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March 26, 2010

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2052 Lucon Road
P. O. Box 196
Skippack, PA 19474

Cornwall Recreation Inc.
234 N 6th Street
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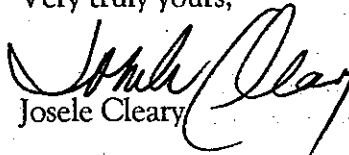
Wyndcliffe Associates, LLC
2052 Lucon Road
P. O. Box 196
Skippack, PA 19474

Re: Public Hearing on Proposed Ordinance to Amend Cornwall Borough Zoning Ordinance and Zoning Map
Our File No. 45810

Dear Landowners:

This law firm serves as Special Council for Cornwall Borough (the "Borough"). The purpose of this letter is to provide you with notice pursuant to Section 609(b) of the Pennsylvania Municipalities Planning Code that Borough Council will conduct a public hearing on Tuesday, April 27, 2010, at 7:00 p.m., at the Cornwall Elementary School, 45 Burd Coleman Road, Lebanon, Pennsylvania. This public hearing will be on a proposed ordinance which, if enacted, would place land which you own in an overlay zoning district. Enclosed please find a copy of the legal advertisement of the public hearing which provides further information concerning the proposed ordinance and how copies of the property ordinance may be obtained.

Very truly yours,


Josele Cleary

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Enclosure

cc: Cornwall Borough (w/enclosure)

Notice is hereby given that Cornwall Borough Council shall conduct a special public meeting on Tuesday, April 27, 2010. at 7:00 p.m., prevailing time, at the Cornwall Elementary School, 45 Burd Coleman Road, Lebanon, Pennsylvania, to consider, deliberate, discuss, and/or take official action on any matter which may lawfully come before Council. At that meeting Council will conduct a public hearing in accordance with the requirements of the Pennsylvania Municipalities Planning Code on and, at the conclusion of the public hearing or at a subsequent public meeting held within 60 days of the date of second publication of this legal advertisement, if appropriate, shall enact an ordinance, the caption of which is as follows:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CORNWALL BOROUGH TO ADD AND REVISE DEFINITIONS OF TERMS; TO REVISE REGULATIONS IN ARTICLE 17 GOVERNING SUBMISSION OF PLANS; AND TO ADD A NEW ARTICLE 17A, COORDINATED MIXED USE OVERLAY; TO PROVIDE REGULATIONS GOVERNING DEVELOPMENT WITHIN THE COORDINATED MIXED USE OVERLAY; AND TO ESTABLISH THE COORDINATED MIXED USE OVERLAY ON THE OFFICIAL ZONING MAP.

The proposed ordinance may be summarized as follows. Section 1 amends the Zoning Ordinance of Cornwall Borough, codified as Chapter 14 of the Code of Ordinances (the "Zoning Ordinance"), to add and revise definitions. Sections 2, 3, 4, 5, and 6 amend various provisions of Zoning Ordinance Section 1702, Planned Development Guidelines, to revise regulations governing applications for tentative and final approval, construction of improvements, and site plans for planned developments. Section 7 amends the Zoning Ordinance to add a new Article 17A, Coordinated Mixed Use Overlay, which will contain Sections 1751, Purpose; 1752, Permitted Uses; 1753, Coordinated Mixed Use Overlay Guidelines and Procedures; 1754, Uses in a Coordinated Mixed Use Development; 1755, Coordinated Mixed Use Development Design Requirements; 1756, Common Open Space Requirements for Coordinated Mixed Use Development; 1757, Blocks Within a Coordinated Mixed Use Development; 1758, Streets and Alleys Within and Access to a Coordinated Mixed Use Development; 1759, Residential Development Standards Within a Coordinated Mixed Use Development; 1760, Commercial Development Within a Coordinated Mixed Use Development; 1761, Recreational and Commercial-Recreational Development Within a Coordinated Mixed Use

