

**STATEMENT OF THE CARROLL TOWNSHIP BOARD OF SUPERVISORS
REGARDING THE FEDERAL LAWSUIT SETTLEMENT AGREEMENT
BETWEEN DILLSBURG VENTURES, LLC AND CARROLL TOWNSHIP**

During November of 2014, the Carroll Township Board of Supervisors held two (2) public hearings regarding development proposed by Dillsburg Ventures, LLC (“DV”) on 45 acres located between Logan Road and the Harrisburg Pike.

The Board heard, and the developer heard, the public’s concerns and comments and took all the comments very seriously. After the public hearings, it was clear that a new direction for the DV property on Logan Road should be investigated. During the past 4 years, the Township has negotiated with DV in good faith to arrive at a mutually agreeable settlement. The proposal being considered by the Board will prevent further expensive litigation and quite possibly produce a development result that is more desirable than what is currently permitted.

BACKGROUND

Dillsburg Ventures is the owner of approximately 45 acres of land located between Logan Road and the Harrisburg Pike. In 2008, the Township issued a written decision denying a land development plan for a mixed-use project that DV had proposed for its Property. The mixed-use plan called for a combination of single-family homes, duplexes, townhomes and commercial uses. Thereafter, DV successfully appealed the Township’s decision to the Court of Common Pleas of York County, which granted Dillsburg Ventures the right to proceed with the mixed-use plan.

The Township then appealed the York County Court decision to the Commonwealth Court. While on appeal with the Commonwealth Court, the parties participated in the Court’s mediation program and entered into a settlement agreement. In that agreement, DV proposed an alternative development plan for the property, called “Plan 18B.” Plan 18B called for a mix of single-family detached homes, apartments, and commercial uses. Prior to the implementation of that agreement and Plan 18B, the Township declared a breach of the agreement and withdrew its appeal before the Commonwealth Court.

DV then filed a complaint against the Township in Federal Court. The lawsuit alleged a breach of contract related to Plan 18B.

At the urging of the federal judge overseeing the federal court action, the parties, through their staff, counsel, and consultants, met to discuss alternative plans for development on the property, to settle the Federal lawsuit.

It is a settled matter that DV has the legal right to construct either the mixed-use plan approved on appeal by the York County Court, or Plan 18B, approved by the Commonwealth Court. However, both parties believe that a better development plan may be achievable. This proposed settlement agreement reflects this belief.

SUMMARY OF THE SETTLEMENT AGREEMENT

- At its option, and within certain timeframes set forth in the agreement, DV may proceed through the typical land development planning process with either its original mixed-use plan or Plan 18B. In either case, DV must adhere to current stormwater management, NPDES and MS4 design requirements. Either plan must receive final land development approval through the Township's typical approval process.
- At its option, DV may propose a third option, referred to as a "modified plan," reflecting a mix of residential and commercial uses. Such a plan must adhere to current stormwater management, NPDES and MS4 design requirements and receive final land development approval through the Township's typical approval process. The Township is not required to approve such modified plan but agrees to work with DV in good faith to achieve a mutually agreeable plan option. It is anticipated that the Township's Planning Commission will be heavily involved in this effort should DV elect the modified plan option.
- Approval by all applicable outside agencies will be required no matter which plan is selected. An express requirement for any of the three plan options is, at a minimum, "right-in/right-out" access on Route 15. That approval must come from PennDOT.
- The need for PennDOT approved traffic studies is addressed with all the plan options.
- The Dillsburg Area Authority is the agency charged with providing public sewer to the proposed development.
- Upon approval of the proposed settlement agreement by the Court, DV agrees to terminate its lawsuit against the Township and generally release the Township. The Township likewise agrees to generally release DV.

PROCEDURAL MATTERS

The proposed settlement agreement will immediately be made available to the public via the Township's website and in hard copy format in the Township office. **The Board will take public comment regarding the agreement during its meetings on December 3, 2018.** The Board intends to vote on approving or rejecting the agreement at its meeting on December 10, 2018.