

RESOLUTION NO. 20 OF 2006

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MOUNT JOY TOWNSHIP CONCURRING WITH THE CONDITIONS AND DEMANDS OF WHITE RUN REGIONAL MUNICIPAL AUTHORITY FOR THE MUNICIPAL AUTHORITY TO EXERCISE ITS POWER OF EMINENT DOMAIN.

RECITALS

1. A development known as "Colbier Farms" and/or "Fields of Gettysburg" is planned for Mount Joy Township, Adams County, Pennsylvania ("Township"). The said development is pursuing a plan of development that will preserve land by causing the proposed housing to be built on smaller lots.

2. In order for the said development to build its proposed project and preserve land, it will require centrally provided water and sewer services.

3. The Township prefers that centralized sewage facilities be operated by a municipal authority with experience in the operation and maintenance of centralized sewage facilities, such as the White Run Regional Municipal Authority ("WRRMA").

4. In order to connect the said development to the existing waste water treatment plant owned and operated by WRRMA, it will be necessary *inter alia* for collection facilities to be constructed and maintained across private lands of others.

5. It may be that the owners of the private lands across which the new collection facilities must be located will not agree to a voluntary sale of the necessary easements and rights of way.

6. WRRMA has indicated, in a letter dated September 21, 2006, addressed to the Township's Supervisors, that it is willing to exercise its eminent domain powers to obtain the necessary easements and rights of way upon the Township agreeing to such an exercise and upon other conditions and demands. A copy of the said letter is attached to this Resolution and made a part hereof.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mount Joy Township, Adams County Pennsylvania, that:

1. The Recitals stated above are incorporated in this Resolution as if fully repeated herein, as is the letter dated September 21, 2006, from WRRMA and addressed to Mount Joy Township Board of Supervisors, and signed by Barbara R. Neth, Chairman ("the Letter")(a copy of which is attached); and,

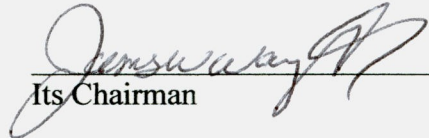
2. The Township of Mount Joy concurs with the exercise of eminent domain as referenced in the Letter, and accepts the other demands and conditions placed on that exercise as stated in the Letter.

ADOPTED this 21st day of September, 2006, at the regularly scheduled and duly advertised monthly meeting of the Board of Supervisors of Mount Joy Township, Adams County, Pennsylvania.

MOUNT JOY TOWNSHIP

Attest:

Brenda J. Constable
Its Secretary

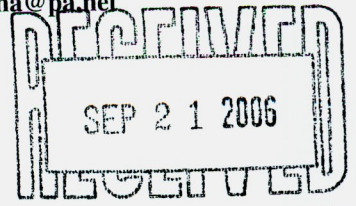

Its Chairman

WHITE RUN REGIONAL MUNICIPAL AUTHORITY

2001 Baltimore Pike
Gettysburg, Pennsylvania 17325-7068

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E-Mail: wrrma@pa.net



September 21, 2006

*handed to
Supervisor
@ 9/21/06 Mtg*

Mount Joy Township Supervisors
902 Hoffman Home Road
Gettysburg, Pennsylvania 17325

Re: WRRMA's decision regarding easements effected by
Colbier Farms Project

Gentlemen:

At the White Run Regional Municipal Authority's meeting held on September 20, 2006, the following motion was made and all members were polled separately as to their decision:

MOTION: Move to authorize the taking of a thirty (30) foot wide easement across affected and necessary property (properties of: Sukeena, Breighner, Reaver, Holmes, Davis, Bloom, Payne and Davis, Jr.) for purposes of running the sewer line from the proposed development of the Fields of Gettysburg to the plant, and providing access for maintenance of the sewer line, subject to the following conditions:

- 1) The adoption of a resolution by the Mount Joy Township Supervisors approving and authorizing White Run Regional Municipal Authority to take the easement for sewer purposes only, even though the land affected is outside of White Run Regional Municipal Authority's current service area.
- 2) Inclusion in that resolution of unequivocal language that the Township will not pursue or require the Authority to pursue a Hike/Bike/Walking Trail, or other recreational facilities over the easement area, to be acquired by White Run Regional Municipal Authority.

- 3) There will be a forty-five (45) day period from September 21, 2006 for the property owners to negotiate with the developer the terms of an easement for the sewer line only, which easement will be in a form acceptable to White Run Regional Municipal Authority, after which time the Authority will move to pursue Eminent Domain.
- 4) Prior to the filing of any Eminent Domain papers the developer must enter into an agreement with White Run Regional Municipal Authority whereby the developer agrees to be responsible for and reimburse to the Authority any and all costs, including, but not limited to, acquisition costs, attorney fees, engineering fees and damages payable to the property owners, associated with the Eminent Domain proceedings.

The motion was moved by Barbara R. Neth, seconded by Richard D. Boyer and carried upon polling of all Board members unanimously.

Sincerely,



Barbara R. Neth
Chairman