

NEW BEAVER BOROUGH, LAWRENCE COUNTY, PENNSYLVANIA
ORDINANCE NO. _____ of 2026

AN ORDINANCE OF NEW BEAVER BOROUGH, LAWRENCE COUNTY,
PENNSYLVANIA, ACCEPTING THE DEDICATION OF CERTAIN
ROADWAY IMPROVEMENTS WITHIN STONECREST BUSINESS PARK,
ACCEPTING CERTAIN STORMWATER COLLECTION FACILITIES LOCATED
WITHIN THE ROAD RIGHT-OF-WAY, IDENTIFYING FACILITIES NOT ACCEPTED
BY THE BOROUGH, AUTHORIZING EXECUTION AND RECORDING OF RELATED
DOCUMENTS, AND PRESERVING THE OBLIGATIONS OF THE DEVELOPER
UNDER THE APPLICABLE DEVELOPER’S AGREEMENT

WHEREAS, New Beaver Borough seeks to accept the dedication of certain roadway improvements within Stonecrest Business Park; and

WHEREAS, the purpose of this Ordinance is to set forth requirements for accepting certain stormwater collection facilities located within the road right-of-way, identifying facilities not accepted by the Borough, authorizing execution and recording of related documents, and preserving the obligations of the Developer under the applicable Developer’s Agreement.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Borough Council of New Beaver Borough, Pennsylvania (hereinafter “Borough”), and it is enacted and ordained, as follows:

SECTION I. Title. This Ordinance shall be known and may be cited as the Stonecrest Business Park Roadway and Limited Stormwater Facility Acceptance Ordinance.

SECTION II. Findings and Recitals.

- A. The Borough of New Beaver (hereinafter “Borough”) entered into a certain Developer’s Agreement with Stonecrest Business Park, L.P. dated August 14, 2023, concerning the construction of improvements associated with Stonecrest Business Park located within the Borough;
- B. Pursuant to said Developer’s Agreement, the Developer constructed a certain roadway and stormwater improvements intended, upon satisfaction of the applicable requirements, to be offered for dedication to and acceptance by the Borough;
- C. By correspondence dated February 6, 2026, the Borough’s engineers, R.A.R. Engineering Group, Inc., advised the Borough that the as-built drawings submitted by the Developer’s consultant, Independence Excavating, and dated January 7, 2026, depicted a paved roadway having a length of approximately 1,731 feet (0.33 miles) and a stormwater collection system installed within the right-of-way of said roadway; further, the Borough engineer advised that inspectors were present during the paving phase and performed spot inspections of the stormwater system

construction and found that aspect of the project acceptable to meet Borough requirements;

- D. The same correspondence further states that the stormwater pond associated with the development, although connected to the pipe network, has not been converted from sedimentation pond status, remains subject to further certification and operation and maintenance requirements, is located off of the road right-of-way, and remains the maintenance responsibility of the Developer;
- E. Council desires to accept the dedication of the roadway improvements identified on the final as-built drawings dated January 7, 2026 submitted by the Developer, and to accept only those stormwater collection facilities located within the road right-of-way, including pipes, culverts, inlets, manholes, and related appurtenances lying within the accepted right-of-way, but not to accept the stormwater pond or any off-right-of-way stormwater management facilities;
- F. Under the Borough Code, a borough may, by ordinance, accept an opened street and may also, by ordinance, acquire ownership of storm sewers, culverts, inlets, and related storm drainage appurtenances; and,
- G. Council further desires to make clear that acceptance of the roadway and the limited stormwater facilities described herein shall not release, impair, waive, or extinguish any continuing obligation of the Developer under the Developer's Agreement, including, without limitation, any maintenance, repair, warranty, indemnity, latent defect, completion, bond, security, stormwater-pond, or operation-and-maintenance obligations.

SECTION III. Acceptance of Roadway Dedication. Subject to the terms and conditions of this Ordinance, the Borough hereby accepts the dedication of the roadway known as "Stonecrest Drive" within Stonecrest Business Park, together with the road right-of-way associated therewith, as more fully described on the as-built drawings dated January 7, 2026 prepared by Independence Excavating on behalf of the Developer and depicting a paved roadway having a length of 1,731 feet (0.33 miles) which is attached hereto and incorporated herein as Exhibit "A". Said road right-of-way is further identified in the Stonecrest Business Park Plan of Subdivision prepared by GAI Consultants on behalf of the Developer and which is recorded in the Office of the Recorder of Deeds of Lawrence County, Pennsylvania, at Document No. 2024-001003, a copy of which is attached hereto and incorporated herein as Exhibit "B". In the event that there is a conflict between Exhibit "A" and Exhibit "B", the plans and drawings set forth in Exhibit "A" shall govern and apply to this Ordinance. Upon satisfaction of the conditions set forth in this Ordinance and recording of the required dedication documents, said roadway shall become a public street of the Borough for municipal purposes.