Development; 1762, Area and Bulk Guidelines for a Coordinated Mixed Use Development; 1763, Required Loading and Service Areas; 1764, Flood Plain Control; 1765, Signs; 1766, Landscaping and Street Trees; 1767, Lighting; 1768, Street Furniture; 1769, Architectural Design Standards and Guidelines; 1770, Industrial Performance Standards; 1771, Utilities; 1772, Supplementary District Regulations; and 1773, Environmental Improvements and Energy Conservation Requirements. Sections 8 and 9 amend the Zoning Map to provide for the Coordinated Mixed use Development Overlay to be placed on tracts of land containing a total of approximately 558 acres with frontage on the north side of Route 322, east and west sides of Boyd Street, south and east sides of Burd Coleman Road, and south side of Rexmont Road, and direct the Borough Secretary to so update the Official Zoning Map. Sections 10, 11, and 12 reaffirm all other parts and provisions of the Zoning Ordinance, provide for severability of any invalid provisions of the proposed ordinance, and set forth the effective date. A copy of the proposed ordinance may be examined without charge at the offices of this newspaper, at the Law Library of the Lebanon County Courthouse, 400 South 8th Street, Room 305, Lebanon, Pennsylvania, and at the Cornwall Borough Office, 36 Burd Coleman Road, Cornwall, Pennsylvania, Mondays through Fridays from 7:00 am to 3:30 pm. A copy of the proposed ordinance may be obtained for the cost of reproduction at the Municipal Building during the above hours.

MORGAN, HALLGREN, CROSSWELL &
KANE, P.C.
Special Counsel

PROPOSED CONDITIONS

Water/Sewer Conditions

1. Prior to the submission of the first final plan for the coordinated mixed use development (the "Development") on the lands held of records or equitably by the Haines and Kibblehouse Group or related entities containing approximately 568 acres (the "Property"), Applicant shall enter into an agreement with Cornwall Borough Municipal Authority Lebanon County (the "Authority") which addresses, in a manner acceptable to the Authority: (a) the installation of a water storage tank and/or booster pump stations to provide not less than 60 pounds per square inch of water pressure throughout the Development except in limited areas where the Authority will accept a lower pressure; (b) identification of which mains and other facilities will be dedicated to the Authority and which mains and other facilities will be privately owned; (c) long-term maintenance of all privately owned water facilities; (d) granting of easements and/or fee title for the water tank and/or booster pump station lot or lots; (e) payment of tapping fees; (f) reimbursement of costs of the Authority; and (g) other issues which the Authority may desire to be addressed.

2. Prior to the submission of the first final plan for the Development, Applicant shall enter into all necessary agreements relating to the acquisition of sewer conveyance capacity at the North Cornwall Township sewer pumping station and acquisition of wastewater treatment capacity in the Lebanon City wastewater treatment plant with the Authority. Applicant shall provide confirmation from the Authority that arrangements satisfactory to the Authority have been made for the payment of the costs of acquisition of any necessary conveyance capacity and wastewater treatment capacity.

3. Prior to the submission of the first final plan for the Development, Applicant shall enter into an agreement with the Authority which addresses, in a manner acceptable to the Authority: (a) which sewer lines and facilities will be dedicated to the Authority and which will be privately owned; (b) long-term maintenance of any privately owned sewer facilities; (c) granting of easements for sewer lines; (d) payment of tapping fees; (e) reimbursement of costs of the Authority; and (f) other issues which the Authority may desire to be addressed.

Traffic Issues

4. Applicant shall construct the collector street which will intersect with Route 322 (the "Boyd Street Bypass") as part of the first portion of the Development to be constructed [which shall be the development of the area identified as Phase 1 on the Cornwall Conceptual Master Plan:

Phasing prepared by Heuser Design, dated January 15, 2010 (the "Phasing Plan")], and such improvements shall be part of the first final plan for the Development. If permitted by the Pennsylvania Department of Transportation ("PennDOT"), Applicant shall install all improvements associated with the intersection of Route 322 and the Boyd Street Bypass, including, but not limited to, all turning lanes, at the same time. Applicant shall request that PennDOT allow such construction. The Borough shall not be required to release any final plan for any subsequent phase of the Development until the intersection of Route 322 and the Boyd Street Bypass has been constructed.

5. Applicant, at Applicant's sole cost and expense, shall design the traffic signal at the intersection of Routes 72 and 322 and shall install the traffic signal when PennDOT agrees that the intersection meets warrants to allow installation of the traffic signal. These costs shall include all associated signage and roadway improvements including, but not limited to, installation of any turning lanes which PennDOT may require and any coordination of the traffic signal with other traffic signals. Applicant shall post financial security, in an amount acceptable to the Borough Engineer and in a form acceptable to the Borough Solicitor, to secure all such improvements prior to the release of the first final plan of the Development for recording; provided, however, that if PennDOT requires that Applicant post such financial security with PennDOT, the posting of the financial security with PennDOT shall satisfy the requirement to post financial security.

