

PREPARED BY:

Lamb McErlane, P.C.
24 E. Market Street
P.O. Box 565
West Chester, PA 19381-0565
Attn: Vincent M. Pompo, Esquire

RECORDER OF DEEDS
CHESTER COUNTY, PA

2013 MAY -3 AM 10: 26

RETURN TO:

Lamb McErlane, P.C.
24 E. Market Street
P.O. Box 565
West Chester, PA 19381-0565
Attn: Vincent M. Pompo, Esquire

Tax Parcel No. 60-6-51

**MEMORANDUM REGARDING MODIFICATION
TO SPEED LIMIT SIGN REQUIREMENTS**

**HARROGATE NORTH,
AN AGE-QUALIFIED CONDOMINIUM**

**NEW GARDEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**THIS MEMORANDUM REGARDING MODIFICATION TO SPEED LIMIT
SIGN REQUIREMENTS** made this 25th day of April, 2013 by and between **NEW
GARDEN TOWNSHIP**, a Township of the Second Class ("Township") and **HARROGATE
NORTH CONDOMINIUM ASSOCIATION, INC.** (The "Association").

BACKGROUND

A. Pursuant to a certain Declaration of Condominium for Harrogate North, An Age-Qualified Condominium executed by Wilkinson Distinction L.P. ("**Declarant**") dated February 16, 2006 and recorded on February 22, 2006, in the Recorder of Deeds Office for Chester County, Pennsylvania bearing Document ID 10626190 (the "**Declaration**") Declarant submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq., (the "**Act**") certain real estate described in Exhibit "A" to the Declaration and created a condominium known as "Harrogate North" (the "**Condominium**").

B. Declarant transferred, sold or conveyed all Common Elements of the Condominium as defined in the Declaration to the Association.

C. The Common Elements include the private streets within the Condominium as shown on the Land Development Plan dated January 1, 2004, last revised September 21, 2005, as approved by the Board of Supervisors of the Township and recorded as Plan No. 17628 on November 4, 2005 in the Recorder of Deeds Office for Chester County (the "**Land**

Development Plan"). Sheets 2 through 5 of the Land Development Plan identify the locations of speed limit signs along the private streets within the Condominium.

D. The Association requested the Township to consider a reduction in the number of speed limit signs along the private streets within the Condominium. Thereafter, the Township authorized its traffic engineering consultant, McMahon Transportation Engineers & Planners ("**McMahon**"), to examine the number and spacing of speed limit signs within the Condominium. By letter dated April 2, 2013, McMahon provided its professional engineering advice to allow a reduction in the number of speed limit signs to eight (8) speed limit signs. A copy of the McMahon letter is attached hereto as **Exhibit "A"**. The McMahon letter includes attached site plans showing the recommended locations of the eight (8) speed limit signs.

E. The Township, with the concurrence of the Association, desires to revise the speed limit sign requirements as set forth on the Land Development Plan and to memorialize those understandings in this Memorandum.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, for other good and valuable consideration and with the intent to be legally bound hereby, the Township and the Association covenant and agree as follows:

1. **REVISION OF SPEED LIMIT SIGN REQUIREMENTS.** The Township hereby ratifies and confirms that the requirements for the installation of speed limit signs shall be at the locations as set forth in Exhibit A hereto as recommended by McMahon.

2. **OBLIGATIONS OF THE ASSOCIATION.** The Association shall retain the obligation and duty to install and maintain the speed limit signs along the private streets within the Condominium.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Township and the Association have executed this
Memorandum the day and year above written.

HARROGATE NORTH CONDOMINIUM
ASSOCIATION, INC.

By: Leslie J. Clarke
LESLIE J. CLARKE
PRES. HARROGATE N. CONDO ASSOC.
NEW GARDEN TOWNSHIP

By: Stephen Allaband
STEPHEN ALLABAND
CHAIRMAN OF THE BOARD OF SUPERVISORS

STATE OF DELAWARE

:

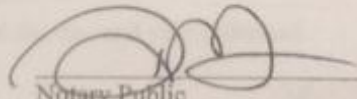
: SS

COUNTY OF NEWCASTLE

:

On this, the 25 day of April, 2013 before me, the subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared Leslie J. Clarke, who I am satisfied is/are the person(s) who signed the within Memorandum, and who acknowledged that being validly authorized to do so for the purposes therein contained. *PRESIDENT OF HARROGATE NORTH CONDOMINIUM ASSOCIATION, INC.

WITNESS my hand and seal the day and year aforesaid.


