

A RESOLUTION TO ENTICE HOUSING CONSTRUCTION IN AND NEAR THE TOWN OF AMHERST THROUGH THE SUSPENSION OF WATER AND SEWER AVAILABILITY FEES FROM FEBRUARY 12, 2015 THROUGH DECEMBER 31, 2015.

Whereas, few new houses have been built in and near the Town of Amherst in the past several years, and

Whereas, this lack of new construction has resulted in an increase in the average age of the Town's housing stock, and

Whereas, the Town Council of the Town of Amherst desires to facilitate the development of desirable housing that would encourage new families to locate in and near the Town of Amherst, and

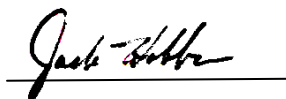
Whereas, one barrier to the construction of new housing construction is the initial cost of water and sewer utilities, and

Whereas, once a water or sewer customer is connected to Town utilities, that customer or his successor can be expected to use Town water or sewer utilities for decades,

Now, Therefore, Be it Resolved that the water and sewer availability fees assessed per §17-12b of the Town Code associated with new construction, whether that new construction is located inside of the Town of Amherst's corporate limits or areas served by the Town of Amherst water or sewer utilities outside of the Town of Amherst's corporate limits, will be suspended until December 31, 2015 subject to the following understandings:

1. This provision applies only to water services and associated sewer services requiring a 1" or smaller water meter for which a building permit has been obtained between February 12, 2015 and December 31, 2015..
2. Any new building benefitting from this shall have been completed and an occupancy permit issued prior to June 30, 2016. If an occupancy permit has not been issued by June 30, 2016, the Treasurer shall assess availability fees to the owner of the property.
3. The provisions of any special assessment area, such as that for the 60 West water service area as adopted on December 11, 2013, are not suspended and shall continue to apply.
4. The Treasurer will transfer monies sufficient to cover the cost of this economic development effort from the General Fund to the Water Fund and Sewer Fund as appropriate.

I certify that the above resolution was adopted by the Town Council of the Town of Amherst during its meeting on February 11, 2015.



Jack Hobbs
Clerk of Council

Sec. 17-12. Water and sewer connections.

New connections to the Town of Amherst water and sewer system will be made under the following procedures:

- (a) **Adequacy of system.** The portions of the Town of Amherst water and sewer system serving the vicinity of the proposed connection must be large enough to retain adequate levels service, in the sole determination of the Town Council, for existing users as well as the new users.
- (b) **Availability fees.** Availability fees for residential water and sewer users are based on (a) the number of residences to be attached to the Town system and (b) the location of the new user. Nonresidential users are assessed based on the equivalent residential capacity of the water meter serving the user's new facility. Except for special assessment areas established by the Town Council, each new user of the Town of Amherst's water and sewer system shall be assessed an availability fee according to the following chart:

<u>Meter Size</u>	<u>80% Capacity, gpm</u>	<u>Factor</u>	<u>In Town</u>		<u>Out of Town</u>		Single Family Residential Service
			<u>Water</u>	<u>Sewer</u>	<u>Water</u>	<u>Sewer</u>	
5/8"	16	1	\$1,700	\$2,500	\$4,000	\$5,000	
3/4"	24	1.5	\$2,550	\$3,750	\$6,000	\$7,500	
1"	40	2.5	\$4,250	\$6,250	\$10,000	\$12,500	
1 1/2"	80	5	\$8,500	\$12,500	\$25,000	\$25,000	
2"	128	8	\$13,600	\$20,000	\$40,000	\$40,000	
3"	280	17.5	\$29,750	\$43,750	\$87,500	\$87,500	
4"	480	30	\$51,000	\$75,000	\$150,000	\$150,000	
6"	1000	62.5	\$106,250	\$156,250	\$312,500	\$312,500	

All availability fees and surcharges shall be paid in advance of zoning permit issuance or physical connection. Both water and sewer availability fees will be assessed in the event the size of a user's meter is increased. Existing users shall pay the difference between the larger meter fee and the fee that would be charged for the existing meter when larger meters are installed. No availability fee shall apply to a separate "irrigation" meter for a bona fide water customer where no water will be routed back to Town sewer. No refund will be made for the removal or downsizing of meters.