6. Applicant shall study the traffic at the intersection of Route 72 and Route 322 to determine whether a traffic signal is warranted at the intersection at Applicant's sole cost and expense. The first such study shall be completed prior to the submission of the first final plan for Phase 2 of the Development as identified on the Phasing Plan or for such area to be developed as a second phase if Council allows to be developed as Phase 2 if Council allows modification of the Phasing Plan. The second such study shall be completed prior to the submission of the first final plan for Phase 3 of the Development as shown on the Phasing Plan or for such area to be developed as the third phase if Council allows modification of the Phasing Plan. The third such study shall be completed prior to the submission of the first final plan for Phase 4 of the Development as shown on the Phasing Plan or for such area to be developed as the fourth phase if Council allows modification of the Phasing Plan. The fourth such study shall be completed prior to the submission of first final plan for Phase 5 of the Development as shown on the Phasing Plan or for such area to be developed as the fifth phase if Council allows modification of the Phasing Plan. The final such study (if the prior studies have not yet demonstrated that the intersection of Route 72 and 322 meets warrants for installation of a traffic signal) shall be completed after issuance of 80% of the certificates

of occupancy for the structures in the final phase of the Development. Applicant shall provide copies of such studies of the intersection of Routes 72 and 322 to the Borough with the application for each final plan approval.

7. Within three months after any traffic study of the intersection of Route 72 and Route 322 demonstrates that a traffic signal is warranted, Applicant, at Applicant's sole cost and expense, shall prepare all documentation necessary for an application to PennDOT for a traffic signal permit and shall submit such application to the Borough for review by the Borough Engineer. Applicant shall promptly submit the application to PennDOT after execution on behalf of the Borough. Applicant, at Applicant's sole cost and expense, shall promptly respond to any comments of the Borough Engineer or PennDOT Engineer relating to the traffic signal permit application. If PennDOT requires the Borough to post financial security as a condition of the traffic signal permit, Applicant shall reimburse the Borough for all costs associated with the posting of such financial security.

8. Applicant shall install the traffic signal and all associated signage and roadway improvements at the intersection of Routes 72 and 322 within six months after PennDOT issues a traffic signal permit. If Applicant fails to install the traffic signal and all associated improvements within this time period, the Borough will have the right to draw upon the financial security and have the traffic signal installed. The Borough shall also have the right to refuse to release any further final plans for the Development for recording until the traffic signal is installed and operational.

9. The Rexmont Road access to the Development shall be a limited access intersection with a control gate at the approximate location shown on the Phasing Plan. One or more homeowners associations shall permanently maintain the gate. The design of the gate shall be acceptable to all emergency service providers who are first responders to the property. Applicant shall provide written confirmation that such emergency service providers have agreed with the design of the gate prior to approval of the final plan for the phase of the Development which includes the Rexmont Road access.

10. Applicant shall improve Ironmaster Road to have a 24 feet cartway and 2 feet wide shoulders on each side (at all locations where the Borough Engineer determines that such shoulders are practical) from the connection of the street shown in red which extends Ironmaster Road to the Boyd Street Bypass ("Ironmaster Road Extended") on the plan identified as Cornwall Conceptual Master Plan: Roadway Classifications prepared by Heuser Design, dated January 15, 2010 (the "Roadway Classifications Plan") to the intersection of Ironmaster Road and Route 117 at the point where the street becomes a state highway under PennDOT's jurisdiction. The design and installa-

tion of the Ironmaster Road improvements shall include the following drainage facilities: (i) replace pipe and add endwall for the inlet at 108 Ironmaster Road; (ii) reset sections of pipe at the inlet and outlet side back on grade and install headwall and endwall between 138-140 Ironmaster Road; and (iii) add inlet, pipe crossing and endwall (obtaining any necessary drainage easements) or add inlet and pipe connecting to the existing inlet along the PennDOT Route 117 ramp to collect water from the spring on the south side of Ironmaster Road in the area where Route 117 begins. The design of these improvements and shall be reviewed and approved by the Borough Engineer. The construction of the Ironmaster Road improvements shall meet the requirements of Section 510.N of the Subdivision and Land Development Ordinance. The Ironmaster Road improvements shall be installed as part of Phase 2 of the Development as shown on the Phasing Plan. No subsequent final plans for the Development shall be released for recording until the Ironmaster Road improvements are completed.

