for any portion of the new Elementary School will be issued until School District completes all necessary public roadway and traffic improvements required by PennDOT on Mount Sidney Road which are being deferred through this Agreement.
7. Prior to occupancy of the new Elementary School, School District must obtain all permits for and construct all Mount Sidney Road frontage improvements and related on-site

traffic circulation improvements shown on the Plan, construct the proposed trail/walkway depicted on the plan, and provide all deferred roadway and traffic control improvements set forth in paragraph 2 above.

8. In consideration of allowing School District to enter into this Agreement, School District agrees to indemnify the Township and its agents for all reasonable costs, injuries, claims, lawsuits or other reasonable expenses incurred by either or both of them as a result of any claimed injuries or defects involving the deferral of improvements and only to the extent the claim arises from the deferral of improvements, and specifically excluding any indemnity for claims arising from the negligence or intentional misconduct of Township.

This Agreement incorporates all the obligations of School District and the Township with respect to School District's obligations to perform roadway and traffic control improvements.

In Witness Whereof, the parties have executed this Agreement as of the date first above written.

WITNESS: _____

Title: _____

ATTEST: _____

Name: _____

SCHOOL DISTRICT:

By: _____

Name: _____

TOWNSHIP:

EAST LAMPETER TOWNSHIP

By: _____

Name: _____

Title: _____