

RESOLUTION No. 1457

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND APPROVING A RESERVATION OF CAPACITY IN THE SEWER MAIN TO BE CONSTRUCTED IN WEST ROAD THAT WILL PROVIDE SEWER SERVICE TO PROPERTIES LOCATED ON OR ADJACENT TO WEST ROAD.

WHEREAS, the City of Salisbury adopted Ordinance # 1918 on December 20, 2004 which established the Comprehensive Connection Charge Policy; and

WHEREAS, a key component of the Comprehensive Connection Charge Policy is the requirement for the property owner to finance, engineer, and construct the water and sewer infrastructure; and

WHEREAS, the City of Salisbury requires the oversizing of the water and sewer infrastructure significantly more than the requirements of the property owner installing the water and sewer infrastructure; and

WHEREAS, the City of Salisbury's current allocation policy for water and sewer infrastructure is on a first come, first served basis; and

WHEREAS, the property owner installing the water and sewer infrastructure could, conceivably not be allocated any of the water and sewer capacity of the infrastructure which they constructed; and

WHEREAS, in consideration of the financial risk and time consumed in the construction of the water and sewer infrastructure, the installing property owner should be allocated some of the infrastructure capacity for a limited time period.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury, Maryland does hereby authorize the Director of Public Works to sign a Public Works Agreement with Westwood Development, L.L.C., which contains the following provision:

"The City hereby acknowledges that the Developer is incurring substantial expense to construct the Relief Sewer for the purpose of creating additional sewer capacity for the Project. Accordingly, the City hereby agrees to specifically and expressly reserve, in writing, for the exclusive benefit of the Developer and the Project, One Hundred Twenty (120) Equivalent Dwelling Units ("EDU's") of sewer capacity resulting from the construction of the Relief Sewer for a period of ten (10) years from the date hereof (hereinafter referred to as the "Reserved EDU's"). One EDU is defined as 250 gallons per day of water and/or sewer flow. The City hereby agrees that the Reserved EDU's shall be requested by the Developer only for any current or future phase of the Project. The Reserved EDU's cannot be sold, loaned or given to third parties located, geographically, outside of the Project."

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on _____, 2006 and is to become effective immediately upon adoption.

ATTEST:

Brenda J. Colegrove
CITY CLERK

Michael P. Dunn
PRESIDENT, City Council

APPROVED by me this _____ day of _____ 2006

Barrie P. Tilghman
MAYOR, City of Salisbury