

**ROBINSON TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2

AN ORDINANCE OF THE TOWNSHIP OF ROBINSON, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE CONSTRUCTION OF AN EXTENSION OF THE PUBLIC SANITARY SEWER SYSTEM FOR PROPERTIES LOCATED ON AND ALONG CLEVER ROAD IN THE TOWNSHIP OF ROBINSON, KNOWN AS THE CLEVER ROAD SANITARY SEWER EXTENSION (THE "EXTENSION"), AND REQUIRING ALL PROPERTIES BENEFITTED, IMPROVED OR ACCOMMODATED BY THE EXTENSION TO CONNECT THERETO; PROVIDING FOR THE COST OF THE CONSTRUCTION OF THE EXTENSION TO BE CHARGED AND ASSESSED AGAINST AND UPON PROPERTIES BENEFITTED, IMPROVED OR ACCOMMODATED BY THE EXTENSION BY APPROVAL AND ESTABLISHMENT OF A FRONT FOOT RULE ASSESSMENT; PROVIDING FOR THE FILING OF A LIEN ON ANY PROPERTY SO BENEFITTED, IMPROVED OR ACCOMMODATED; PROVIDING FOR A PROCEDURE FOR PAYMENT OF THE FRONT FOOT ASSESSMENT BY ANNUAL, SEMI-ANNUAL, QUARTERLY OR MONTHLY PAYMENTS; PROVIDING FOR THE PENALTIES FOR ANY VIOLATION THEREOF; AND A CONTRIBUTION BY THE TOWNSHIP OF FUNDS TOWARD THE COSTS OF THE EXTENSION.

WHEREAS, the Township of Robinson (the "Township") is a First-Class Township organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township, pursuant to the First-Class Township Code, 53 P.S. §57401, *et seq.*, may establish and construct a system of sanitary sewers for the benefit and use of properties where necessary for the public health and may require the owner of the property benefitted, improved or accommodated by sanitary sewers to make connection with such sewer in such manner as the Commissioners may order for the purpose of discharging and treating waste matter; and

WHEREAS, the Municipal Authority of the Township of Robinson (the "Authority") is a municipal authority organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Authority was created for the purposes of providing, *inter alia*, sanitary

sewer service to the various structures and properties situate within the Township; and

WHEREAS, numerous parcels of real property situate on and along Clever Road within the Township are not currently served by and connected to the public sanitary sewer system owned and operated by the Authority; and

WHEREAS, in response to requests from the Township and numerous owners of such properties, the Authority intends on constructing an extension of its sanitary sewer system in order to provide public sanitary sewer service to the aforementioned parcels (the "Extension"); and

WHEREAS, pursuant to §5607(22) of the Pennsylvania Municipality Authorities Act, the Authority is empowered to charge the costs related to the construction and acquisition of the Extension (the "Total Project Costs") against all properties benefitted, improved and accommodated by the Extension by the front foot rule, provided that such manner of assessment and the total Project Costs are approved by the Township by ordinance; and

WHEREAS, the Authority has entered into a Memorandum of Understanding with the Township concerning the design and construction of the Extension and assessment of the costs related thereto; and

WHEREAS, the Authority has designed, publicly bid and accepted a bid to construct the Extension and has calculated the Total Project Costs to be in the amount of Five Hundred Five Thousand Dollars (\$505,000.00); and

WHEREAS, the Authority has requested the Township to approve and establish, and the Township is desirous of approving and establishing, (i) the Total Project Costs and the front foot rule in order to establish a fair and uniform method of assessment for the payment of the Total Project Costs of constructing the Extension and (ii) a requirement that all owners of parcels benefitted, improved and accommodated by the Extension to connect their respective structures thereto pursuant to §57408 of the First Class Township Code.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Robinson and it is hereby ordained and enacted as follows:

Section 1. The Board of Commissioners of the Township of Robinson hereby approves the Total Project Costs for the construction of the Extension, defined above as Five Hundred Five Thousand Dollars (\$505,000.00).

Section 2. Pursuant to §57408 of the First-Class Township Code, the Board of Commissioners of the Township of Robinson hereby approves and establishes an assessment against any property adjacent to Clever Road in the Township of Robinson that is benefitted, improved or accommodated by the construction of the Extension on and along Clever Road, pursuant to the front foot assessment rule, as provided for by §57408, Subparagraph (a) of the First-Class Township Code.

Section 3. Said front foot assessment shall be uniform and shall be established in the amount of Two Hundred Thirty-six and 07/100 Dollars (\$236.07) per linear front foot of all properties improved, benefitted and accommodated as a result of the construction of the Extension.

Section 4. The Board of Commissioners of the Township of Robinson hereby empower the Authority to (i) design, publicly bid and undertake construction of the Extension and, therefore, hereby ratify any such actions taken by the Authority heretofore; (ii) provide for all applicable public notice to property owners abutting on or adjoining Clever Road for the course of the Extension; authorizing the filing of liens for the payment of the front foot assessment of any property improved, benefitted or accommodated by the Extension and authorizing the payment of said front foot assessment by annual, semi-annual, quarterly or monthly payments as established by the Authority.

Section 5. Any of the Total Project Costs of the Extension not legally assessable against and upon any property situate on and along the Extension may be paid for wholly or

partially by the General Township Fund pursuant to §57406 of the First-Class Township Code. To that end, the Board of Commissioners of the Township of Robinson hereby authorizes a contribution in the amount of Forty-five Thousand Two Hundred Eight and 55/100 Dollars (\$45,208.55) to be made by the Township towards the Total Project Costs, which contribution will effectively lower the front foot assessment to be borne by owners of the properties improved, benefitted and accommodated by the Extension. The aforementioned contribution to be made by the Township shall be paid to the Authority prior to the commencement of construction.

Section 6. The Board of Commissioners of the Township of Robinson hereby decrees that (i) all owners of improved parcels benefitted, improved and accommodated by the Extension shall be, and hereby are, required and compelled to connect their respective structures thereto within one (1) year from the date of completion of construction of the Extension and (ii) all owners of vacant, unimproved parcels benefitted, improved and accommodated by the Extension shall be, and hereby are, required and compelled to connect thereto at the time a structure requiring sanitary sewer service has been constructed on such parcels, all in accordance with applicable law.

Section 7. That any Ordinance, or part of any Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

Section 8. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Robinson that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.