At the request of a property owner, the Town Council may authorize "prepaid" availability fees provided that:

- i. the then-current property owner shall be guaranteed availability of water and/or sewer services for no more than four years,
- ii. after the four-year period the Town will have the option to assess minimum monthly fees to the property owner if no water or sewer is being used,
- iii. after the four-year period the Town will have the option to refund the availability fees with no interest to the then-current owner(s) of the lot(s) if no water or sewer has been used even if monthly minimum fees have been assessed, and
- iv. the Town Council shall have approved a contract appropriately articulating the terms of the prepayment agreement.

In order to encourage economic development or employment for the Town, the Town Council may, in its sole discretion and by resolution, authorize the availability fee to be paid from the general fund

for those commercial or industrial owners (applicants) which the Town Council in its sole discretion determines would provide economic development or significant employment opportunities.

- (c) **Connection fees.** For both water and sewer connections, the cost of construction to the Town in making the connection will be assessed to the owner of the property requesting the connection in the form of a connection fee. Actual connection to Town lines shall be done by the Town or by contractor following written approval for same under inspection by the Town Manager. For usual and customary water and sewer connections to serve a single family residence or similar user and involving no more than 20' of service pipe between an existing main and the demarcation point, the connection fee shall be \$1,000.00 for water and \$700.00 for sewer paid prior to the issuance of a zoning certificate. The estimated connection fee shall be escrowed in cash with the Town if the projected cost of installing new facilities is in excess of \$1,000.00.

The Town Council may, in its sole discretion waive a portion of the availability or connection fees for facilities installed under federal or state funded projects. At the Town's request, the portion waived shall be indicated as Town financial participation in the project.

(Amended December 12, 2007, June 9, 2010 and June 10, 2015.)

Sec. 17-13. New water and sewer users located outside the corporate limits.

A. Connections to the Town of Amherst water and sewer system by users located outside the corporate limits may be authorized by the Town Council under the following circumstances.

- 1.) The applicant shall be a property owner who makes a written application to the Town Manager for Town water or sewer service after voluntarily petitioning for his property to be included within the Town of Amherst corporate limits. The petitions shall be in a form acceptable to the Town Attorney for filing in the Amherst County Clerk of the Circuit Court's office with the land records to run with the property and be binding on future owners for a period not to exceed 20 years.
- 2.) The applicant shall agree in writing to the following conditions regarding water and sewer use:
 - a. That his successors and assigns in title to the property will pay Town all water and sewer bills against such property.
 - b. That the user fees for water and sewer used outside the Town's corporate limits shall be established by the Town Council and may be amended at any time at the sole discretion of the Town Council.
 - c. That the petitioner will observe and perform all the rules, regulations and ordinances now in force or that may be hereafter passed or enacted by the Town Council in reference to the use of Town water and sewer.
 - d. That the Town reserves the right to temporarily interrupt the water and sewer service at any time from any and all persons using same for maintenance, nonpayment of bills, or any other reasonable purpose.
 - e. That upon approval of the application by the Town Council the procedure for the introduction of water and sewer shall be the same as provided for inside the Town of Amherst corporate limits.

The provisions of this section shall not limit the authority of the Town Council to support economic development outside the Town of Amherst corporate limits by providing water and sewer service on negotiated terms to new or existing institutions, business or industry if inclusion of such new business or industry within the corporate limits in the opinion of the Town Council is not a practical requirement.

WHEREAS, on February 13, 2002 the Town Council of the Town of Amherst declared U.S. Route 60 West area a local revitalization area due to inadequate water mains in the area such that no new connections would be allowed unless and until (1) the water main in that area is replaced by a 12" diameter Town of Amherst water main installed according to Town standards and dedicated to the Town of Amherst or (2) the connection is specifically allowed by the Town Council of the Town of Amherst; and

WHEREAS, a new 12" diameter water main has been installed to replace a significant portion of the piping in that area; and

WHEREAS, smaller lines attached to the new pipe line extend even further beyond the Town of Amherst corporate limits; and

WHEREAS, an engineering study has shown that service beyond the new 12" diameter water main in the U.S. Route 60 West portion of the Town of Amherst water service area is in great need of improvement and that any future connections by new water users onto those existing smaller pipes will adversely affect service currently being enjoyed by existing nearby water users; and

