

RESOLUTION
for
Twin Lakes Extension Project Tap Fees

Resolution of the Municipal Authority of the Borough of Portage, (hereinafter "PWA") made this 7 day of February, 2013, at an advertised public meeting of the Authority.

WHEREAS, the PWA is a Municipal Authority incorporated by Portage Borough for the purpose of providing public water to the residents of Portage Borough and surrounding communities; and

WHEREAS, the PWA has funds remaining from a USDA Rural Utilities Services Agency (hereinafter "RUS") water project replacing waterlines and installing a new water tank in the Martindale portion of its system and has obtained approval to utilize the remaining funds to extend water service to the Twin Lakes (formerly Skunk Hollow) section of Portage Township; and

WHEREAS, the project engineer has established a budget for the project including loan and local contribution, which local contribution is to be met by charging tap fees in the amount of \$1,000.00 for properties being provided public water service; and

WHEREAS, the PWA must acquire easements from property owners for the purpose of installing waterlines; and

WHEREAS, in the event that property owners do not provide easements for waterlines in a timely manner, the PWA will have to expend considerable time and money in preparing, filing and prosecuting to conclusion condemnation proceedings under the Eminent Domain Code; and

WHEREAS, in the event the PWA condemns easements for waterlines, the PWA will become responsible for additional costs including but not limited to costs imposed pursuant to Section 710 of the Pennsylvania Eminent Domain Code (26 Pa.C.S.A. § 710), which costs will be attributable to specific properties; and

WHEREAS, such additional costs if paid to every property owner in the project would be outside of the budget for the project established by the engineer; and

WHEREAS, the Pennsylvania Municipality Authorities Act authorizes the PWA to charge tapping fees sufficient to cover costs of the project.

NOW, THEREFORE, the Municipal Authority of the Borough of Portage hereby establishes a tap fee schedule as follows:

First: The PWA hereby establishes a \$4,000.00 tap fee for any separately assessed property served by public water, (i.e. a \$4,000 per property fee).

Second: In addition, the PWA hereby establishes a \$1,000.00 per EDU tap fee for habitable structures subject to Mandatory Tapping Ordinances for public water, (i.e. a \$1,000.00 per EDU fee).

Third: The PWA hereby establishes a credit against tapping fees in the amount of \$4,000.00 for each separately assessed property, over which the owners grant an easement, for nominal consideration, to the PWA for the purpose of installing waterlines to provide public water, (i.e. a \$4,000.00 per property credit). For properties over which no easement is needed for the initial project, the PWA shall accept a generic easement across public road frontage of the property. The credit against tapping fees shall only be applicable to the property over which the easement is granted and shall not be transferable. Where multiple properties or EDU's are covered by a single easement, the credit shall apply to each separately assessed property or EDU. The credit may be retained until a future time when a tapping fee may be due. In no event shall the credit be convertible to cash or refund.

It is the intent of this Resolution to apply a \$5,000.00 tap fee to a single EDU property receiving water service, but to allow a \$4,000.00 credit where the property owner grants an easement, resulting in a net tap fee payable at the time of connection of \$ 1,000.00.

Adopted by the Board of the Municipal Authority of the Borough of Portage on the date set forth above.

Municipal Authority of the Borough of Portage

ATTEST:

Thomas F. Hodgkinson
Secretary
(Seal)

By: Steve F. Koval
Chairman