Notary Public

My Commission Expires:

DORIS P. IACONI
Notary Public - State of Delaware
My Comm. Expires Aug. 20, 2014

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CHESTER

On this, the 29th day of April, 2013 before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Stephen Allaband *, who I am satisfied is/are the person(s) who signed the within Memorandum, and who acknowledged that being validly authorized to do so for the purposes therein contained. *CHAIRMAN OF THE BOARD OF SUPERVISORS OF NEW GARDEN TOWNSHIP

WITNESS my hand and seal the day and year aforesaid.

Mary F. Peed
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Mary F. Peed, Notary Public
Oxford Borough, Chester County
My Commission Expires November 24, 2013



FILE

Harrogate North

AD

McMAHON ASSOCIATES, INC.
240 Springdale Drive | Exton, PA 19341
P: 610-594-9995 | F: 610-594-9996
www.mcmahonassociates.com

PRINCIPALS

Joseph N. Scarsone, P.E.
Joseph J. DeGaris, P.E., P.T.O.
John L. DeGaris
William T. Hoffman
Casey A. Wynn, P.E.
Gary R. McHughen, P.E., P.T.O.

ASSOCIATES

John J. Wilson, P.E.
Christopher J. Williams, P.E.
John T. Trappala, P.E.
B. Tracy Shorsky, P.E.
Matthew N. Kozuch, P.E.

April 2, 2013

Mr. Spencer J. Andress, AICP
Interim Township Manager
New Garden Township
299 Starr Road
Landenberg, PA 19350

RE: Harrogate North Community
McMahon Project No. 802277.00

Dear Mr. Andress:

As you are aware, McMahon Associates, Inc. was asked to examine the number and spacing of speed limit signs within the Harrogate North community located along Southwested Road in New Garden Township. With regard to the number and spacing of speed limit signs, we defer to New Garden Township as to whether there are any specific municipal ordinances that would apply in this situation. Our review is based on the following state publications, and specific excerpts from these publications are also noted below.

1. PennDOT Publication 212, Official Traffic Control Devices (3-06)

Page B-5, Section 212.108.e(1)(ii): "Speed Limit Signs (R2-1) or a variable speed limit sign showing the maximum speed shall be placed on the right side of the highway at the beginning of the speed limit and at intervals not greater than 1/2 mile throughout the area with the speed limit."

Section 3362(b)(1) of Title 75, Pennsylvania Vehicle Code also establishes speed limit postings "at intervals not greater than one-half mile."

Based on these provisions, the maximum spacing between speed limit signs is 1/2 mile.

2. PennDOT Publication 46, Traffic Engineering Manual, February 6, 2012

Page 2-11: "Speed limit for turning vehicles at intersections: Neither the Vehicle Code nor regulations require that drivers turning from one highway onto another highway be advised of the speed limit along the highway they are entering. Therefore, it is possible that a turning driver could travel up to one-half mile before knowing what the speed limit is along the highway they have entered."

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EXHIBIT "A"

Based on this provision, there is no requirement to post a new speed limit sign when a motorist turns onto a new road. The only requirement is to maintain a maximum spacing of 1/2 mile between signs.

3. Manual on Uniform Traffic Control Devices (MUTCD), 2009 Edition

Page 57, Section 2B.13(04): "Additional Speed Limit signs shall be installed beyond major intersections and at other locations where it is necessary to remind users of the speed limit that is applicable."

Harrogate North is a closed, residential community, and since all streets serve the same function as local residential roads, none of the internal intersections are considered to be "major intersections".

Page 57, Section 2B.13(08): "If a jurisdiction has a policy of installing Speed Limit signs in accordance with statutory requirements only on the streets that enter a city, neighborhood, or residential area to indicate the speed limit that is applicable to the entire city, neighborhood, or residential area..."

We believe this provision may be appropriate for the Harrogate North community, since it is a closed community with private streets. Therefore, the Harrogate North community may wish to explore this option to further reduce the number of speed limit signs; however, according to MUTCD, it requires a specific Township policy. Without a specific Township policy, this provision does not apply.

Based on the above, we believe the Harrogate North community can be adequately served by fewer speed limit signs with the understanding that all roads in the community possess similar characteristics and serve a similar function. Therefore, every road within the community does not require a speed limit sign at every point of entry onto the road, but rather, speed limit signs should be spaced no greater than 1/2 mile apart for any motorist that is traveling within the community. As such, we recommend a total of 8 speed limit signs within the community in the following locations, and as shown on the attached site plan.

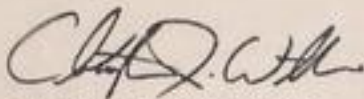
1. Drive A - north of Southwood Road facing south
2. Drive C - east of Drive B facing west
3. Drive B - north of Drive C facing south
4. Drive E - east of Drive A (southern intersection) facing west
5. Drive F - east of Drive A facing west
6. Drive E - east of Drive A (northern intersection) facing west
7. Drive A - south of Drive B facing north
8. Drive B - west of Drive A facing east

Mr. Spencer J. Andress, AICP
April 2, 2013
Page 3

The number and spacing of speed limit signs is based on the requirements of the PA Motor Vehicle Code and applicable PennDOT references, such that speed limit signs should be spaced no greater than $\frac{1}{2}$ mile apart.