11. All roads shown in red on the Roadway Classification Plan shall have a right-of-way of not less than 50 feet.

12. Applicant shall install left-turn lanes at the intersection of the Boyd Street Bypass and Ironmaster Road Extended.

13. Applicant shall install a left-turn lane on the Boyd Street Bypass at the intersection of the Boyd Street Bypass and the entranceway to the commercial properties to be developed as Phase 5 as shown on the Phasing Plan.

14. Applicant shall improve the segment of Iron Valley Drive from the intersection of the street shown in red on the Roadway Classification Plan with Iron Valley Drive to Rexmont Road. Such improvements shall be of the same standard as the Ironmaster Road improvements, provided, however, that no drainage improvements shall be required. The improvements to Iron Valley Drive shall be completed as part of Phase 4 of the Development as shown on the Phasing Plan. The final plan for Phase 5, as identified on the Phasing Plan, shall not be released until the Iron Valley Drive improvements are completed.

15. Applicant shall extend the street shown in red extending westward from Ironmaster Road Extended to the western property line to enable the continuation of such street when the adjoining property to the west is developed.

16. Applicant shall install guide rail along the segments of Rexmont Road to the east of the Property at locations to be agreed upon by the Borough Engineer and Applicant's Engineer in order to provide greater safety for the traveling public. The guide rail along Rexmont Road shall meet all

applicable PennDOT regulations. Applicant shall install these improvements during the first phase of the Development as identified on the Phasing Plan. The Borough shall not release a final plan for any subsequent phase of the Development until such guide rail are completed.

17. Applicant shall reimburse the Borough for all costs associated with the acceptance of streets dedicated to the Borough (if the Borough determines to accept dedication of any streets) and with preparation and enactment of ordinances to establish traffic regulations on such streets. Such costs shall include review of a title search(s) and legal descriptions for each street (including information such as centerline lengths) provided by the Applicant, preparation of deeds of dedication and any necessary releases of mortgages, recording costs, preparation and advertisement of ordinances to accept dedication and impose traffic regulations, and communications with PennDOT to enable such streets to be placed on the PennDOT Liquid Fuels Tax allocation.

18. All of the streets shown in red on the Roadway Classification Plan shall meet all PennDOT requirements regarding eligibility for the distribution to the Borough of Liquid Fuels Taxes unless the Borough Council waives this requirement when Applicant presents a final plan containing such a street.

19. Applicant will work with NAVTEQ, Teleatlas, Google, and other entities which provide routing for GPS systems to have those systems use the preferred route (i.e. Routes 72 and 322) to access the water park. Applicant shall provide the Borough with written evidence that Applicant has taken such action prior to the issuance of a certificate of occupancy for the water park.

20. Applicant shall include directions to the water park on the website for the hotel and the water park using the preferred route (i.e. Routes 72 and 322). Applicant shall not provide directions using any Borough streets. Any directional signage installed by or on behalf of the Applicant shall instruct drivers to use Routes 72 and 322.

21. Applicant shall contact the County of Lebanon Transit Authority ("COLT") and shall request that COLT extend Route 9 to serve the Development. Applicant shall work with COLT to provide mass transit service to the development if COLT is willing to do so.

Miscellaneous Conditions

22. Applicant shall develop the Property in accordance with the Phasing Plan unless Borough Council, at the time of submission of a final plan, allows a variation in the Phasing Plan. Borough Council shall have no obligation to grant approval of any changes from the Phasing Plan.

23. Applicant shall reimburse the Borough for all costs necessary to prepare and enact an amusement tax ordinance including, but not limited to, attorneys' fees to prepare such ordinance and costs to advertise such proposed ordinance in accordance with the requirements of the Local

Tax Enabling Act. Applicant shall reimburse the Borough for such costs within 60 days after the date of an invoice for such costs.

24. Applicant shall install recreational amenities to serve the Development which shall include, at a minimum, a park containing nature trails and a summit overlook within the area identified as Phase 2 on the Phasing Plan; clubhouse and recreational facilities for the community to be developed as part of Phase 2 on the Phasing Plan located at the northwest portion of the lake; greens and similar passive recreation areas to serve the residential communities in all phases of the Development; and a trail system extending throughout the Development. Applicant shall install each portion of the trail system at the time Applicant installs the improvements for the phase of the development within which such portion of the trail system is located. The pedestrian trails which are proposed to be paved shall have a minimum width of six feet and shall comply with all regulations implemented under the Americans with Disabilities Act. Trails within the conservation areas which are not proposed to be paved shall be constructed in accordance with the standards for trail construction in *Lightly on the Land: The SCA Trail Building and Maintenance Manual* by Robert C. Birkby or in accordance with the standards in the United States Forest Service Standard Specification for Construction and Maintenance of Trails. Applicant shall inform the Borough Engineer which specification the Applicant proposes to use for each pedestrian trail. The Borough Engineer shall have the right to approve the construction standard selected.