WHEREAS, although the Town of Amherst desires to provide water service to all areas of the Town but is unable to do so due to the restricted capacity of certain existing pipes; and

WHEREAS, public notice of this problem needs to be issued and procedures to protect the level of service to existing customers need to be put into place;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Amherst hereby amends the February 13, 2002 resolution so that the revitalization area is adjusted to include only those areas outside of the Town of Amherst's corporate limits where the water mains are smaller than 12" in diameter; and

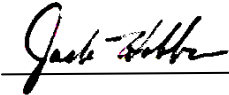
BE IT FURTHER RESOLVED that under this policy:

1. there will be no new connections to lines smaller than 12" in the 60 West service area outside of the Town of Amherst's corporate limits involving subdivisions, apartment buildings, businesses or other users not currently existing; and
2. there will be no new connections to lines smaller than 12" in the 60 West service area outside of the Town of Amherst's corporate limits unless and until:
 - a. the appropriate water mains are enlarged and extended according to Town standards and dedicated to the Town of Amherst or,
 - b. (i) the connection is specifically allowed by the Town Council of Amherst following a determination that a hardship exists, and
(ii) an availability fee surcharge of \$5,000 above the then-applicable normal availability charge is paid to the Town of Amherst.

BE IT FURTHER RESOLVED that the Town Manager is directed to search for ways to achieve the installation of this new water main; and

BE IT FURTHER RESOLVED that the Clerk is authorized and directed to transmit a copy of this resolution to all interested parties upon its passage.

I certify that the above resolution was adopted by the Town Council of the Town of Amherst during its meeting on December 11, 2013.



Jack Hobbs
Clerk of Council

Date: _____

Re: _____ Property/ _____ (Street Address)
DB _____ PG _____

To the Town Council of the Town of Amherst:

In accordance with §17-13 of the Town Code of the Town of Amherst, I agree to the following conditions regarding water use for the above-referenced property:

- (1) My successors and assigns in title to the property will pay Town all water bills against this property.
- (2) User fees for water used outside the Town's corporate limits shall be established by the Town Council and may be amended at any time at the sole discretion of the Town Council.
- (3) I will observe and perform all the rules, regulations and ordinances now in force or that may be hereafter passed or enacted by the Town Council in reference to the use of Town water.
- (4) The Town reserves the right to temporarily interrupt the water service at any time from any and all persons using same for maintenance, nonpayment of bills, or any other reasonable purpose.
- (5) That upon approval of this application by the Town Council the procedure for the introduction of water and sewer shall be the same as provided for inside the Town of Amherst corporate limits.

Further, I acknowledge that the filing of a petition to be included within the Town of Amherst's corporate limits petition does not grant utility service privileges to the property referenced therein.

Owner/Applicant Signatures _____

Address _____

Telephone Number

Email address _____

PETITION FOR INCLUSION IN THE TOWN OF AMHERST

On this the ___ day of _____, 20____, _____, **GRANTOR**, owner of certain real estate, hereby petitions the **Town of Amherst**, **GRANTEE**, a municipal corporation of the Commonwealth of Virginia, sometimes hereinafter referred to as "Town", to include certain real estate within the corporate limits of the Town of Amherst. Applicant certifies that he/she/they/it is the owner of subject real estate which is described in detail as follows:

It being the desire of GRANTOR, this petition shall be recorded in the land records in the Amherst County Clerk of the Circuit Court's office, to bind the current and future owners of the property described above to the terms of this petition for twenty (20) years from the date first written above.

Such inclusion may be initiated by the Town of Amherst via boundary line adjustment agreement between the Town of Amherst and Amherst County pursuant to §15.2-3106 of the Code of Virginia, 1950, as amended; by annexation procedure; or by any other proper process at such time as is convenient to the Town of Amherst.

WITNESS the following signatures and seals, as of the day and year first above written.

STATE OF VIRGINIA AT LARGE, TO WIT:
CITY/COUNTY OF _____

I, _____, a Notary Public in and for the State of Virginia At Large do hereby certify that _____ signed the foregoing instrument before me this _____ day of _____, 2____.

Notary Public

My Commission Expires _____