If you have any questions or comments regarding this examination of the number and spacing of speed limit signs within the Harrogate North community, please do not hesitate to contact our office.

Sincerely,



Christopher J. Williams, P.E.
Vice President & General Manager – Exton

CJW/ab
Attachments

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Mr. Spencer J. Andress, AICP

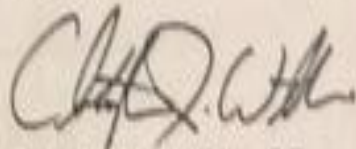
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Page 3

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Sincerely,



Christopher J. Williams, P.E.

Vice President & General Manager - Exton

CJW/ab

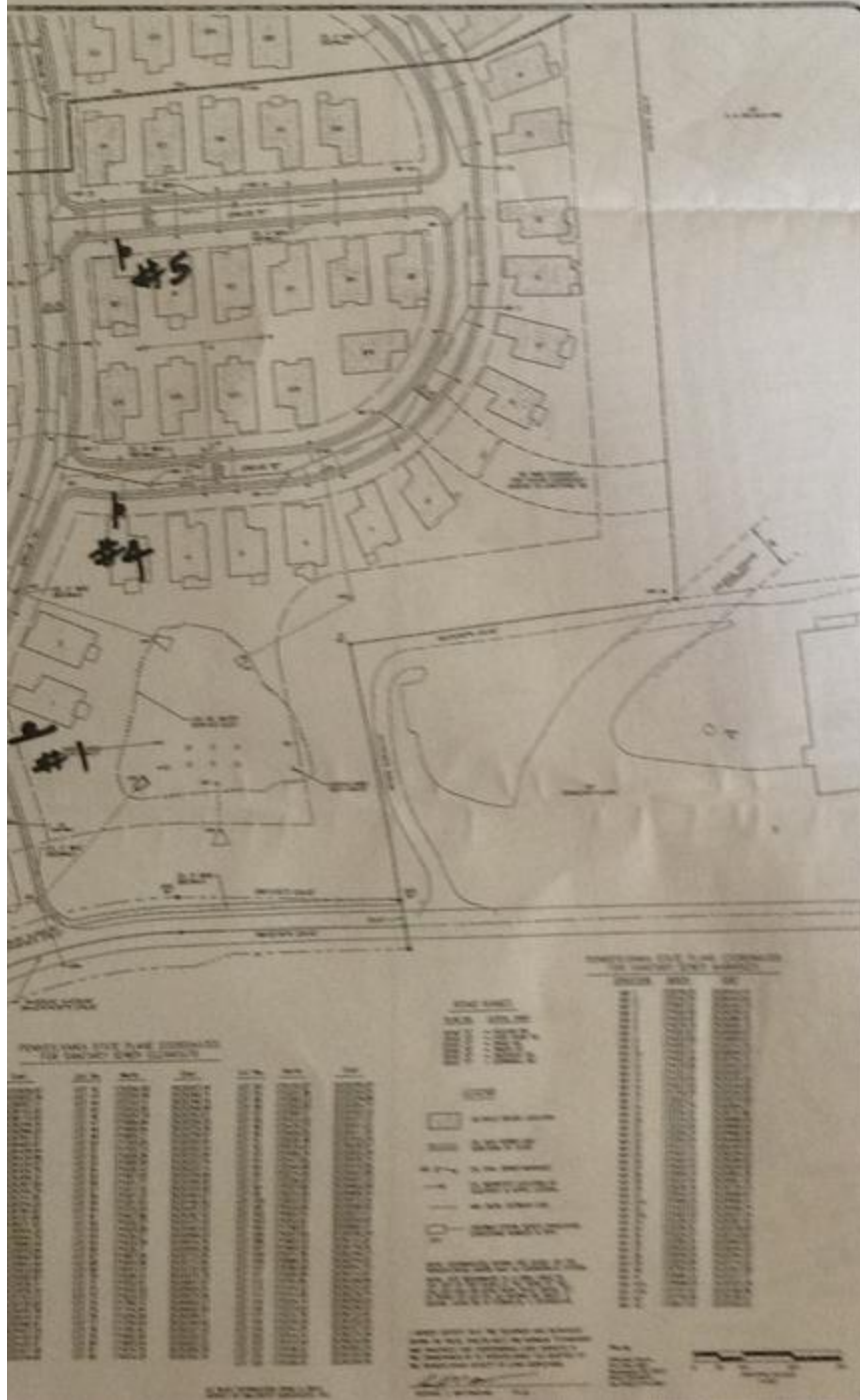
Attachments

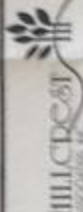
EXISTING SPEED LIMIT SIGNS TO REMAIN (APPROX. LOCATIONS)

APRIL 2, 2013

MCMAHON ASSOCIATES, INC.