25. Applicant shall grant the Borough an easement to allow the public to use the pedestrian trail system within open space or recreational lots. Each segment of the trail system shall become open to use by members of the public only after the Borough Engineer has finally inspected such trail segment and authorized the release of the financial security to secure its installation. The Applicable Association shall be responsible to maintain such pedestrian trails.

26. Applicant shall promptly install recreational amenities shown on each final plan. The Borough shall have no obligation to issue permits to construct additional dwellings if the recreational amenities shown on a final plan have not been completely installed by the time seventy-five (75%) percent of the dwelling units within that phase authorized by such final plan have been constructed. If the Borough ceases issuing permits under this condition, it will resume issuing permits after Applicant completed construction of the recreational amenities. It is the intention of this condition to require the Applicant to provide promised recreational amenities by the time seventy-five percent of the dwellings are occupied.

Lot or unit owners associations.

27. Applicant shall establish one or more automatic membership associations for the

residential units within the Development (collectively the "Associations" and individually an "association"). Each residential lot or dwelling unit which may be individually owned shall be part of an automatic membership association. Applicant shall provide the documentation for the creation of each Association to the Borough Solicitor for review prior to the execution of the first final plan containing lots or dwelling units which shall be required to be members of such Association on behalf of the Borough, and such documentation shall be in a form and content acceptable to the Borough Solicitor. The documentation shall grant the Borough the right, but not the obligation, to maintain the open space, recreation areas, and common areas and file liens against the Property or any part thereof for the cost of maintenance.

28. The Borough shall have no responsibility for maintaining any open space, recreation areas, or common areas which the Borough does not formally accept. Applicant shall make and provide evidence of satisfactory arrangements within the documentation creating and governing the Association for the lots or dwelling units created by a final plan (the "Applicable Association") acceptable to the Borough for the permanent maintenance of all such areas.

29. Applicant shall establish a reserve fund for each Association which may be used to maintain the open space and common areas, including storm water management facilities, until such time as there are sufficient funds in such Association to perform such maintenance. The reserve fund may be funded through a payment of not less than \$300 by the first purchaser of a dwelling unit at the time of settlement on the dwelling unit.

30. Each Association shall maintain liability insurance coverage for as long as such Association is obligated to maintain or operate such areas or facilities unless such Association shall demonstrate to the Borough that the Association has attempted and has been unable to obtain such coverage at reasonable rates. Each Association shall, upon request of the Borough, present the Borough with certificates of insurance evidencing commercially reasonable coverage for similar projects but in no event less than \$500,000 for property damage and at least \$1,000,000 for personal injury, including death. The Borough, its elected and appointed officials, employees, and agents, shall be named as additional insureds on any such insurance policies.

31. The Applicable Association shall be responsible for the permanent maintenance of all storm water management facilities including, but not limited to, detention basins, underground storage facilities, and BMP facilities, which are not accepted by the Borough in accordance with the approved final plans, whether such facilities are within common area or are within the title lines of individual lots. The Applicable Association documentation shall provide that the Borough shall

have the right, but not the obligation, to maintain the storm water management facilities and file liens against the Property or any part thereof, for the costs of such maintenance.

32. Applicant and the Applicable Association shall enter into a Storm Water Management Agreement and Declaration of Easement with the Borough in a form acceptable to the Borough Solicitor and Engineer prior to the recording of each final plan.

33. Applicant shall prepare a document, in a form acceptable to the Borough Solicitor, for each phase of the Development in which residential lots or units shall be part of an Association entitled "[Development Name] Lot Owners Obligations and Responsibilities" (the "Information Statement") prior to the release of such final plan for recording. The Information Statement shall in plain language (a) identify the name under which the phase is to be marketed; (b) state that each lot or unit shall be part of an association and the name of such association; (c) identify any private streets or alleys which such phase of the Development; (d) identify all common recreation facilities which the association will be required to maintain; (e) state that the association has the right to require payment of assessments for the costs to maintain the streets, alleys, and common recreation facilities; (f) state that the Borough has no responsibility to maintain any of the common facilities including, but not limited to, private streets; (g) state that it is the Applicant's desire that the private streets and alleys be private and persons purchasing lots or units do so with the knowledge that the Borough will never provide snow plowing or other maintenance of private streets and alleys; and (h) inform the potential purchaser that he or she has the right to review all association documentation and all plans prior to executing an agreement for sale. The Information Statement shall be posted on the web site(s) controlled by Applicant advertising sale of lots or units within the Development within one week after it is approved by the Borough Solicitor. Applicant shall provide copies of the Information Statement to the Borough so that they may be available for distribution to persons who request information from the Borough concerning the Development. Applicant shall provide a copy of the Information Statement to each person who requests information relating to the potential purchase of a lot or unit at time such person makes the first request for information.

