

**TOWN OF MOUNT AIRY, MARYLAND**

**CONDITION TO ANNEXATION RESOLUTION NO. 2018-42**

**BY MOTION** made this 4<sup>th</sup> day of February, 2019, in open session during the Town Council’s deliberations on whether to approve Annexation Resolution No. 2018-42, and adopted by a majority vote of \_\_\_\_\_ for and \_\_\_\_\_ against, pursuant to the Town Code, Section 44-6B, the following condition(s) is/are attached to approval of Annexation Resolution No. 2018-42, which shall be made a part thereof and fully incorporated therein:

**If approved, Annexation Resolution No. 42 is hereby conditioned upon Frall Developers, Inc. (“Frall”), at its sole cost and expense, extending Town water and sewer service to existing homes within the area to be annexed, including but not limited to paying for any and all water connection charges and sewer hookup fees as those terms are defined under the Town Code; all applicable impact fees; design and engineering costs; excavation, construction, installation, backfilling, compaction and repaving costs necessary to extend water and sewer mains, house connections and tie ins, and meters; legal, acquisition, recording and other costs associated with required easements; and costs to cap water wells and seal septic units for existing homes in the area to be annexed. Frall’s obligations in these regards would be triggered upon application and approval for Town water and sewer allocation for any existing home within the area to be annexed, upon order of the Maryland Department of the Environment for extension of Town water and sewer service to any existing home within the area to be annexed, or upon the Town’s determination, in its sole discretion, that water wells and/or septic systems on any property where a home in the area to be annexed exists as of the date of approval of Annexation Resolution No. 42 have failed or are in imminent danger of failing. Furthermore, as a condition to approval of Annexation Resolution No. 42, Frall shall promptly provide an estimate of all costs associated with extending water and sewer service to all the existing homes, which the Town Engineer shall review. Frall shall promptly after approval of a cost estimate by the Town Engineer put up security in the form of cash to be held by the Town in escrow, an irrevocable letter of credit, bond or other security approved by the Town in the amount of the approved estimate, plus 10%. The foregoing conditions shall be added to the final approved Annexation Resolution and the Annexation Agreement, which Frall shall execute once revised to include this condition. These conditions shall be binding upon Frall’s successors in interest.**

ATTEST:

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Jason Poirier, Secretary

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Peter R. Helt, President of the Town Council