

FROM: CLEMONS RICHTER & REISS, P.C.  
107 East Oakland Avenue  
Doylestown, PA 18901

TO: CLEMONS RICHTER & REISS, P.C.  
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Doylestown, PA 18901

CMP No. 53-012-018

**DECLARATION IMPOSING COVENANTS, CONDITIONS, RESTRICTIONS  
AND EASEMENTS FOR PRESERVATION OF HISTORIC  
BUILDINGS**

**This DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PRESERVATION OF HISTORIC BUILDINGS AND STRUCTURES** made this \_\_\_ day of \_\_\_\_\_, 2012 by the **BOARD OF SUPERVISORS OF WRIGHTSTOWN TOWNSHIP**, a political subdivision of the Commonwealth of Pennsylvania with its principal place of business at 2203 Second Street Pike, Wrightstown, Pennsylvania 18940 (hereinafter "Township").

**BACKGROUND**

A. Wrightstown Township is a Township of the Second Class duly organized pursuant to Second Class Township Code and governed by a Board of Supervisors.

B. Township is the owner of a certain tract of land in Wrightstown Township comprising approximately 62.5063 acres, more or less, located at 2203 Second Street Pike in Wrightstown Township, identified as Bucks County Tax Map Parcel No. 53-012-018 (the "Property"), pursuant to a Deed dated July 20, 2001 and recorded in the Office of the Recorder of Deeds of Bucks County in Book 2375 at Page 1935, et seq.

C. A subdivision of the Property into four (4) lots has been approved by the Township pursuant to Plans prepared by Pickering Corts & Summerson, Inc., last revised September 27, 2011 and recorded in the Office of the Recorder of Deeds of

**EXHIBIT "C"**

Deed in Book 386 at Page 19 (the “Subdivision Plan”).

D. Lots 1, and 2 as shown on the Plans contain important historic resources which include on lot 1, a house built circa 1850 and on lot 2, a barn built at approximately the same time. The historic importance of these buildings has been documented Comprehensive Historic Site Survey for Wrightstown Township, prepared by the Wrightstown Historic Committee. The historic house and barn are sometimes referred to hereafter as the “Historic Buildings”.

E. The locations of the Historic Buildings are shown on the Subdivision Plan.

F. Township by this Declaration intends to impose Covenants, Conditions Restrictions and Easements on Lots 1 and 2 requiring the preservation and protection of the Historic Buildings on Lots 1 and 2.

**NOW, THEREFORE**, in consideration of the premises, and intending to be legally bound hereby, the Declarant Township declares that Lots 1 and 2 as shown on the Plans shall be held, sold and conveyed subject to the following covenants, conditions and restrictions, all of which shall be construed to run with the land and binding upon all parties having any right, title or interest in Lots 1 and 2 or any part thereof, their heirs, successors and assigns and further declares that the benefits of this Declaration shall enure to the benefit of the Township and the provisions hereof shall be enforceable as more fully set forth herein.

### **FAÇADE EASEMENT – HISTORIC BUILDINGS**

1. To preserve the exterior appearance of the historical elements of the Historic Buildings as they exist on the date of this Declaration as depicted on the photographs attached hereto as Exhibit “A” and incorporated herein by reference (the “Historic Facades”) the Township hereby imposes the following Covenants, Conditions and Restrictions on the Building Facades for the benefit of the Declarant Township, its successors and assigns which shall be enforceable by Declarant, its successors and assigns.

2. No work shall be performed on the exterior of the Historic Buildings including any construction, alteration, remodeling, demolition or other activity which would alter the appearance of the Building Facades (the "Work") unless the owner(s) of Lot 1 or 2 or other person authorized to undertake the Work shall first obtain a approval from the Board of Supervisors of Wrightstown Township as to the appropriateness of the Work in the context of the Historic Building. The Board of Supervisors shall not unreasonably withhold such approval.

3. The Work shall include, but not be limited to, replacement or reconstruction of the chimneys, roof, siding, windows, sashes, porches, porticos, doors, or other external elements of the Historic Buildings and changing the height, altering historic elements or performing work which may adversely impact the structural soundness of the Historic Buildings. The Work shall not include repair or replacement in kind of presently existing or hereafter approved parts or elements of the Building Facades. Emergency repairs necessary to preserve the Building Facades from destruction or further deterioration as a result of a casualty such as fire, flood or wind damage shall not require a advance approval by the Board of Supervisors prior to undertaking same. However, in the event of an emergency requiring emergency repairs, the Township shall be immediately notified that such temporary repairs are being undertaken

3. The Historic Buildings shall be maintained in good condition and repair such that they maintain their historic appearance, do not suffer from neglect and such that conditions do not exist which if not addressed will result in a historic building deteriorating to the point that it cannot be repaired or its historical elements maintained.

5. No building permit shall be issued for any Work on any Historic Building unless the applicant for such a permit shall have obtained the approval of the Board of Supervisors as to the appropriateness of the Work in the context of the historic nature of the building for which the permit is requested.

6. Township, its successors and assigns, including any agent appointed for this purpose and Conservancy, its successors or assigns, are hereby granted an easement to enter on the Lots 1 and 2 at reasonable times to inspect the Historic Buildings and any Work performed on same to determine whether the Historic Buildings are being maintained in accordance with the requirements of this Declaration and

whether Work is being or has been performed in accordance with the provisions

7. In the event the Township is of the opinion that an owner(s) of Lot 1 or 2, has violated a condition the Township shall notify the then owner(s) in writing of the nature and extent of the breach and what must be done to restore the Historic Building Façade to come into compliance with the provisions of this Declaration. The Township's notice shall also include an offer to meet with the then owner(s) to discuss compliance.

8. Should the owner(s) of either Lot 1 or Lot 2 fail to fulfill the obligations and duties established by this Declaration, the Township shall have the right to pursue whatever legal or equitable remedy the Township shall deem appropriate. Any and all costs to enforce the provisions of this Declaration and to perform Work reasonably required to restore the Historic Building Facades shall be charged to the then owner(s) who failed to perform its obligations hereof. Township shall have a lien against the Lot(s) in the amount of any enforcement costs and/or costs it expends to restore a Historic Building with respect to the Lot for which the expenditure occurred.

### **GENERAL PROVISIONS**

9. Declarant recognizes that there may be circumstances arising in the future which require an amendment to this Declaration. However, no amendment, revision or extinguishment of any of the provisions of the Declaration shall be effectuated or occur without the consent of Wrightstown Township as evidenced by a joinder executed by Wrightstown Township and recorded as part of an Amendment to the Declaration.

10. This Declaration Imposing Covenants, Conditions, Restrictions and Easements for Preservation of Historic Buildings is enforceable by the Township and is intended to be enforced against all persons holding title to the Lot(s) and is binding on the owners of lots 1 and 2 shown on the Plans their heirs, successors and assigns.

11. This Declaration Imposing Covenants, Conditions, Restrictions and Easements for Preservation of Historic Buildings shall be construed and interpreted in accordance with the laws of the Commonwealth of Pennsylvania.

12. The provisions of this Declaration Imposing Covenants, Conditions,



## Notary Public

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