

**PREPARED BY AND RETURN TO**  
**EAST WHITELAND TOWNSHIP SOLICITOR'S OFFICE:**

Joseph J. McGrory, Jr., Esquire  
Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C.  
375 Morris Road  
P.O. Box 1479  
Lansdale, PA 19446  
(215) 661-0400

UPI Nos.	42-4-18	42-4-2.4
	42-4-2.1	42-4-2.5
	42-4-2.2	42-4-365

**VOLUNTARY DECLARATION OF RESTRICTIVE COVENANT**

This Voluntary Declaration of Restrictive Covenant ("Declaration") is made this 23<sup>RD</sup> day of FEBRUARY, 2021 by **EAST WHITELAND TOWNSHIP**, a Township of the Second Class organized and existing under the laws of the Commonwealth of Pennsylvania with an address at 209 Conestoga Road, Frazer, Pennsylvania 19355 ("Declarant").

**BACKGROUND OF THIS DECLARATION**

A. Declarant is the record owner of six (6) parcels of ground located between Conestoga Road and U.S. Route 202 in East Whiteland Township, Chester County, Pennsylvania, better known as 170 Conestoga Road, 198 Conestoga Road, 200 Conestoga Road, 202 Conestoga Road, 206 Conestoga Road and 208 Conestoga Road (the "Property");

B. The Property is located in the PO – Professional Office Zoning District, and has been designated as UPI Nos. 42-4-18, 42-4-2.1, 42-4-2.2, 42-4-2.4, 42-4-2.5 and 42-4-365 by the Chester County Board of Assessment;

C. Declarant wishes to voluntarily restrict the Property in accordance with this Declaration to prohibit the erection of more than one (1) billboard upon UPI No. 42-4-18, to prohibit the erection of any billboards upon any other portion of the Property, and to otherwise preserve the Property as open space.

**NOW, THEREFORE**, Declarant, intending to be legally bound hereby, declares as follows:

1. **RESTRICTIONS.**

A. The Declarant hereby voluntarily declares that the parcel identified by the Chester County UPI No. 42-4-18 is hereby restricted as follows:

(1) No more than one (1) billboard shall be erected or located thereupon.

(2) With the exception of (1) billboard, the property will remain as open space in perpetuity.

B. The Declarant hereby voluntarily declares that the parcels identified by Chester County UPI Nos. 42-4-2.1, 42-4-2.2, 42-4-2.4, 42-4-2.5 and 42-4-365 are hereby restricted as follows:

(1) No billboards shall be erected or located thereupon.

(2) These parcels shall remain as open space in perpetuity.

2. **CONSTRUCTIVE NOTICE.** These restrictions shall be deemed to run with the Land. Every person who owns, occupies or acquires any right, title, estate or interest in and to the Property, or any portion thereof shall be deemed to have consented and agreed to every restriction and covenant contained herein, whether or not reference to these restrictions and covenants is contained in the instrument by which such person acquired an interest in the Property or any portion thereof.

3. **GENERAL PROVISIONS.**

a. **Modification.** This Declaration may not be modified, amended or terminated.

b. **Governing Law.** This Declaration shall be construed in accordance with the Laws of the Commonwealth of Pennsylvania.

c. **Recording.** This Declaration shall be recorded in the Office of the Recorder of Deeds in and for the County of Chester, Commonwealth of Pennsylvania immediately by Declarant, Declarant's designee, or by the East Whiteland Township Solicitor's Office.

d. **Severability.** If any term or provision of this Declaration, or any part of such term or provision, or the application thereof to any person or circumstance shall to any extent be held invalid or unenforceable, the remainder of this Declaration or the application of

such term or provision or remainder shall not be affected thereby and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

e. **Enforceability.** All of the restrictions in this Declaration are enforceable by any person who is a resident of East Whiteland Township, Chester County, Pennsylvania.

f. **Covenant Running with the Land.** This Declaration is specifically intended to be a covenant running with the Property.

g. **Effective Date.** This Declaration shall become effective and binding upon when duly entered of record in the Office of the Recorder of Deeds in and for Chester County, Pennsylvania. It shall remain effective unless and until properly terminated in accordance with the terms of this Declaration.

h. **Amendment of Termination.** This Declaration shall not be amended or terminated, in writing or otherwise.

**IN WITNESS WHEREOF,** Declarant has executed this Declaration on the date first written above.

Attest:



John B. Nagel  
Township Manager

**DECLARANT:**

**EAST WHITELAND TOWNSHIP**

By:



Scott Lambert  
Chair, Board of Supervisors

**ACKNOWLEDGMENT**

**COMMONWEALTH OF PENNSYLVANIA :**

**: SS.**

**COUNTY OF CHESTER**

**:**

On this, the 23<sup>rd</sup> day of February, 2021, before me, the undersigned officer, personally appeared **SCOTT LAMBERT** being duly sworn according to law, deposes and says that he is the Chair of the Board of Supervisors of East Whiteland Township, and that he, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained.

**IN WITNESS WHEREOF**, I have hereunto set my hand and official seal.

*Joseph E. Miles Jr.*  
\_\_\_\_\_  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
JOSEPH E MILES JR - Notary Public  
Chester County  
My Commission Expires Jun 10, 2022  
Commission Number 1334106