

IN RE: APPLICATION OF	: PORT ROYAL BOROUGH
THE JUNIATA. COUNTY	: ZONING HEARING BOARD
AGRICULTURAL SOCIETY	: JUNIATA COUNTY
FOR A ZONING HEARING	:
BOARD HEARING	: Tax Parcel No. 11-2-18

## AGREEMENT AND STIPULATION

This Agreement and Stipulation is entered into as of the 27<sup>th</sup> day of November, 2022 by and between The Juniata County Agricultural Society, a Pennsylvania nonprofit entity (hereinafter referred to as the "Ag Society"), represented by attorney P. Richard Wagner, and the Borough of Port Royal, a municipality existing under the laws of the Commonwealth of Pennsylvania, (hereinafter referred to as the "Borough"), represented by attorney Donald K. Zagurskie.

WHEREAS, Ag Society is a nonprofit entity organized under the laws of the Commonwealth of Pennsylvania with an address of at 308 West 8th Street, Port Royal, Juniata County, Pennsylvania; and

WHEREAS, the Borough is a municipality existing under the laws of the Commonwealth of Pennsylvania, which has an address of 111 East 8th Street, PO Box 390, Port Royal, Juniata County, Pennsylvania; and

WHEREAS, on or about October 18, 2022, the Ag Society filed with the Borough an Application for Exception/Conditional Use of Juniata County Tax parcel No. 11-2-18; and

WHEREAS, in discussions between counsel for the Borough and Counsel for the Ag Society, the Ag Society and the Borough have reached a joint stipulation regarding the Ag Society's Application and Request for Exception/Conditional Use of Juniata County Tax parcel No. 11-2-18.

NOW, THEREFORE, in consideration of the mutual promises, covenants and undertakings hereinafter set forth by each of the parties hereto, and each party acknowledging the value of this Agreement and Stipulation to one another, they do hereby intend to be legally bound hereby, and do covenant, stipulate and agree as follows:

A. That Ag Society Application and Request for Exception/Conditional Use of Juniata County Tax parcel No. 11-2-18 be granted to permit overnight guests and/or invitees at Juniata County Parcel No. 11-2-18 subject to the following conditions and restrictions.

1. Overnight Use. During the racing season overnight use of the real property may only occur at the real property of owner identified as Juniata County Parcel No. 11-2-18 within the existing fenced in area situate at the the top of 8th Street and furthermore identified in gray on the attached map of Juniata County Parcel No. 11-2-18.

2. No Overnight Use. No overnight use of the real property may occur at the parcel Juniata County Parcel No. 11-2-10, the area known to the parties hereto as former school grounds.

3. During Racing Season Defined. The term 'Racing Season' and/or 'During Racing Season' as used in this document shall have the following definition:

"During Racing Season" shall be defined as and include:

(a) Weekend Races. A weekend race includes all events "races" scheduled for Friday Evening, Saturday or Sunday on the annual race schedule. For Weekend Races, overnight use shall be permitted beginning at noon the day before the scheduled race to noon the day after;

(b) Speedweek. Pennsylvania 'Speedweek' is a yearly tradition that provides for particular races on a variety of days, typically over a one (1) week period but may and has continued for one (1) additional week. During Speedweek overnight use shall be permitted beginning at noon the day before the first scheduled race until noon the day after the last scheduled race;

(c) Juniata County Fair Week. During Juniata County Fair Week overnight use shall be permitted beginning at noon the Wednesday day before the first day of Juniata County Fair Week until noon the Wednesday day after the last day of the Juniata County Fair Week;

(d) Unless specifically provided for herein above, all other events require the approval of the Port Royal Bough Council at its regular meeting prior to the commencement of the event.

4. The Owner shall, prior to the commencement of the 2023 racing season, erect signs to the approval of the Port Royal Borough Council, clearly identifying road names and the designated area for overnight use.

5. Provide to Port Royal Bough Council, prior to the commencement of the 2023 racing season, a plan for approval to resolve traffic issues on 8th Street cause by racing events. Said plan shall include an emergency route clearly visible by signs.

6. Restrictions on overnight use During Racing Season:

(a) Under no circumstances shall campfires or fireworks be permitted;

(b) Curfew or "quiet time". No loud noise, including but not limited: noise from the use of generators or music after midnight, unless a feature extends to after midnight then ½ hour after the conclusion of the feature;

(c) Security. At a minimum Owner must provide security with two trained security officers from 10pm- 4am during racing season.

(d) Emergency Contact Information. All occupants shall be provided emergency contact information including a telephone number to reach a security guard between 10pm- 4am when entering the property.

(e) Owner must undertake reasonable efforts, at all times to enforce these restrictions.

7. Any restrictions contrary to these conditions contained in the September 20, 2021 decision of the Port Royal Zoning Hearing Board, *In Re: Appeal of Juniata County Agricultural Society for a Use Variance for a Livestock Barn on Parcel No. 11-2-10* inconsistent herewith are hereby terminated.

8. The parties hereto agree that the use being hereby permitted shall be annually reviewed by Port Royal Bough Council at its February Monthly Meeting to determine what, if any, changes, other than the elimination of the use provided herein, to the aforesaid restrictions are necessary and the parties agree that Port Royal Council, by lawfully adopted resolution, may change, modify, alter the restrictions contained herein without the necessity of convening the Port Royal Zoning Hearing Board. However, in the event owner disagrees with either the reasonableness or the necessity of any such change or modification, shall have the right to appeal, at owners expense, any such Resolution, within in thirty (30) days of its passage by Port Royal Council to the Port Royal Zoning Hearing Board, for review of the reasonableness or the necessity of any such change or modification.

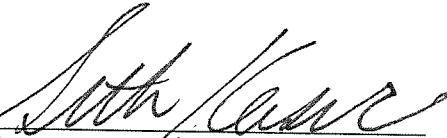
B. The parties agree that this Agreement and Stipulation shall be presented to the Port Royal Borough Zoning Hearing Board to be entered as an Order and Decision of the Port Royal Borough Zoning Hearing Board.

IN WITNESS WHEREOF, the parties have executed this Agreement and Stipulation as of the date first written above.

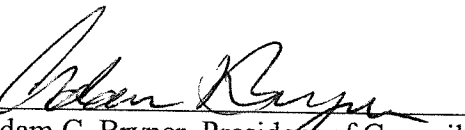
THE JUNIATA COUNTY  
AGRICULTURAL SOCIETY

THE BOROUGH OF PORT ROYAL BOROUGH

By:

  
Seth Koser, President

By:

  
Adam C. Bryner, President of Council