1 OF 2

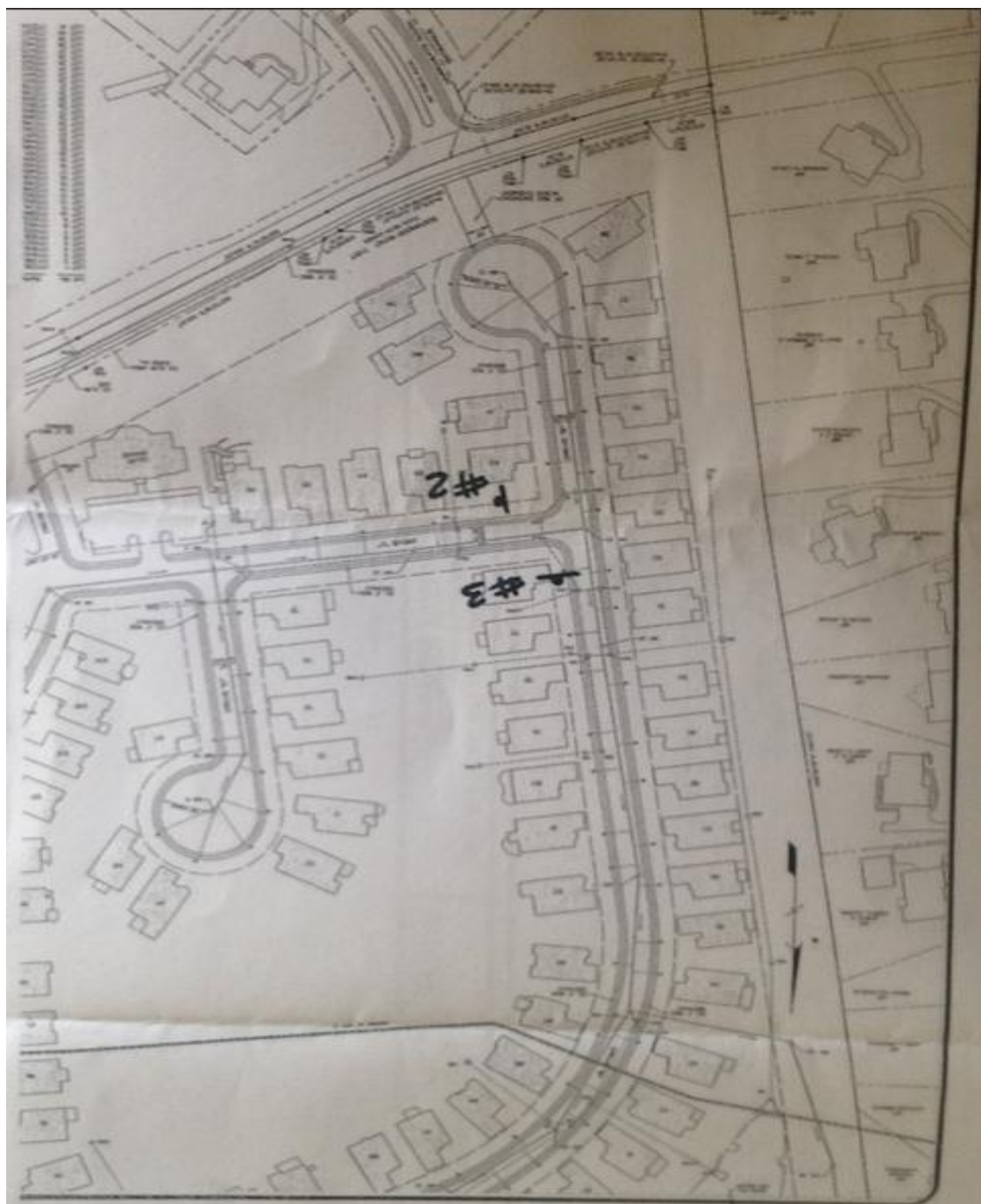




HILLCREST

FINAL ROAD, SANITARY & STORM SEWER AS BUILT PLAN
HARDING NORTH
NEW GARDEN TOWNSHIP
CLINTON COUNTY, PENNSYLVANIA

1 OF 2



EXISTING SPEED LIMIT SIGNS
TO REMAIN (APPROX. LOCATIONS)
APRIL 2, 2013
McMAYON ASSOCIATES, INC.

2 of 2

