

## **AGREEMENT**

Agreement entered into by and between Bethlehem Township Municipal Authority, a Pennsylvania municipal authority with an office located at 3535 Orth Street, Bethlehem, PA 18020 (the "Authority") and \_\_\_\_\_ a [Pennsylvania corporation/limited liability company/limited partnership] with a mailing address of \_\_\_\_\_ (the "Owner").

### **Recitals**

- A. The Authority is the owner of the sanitary sewer system serving Bethlehem Township, Northampton County, Pennsylvania (the "Sewer System").
- B. The Owner is the record/equitable owner of certain real property located in Bethlehem Township at property address, Northampton County Parcel Identification Number \_\_\_\_\_ (the "Property").
- C. On March 11, 2020, the Authority adopted Resolution R2-2020, entitled "A Resolution Setting Forth Requirements for the Reservation of Capacity in the Sanitary Sewer System for Bethlehem Township" (the "ROC Resolution").
- D. The Owner has made a request for allocation and reservation of capacity in the Sewer System pursuant to the ROC Resolution.
- E. The ROC Resolution requires that the Authority and the Owner enter into a written agreement setting forth their respective rights and responsibilities regarding the allocation and reservation of capacity in the Sewer System.

Now, therefore, in consideration of the above recitals, which are incorporated herein by reference, and in further consideration of the mutual promises set forth below and intending to be legally bound hereby, the parties agree as follows:

1. The ROC Resolution is incorporated by reference as though set forth in full herein.
2. The parties agree to be bound by the terms of the ROC Resolution.
3. The Authority allocates and reserves for the benefit of the Property \_\_\_\_\_ equivalent dwelling units of capacity in the Sewer System.
4. Upon or prior to the execution of this Agreement, the Owner shall pay to the Authority an administrative application fee in the amount of \$\_\_\_\_\_ and a reservation of capacity fee in the amount of \$\_\_\_\_\_.
5. The initial reservation of capacity shall be valid for one (1) year from the date of the PADEP Approval letter (as defined in the ROC Resolution).
6. The Owner may renew the reservation of capacity each year by paying an additional renewal reservation of capacity fee on or before the expiration of the prior reservation year. The amount of the renewal reservation of capacity fee shall be determined by the Authority in accordance with the ROC Resolution.
7. In the event that either party files legal action to enforce any of the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable and actually incurred attorneys' fees and litigation expenses from the other party.
8. This Agreement shall be binding upon and inure to the benefit of the parties' respective successors and assigns and may not be modified except by a writing signed by both parties.

IN WITNESS WHEREOF, the parties have entered into this Agreement the day and year written below.

BETHLEHEM TOWNSHIP MUNICIPAL  
AUTHORITY

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Owner]