SECTION IV. Acceptance of Limited Stormwater Collection Facilities Within Right-of-Way. Subject to the terms and conditions of this Ordinance, the Borough hereby accepts ownership and maintenance responsibility only for the stormwater collection facilities located within the accepted road right-of-way as depicted on the as-built drawings dated January 7, 2026 prepared by

Independence Excavating and submitted on behalf of the Developer which is attached hereto and incorporated herein as Exhibit “C”.

The intent of this Section is that the Borough shall accept the stormwater collection network installed within the roadway right-of-way up to the catch basins and only such facilities.

SECTION V. Facilities Expressly Not Accepted. Notwithstanding anything herein to the contrary, the Borough does not accept, and shall have no ownership, operation, maintenance, repair, replacement, or liability responsibility for any of the following unless and until separately accepted by subsequent ordinance or action of Borough Council.

- A. The stormwater pond, detention basin, retention basin, sedimentation pond, or similar basin serving the development;
- B. Any stormwater management or collection facility located outside the dedicated road right-of-way;
- C. Any best management practice facility, infiltration facility, swale, ditch, underdrain, outlet, headwall, energy dissipater, or stormwater management appurtenance located outside the dedicated road right-of-way;
- D. Any stormwater easement area not specifically accepted by this Ordinance; and,
- E. Any private lateral, service connection, private line, or private drainage improvement serving an individual lot or user.

SECTION VI. Conditions Precedent to Effectiveness of Acceptance. This acceptance authorized by this Ordinance shall not become effective until all of the following have occurred, unless expressly waived by motion of Borough Council upon advice of the Borough Solicitor and Borough Engineer:

- A. Delivery to the Borough of a proper Deed of Dedication for the roadway right-of-way in form acceptable to the Borough Solicitor;
- B. Completion, posting, or continuation of any required maintenance security, warranty, security, or other financial security as required by the August 14, 2023 Developer’s Agreement, if any;
- C. Recording, where required, of all documents necessary to evidence the dedication, ownership transfer, easements, and any continuing operation and maintenance obligations of the Developer for non-dedicated facilities.

Upon satisfaction of the foregoing, the appropriate Borough officials are authorized to acknowledge acceptance on behalf of the Borough and to cause the relevant documents to be recorded.

SECTION VII. No Waiver of Developer’s Agreement; Continuing Obligations Preserved. Nothing in this Ordinance shall be construed to:

- A. Waive, amend, terminate, or release any obligation of the Borough and/or Developer under the Developer’s Agreement;
- B. Release any maintenance, warranty, repair, indemnity, completion, latent defect, or security obligation of the Developer except to the extent permitted under the August 14, 2023 Developer’s Agreement;
- C. Transfer to the Borough any obligation relating to facilities not expressly accepted herein;
- D. Constitute acceptance of any defective work; or,
- E. Impair any right or remedy of the Borough under the Developer’s Agreement, applicable law, equity, bond, letter of credit, escrow, or other security instrument, except to the extent permitted under the Developer’s Agreement.

SECTION VIII Scope of Borough Responsibility After Acceptance. After the effective date of acceptance, the Borough shall be responsible only for routine municipal ownership and maintenance obligations associated with:

- 1. the accepted public roadway and right-of-way; and
- 2. the accepted stormwater collection facilities lying within the accepted right-of-way.

The Borough shall have no responsibility for design defects, construction defects, latent defects, omitted work, or deficiencies attributable to the Developer or its contractors to the extent the Borough has recourse under the Developer’s Agreement, warranty, maintenance security, or applicable law.

SECTION IX Authorization of Borough Officials. The President of Council, Borough Secretary, Borough Solicitor, and Borough Engineer, and such other Borough officials as may be necessary are hereby authorized and directed to execute, attest, review, approve, and record such deeds, plans, and other documents as are necessary or appropriate to effectuate this Ordinance.

SECTION X Recording and Plan Reference. The Borough Secretary is directed to maintain with the Borough’s permanent records:

- A. A certified copy of this Ordinance;
- B. The recorded Deed of Dedication ; and,
- C. The final as-built drawings dated January 7, 2026.

SECTION XI Repealer. All ordinance or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION XII Severability. The provisions of this Ordinance are severable. If any sentence, clause, section, or part hereof is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

SECTION XIII Effective Date. This Ordinance shall become effective five (5) days after enactment as provided by law; provided, however, that this acceptance authorized herein shall not be operative until the conditions precedent in Section VI have been satisfied.

DULY presented and adopted at a meeting of the Borough Council of New Beaver Borough, Lawrence County, Commonwealth of Pennsylvania, this _____ day of _____, 2026.

ATTEST:

NEW BEAVER BOROUGH

Drita L. Crawford
Borough Secretary

By: _____
Thomas Hairhoger
President of Council

EXAMINED AND APPROVED by me this _____ day of _____, 2026.

NEW BEAVER BOROUGH

By: _____
Robert M. Crawford, Mayor