Standard Conditions

34. To the extent not otherwise provided in these Conditions, Applicant shall furnish financial security of the type, in the amount, and at the times required by the MPC.

35. Applicant shall enter into a land development agreement with the Borough prior to the recording of the final plan for each phase of the Development setting forth the responsibilities for the development of the Property and listing required improvements, lands to be dedicated, and contributions to be made to the Borough as identified in these Conditions.

36. Applicant shall require all contractors to keep existing Borough and state roads free of construction debris, silt, trash, litter, and other impacts of the construction of the Development. If the Borough provides Applicant with written notice that Applicant's contractors are not in compliance with this Condition and Applicant fails to immediately require its contractors to comply with this Condition, the Borough may, at the Borough's option, withhold permits for additional construction until Applicant presents the Borough with adequate assurances that Applicant's contractors will comply with this Condition.

37. Applicant, and its successors and assigns, shall maintain all buffer plantings, street trees, and landscaping relating to the Development in conformance with good nursery and landscape practice. Any new tree or shrub which dies shall be replaced; provided that any new tree which dies within 18 months after the issuance of a certificate of use and occupancy for the first building and is in excess of 2.5 inches in caliper shall be replaced with a tree that is at least 2.5 inches in caliper. All existing trees and shrubs which are shown on Applicant's Exhibits and Plans as being preserved shall be replaced to the satisfaction of the Borough if they are damaged or should die within one (1) year.

38. Applicant and its successors and assigns shall at all times comply with and adhere to the evidence presented to Borough Council at the hearings held on _____, 2010, except to the extent modified by the Conditions imposed herein.

39. If, to address issues raised as a result of submission of fully engineered final plans, complete storm water management calculations, or similar matters, Borough Council requires alterations to the plans which create an inconsistency with any of these Conditions, compliance with the requirements of the Borough Council shall be considered satisfaction of the Condition at issue.

40. Applicant shall reimburse the Borough and the Authority for all reasonable engineering and legal fees incurred in the review of plans under the Zoning Ordinance, Storm Water Management Ordinance, Subdivision and Land Development Ordinance and other governing ordinances; review or preparation of documentation required in connection with the Development; review and approval of financial security and other documentation; inspection of improvements (including inspections performed by Borough or Authority employees); and for other costs as set forth in these Conditions within 60 days after receipt of an invoice for such fees. If Applicant fails to pay such costs within 60 days after the date of a written invoice for such costs, Applicant shall be in violation of this Condition.

41. Applicant shall obtain all permits and approvals required by the Zoning Ordinance and

all other applicable Borough ordinances, regulations and specifications and by all county, state and federal laws and regulations relating to the Development, as and when required.

42. Nothing contained in this Decision shall be deemed to relieve Applicant from complying with all other applicable local, county, state and federal laws and regulations.

43. Applicant shall reference these Conditions or include recording information if these conditions are recorded as a separate document as General Notes on all final plans for the Development or any phase or part thereof.

44. Any violation of the Conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the MPC and in the Zoning Ordinance. In addition, the Borough may refuse to issue any permit or grant any approval necessary to further improve or construct the Development in the event of the violation of or failure to comply with any Condition contained in this Decision.

45. The Conditions set forth in this Decision shall be binding upon the Applicant and its successors and assigns, and any other entity having an interest in the Property now or at any time in the future.

46. The Borough may cause this Decision, or a suitable memorandum thereof, to be recorded in the Office of the Recorder of Deeds in and for Lebanon County, Pennsylvania, indexed against Applicant as grantor, and in favor of the Borough, as grantee. Applicant shall execute and acknowledge such documents as are necessary to permit such recording and indexing, and the Borough shall not be required to issue any permits or approvals until such documents are executed, acknowledged and recorded if Applicant is requested to do so.