



# Settlement Agreement

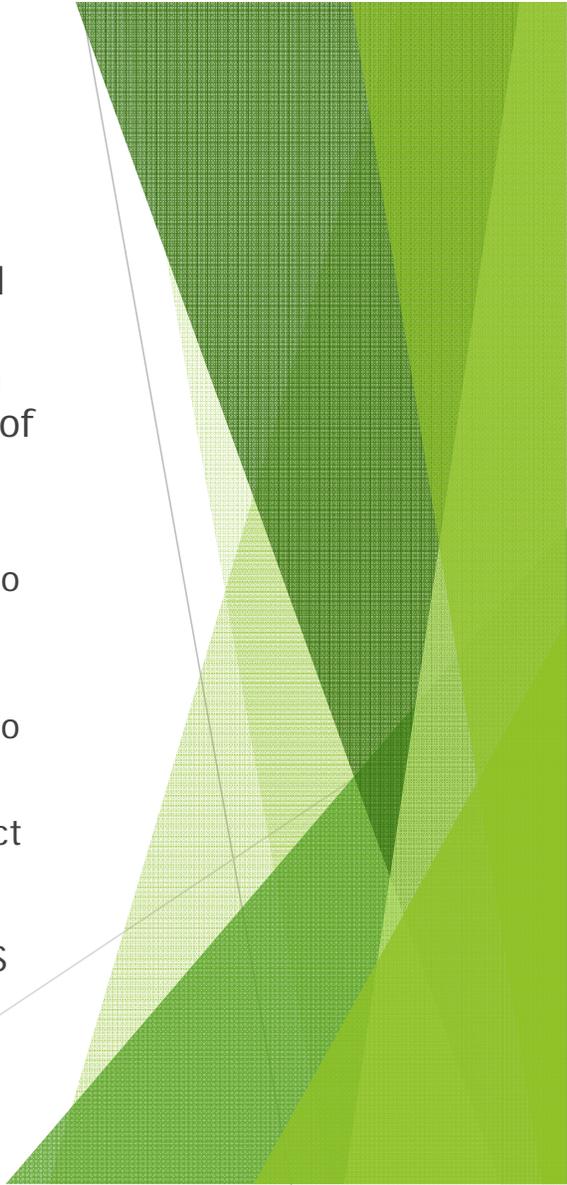
Methacton School District vs. Worcester Township, et al., in the Court of  
Common Pleas of Montgomery County, Case Number 2015-00779

# Conditions

- ▶ 1. Conditional Use and Land Development issues are resolved by the Settlement Agreement and the attached Plans (Landscaping and Lighting).
- ▶ 2. All development will be consistent with School District testimony at the Conditional Use hearings, unless revised by the Settlement Agreement and the Plans attached thereto.
- ▶ 3. The District shall install such trees and other items as shown on the Plans.

- ▶ 4. Condition number 4 requiring a fence of six feet in height along the front and rear portions of the property with no gates or openings is removed from the decision.
- ▶ 5. The District shall deposit \$20,000 in an escrow fund for additional landscaping over and above that on the Plans. The additional landscaping shall be as determined necessary by the Township Lighting Consultant, Karen Murphy. Any unused amount shall be returned to Methacton.
- ▶ 6. The Plans show a maximum pole height of 100 feet rather than the prior 85 feet. As a result, the number of poles has been reduced from a total of eleven lighting poles to a total of nine, four on the Stadium Field and five on the Auxiliary Field.

- 
- ▶ 7. The Plans show the location of landscaped berms feasible along the rear/western Property line and along the property's frontage on Mill Road, and the Plans are hereby approved, substantially in the form as submitted by Methacton, by the Township, such that no further Township reviews or approvals shall be required to install the improvements as shown on the Plans, other than the reasonable review of the Lighting Plan by the Township's lighting expert, Karen Murphy to verify that the Lighting Plan represents a stated maintained average illumination level for each of 50 footcandles and 30 footcandles of illumination for each field and to verify that the Lighting Plan represents stated horizontal and vertical spill levels at the property line compliant with the 1.0 footcandle and 0.5 footcandle spill levels, respectively, as stated in the Lighting Ordinance. The above referenced \$20,000.00 landscaping escrow fund shall not be used to pay the costs of installation of the improvements as shown on the Plans as such escrow is for any additional landscaping required by the post installation testing set forth below.

- 
- 8. The use of the Lights shall be permitted only for competitions, practices and other events undertaken by the students of the Methacton School District, or the League (PIAA) in which the students of the Methacton School District participate, or by local/community organizations based within the Methacton School District. Though not restricted further than as set forth in the Lighting Ordinance as to the permissible days and times of use, the use of the following fields shall be limited as follows:
- (a) There shall be no use of the softball fields (being daytime or nighttime use) located on the Subject Property by groups which are comprised of individuals who are not within a pre-kindergarten through 12th grade school system;
  - (b) There shall be no use of the Auxiliary Field (being daytime or nighttime use) located on the Subject Property by groups which are comprised of individuals who are not within a pre-kindergarten through 12th grade school system; and
  - (c) There shall be no use of the lights on the Football Field located on the Subject Property by groups which are comprised of individuals who are not within a pre-kindergarten through 12th grade school system, except for three (3) times per calendar year and then only when such group can demonstrate the applicable IRS 501 (c) status.

- ▶ 9. In order to continue to permit the reasonable use and enjoyment of adjoining residential properties, the Lights shall be used only at the times permitted by the Lighting Ordinance. There shall be no use of the lights on Sunday.
  
- ▶ 10. The maximum average level of illumination for the Lights on the Auxiliary Field shall be 50 foot candles for lacrosse and football games and lacrosse practice. Football practice, all other practices and games (other than as stated above), and all other events shall have a maximum average level of illumination of 30 foot candles.
  
- ▶ 11. The maximum average level of illumination for the Lights on the Stadium Field shall be 50 foot candles for lacrosse and football games and lacrosse practice. Football practice, all other practices and games (other than as stated above), and all other events shall have a maximum average level of illumination of 30 foot candles.



- ▶ 12. Applicant shall be responsible for providing adequate security as would be normally provided by a school district at this location, and not as a replacement to law enforcement, for all illuminated events (whether a practice or a game) on the Property.
- ▶ 13. The lights to illuminate the concession area in the Stadium Field shall be installed as shown on the Plans.
- ▶ 14. The emergency lighting for both fields shall be installed as shown on the Plans.
- ▶ 15. Excepting any condition in the Settlement Agreement and the attached Plans to the contrary, the Lights shall in all respects comply with the provisions of §150-200.8 of the Worcester Township Zoning Ordinance.

- ▶ 16. Consistent with §150-200.8(9) of the Worcester Township Zoning Ordinance, the Township's Independent Lighting Consultant, Karen Murphy, shall conduct a post installation system performance evaluation to ensure the performance of the Applicant's proposal in accordance with the Settlement Agreement and the attached Plans and to determine whether any lighting adjustments or additional landscaping shall be reasonably required (as set forth pursuant to above condition 5).