

RESOLUTION #2006-12

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA ADOPTING TRANSPORTATION IMPACT FEES

WHEREAS, Act 209 of 1990 (53 P.S. §10501-A et. seq.) together with all amendments thereto (collectively "**Act 209**"), authorizes qualifying municipalities to establish an impact fee for transportation capital improvements (the "**Transportation Impact Fee**") and establishes a procedure for the adoption of a Transportation Impact Fee;

WHEREAS, pursuant to Act 209, the Whitemarsh Township (the "**Township**") Board of Supervisors (the "**Board**") on August 19, 2004 adopted Resolution No. 2004-25, authorizing the creation, imposition and collection of impact fees to fund transportation capital improvements;

WHEREAS, in accordance with the requirements of Act 209, the Board created a Traffic Impact Fee Advisory Committee (the "**Committee**") for the purposes of developing land use assumptions, preparing a roadway sufficiency analysis study and making recommendations to the Board as to the development of roadway improvements, capital improvements and impact fees;

WHEREAS, the Committee caused Schoor DePalma Engineers and Consultants ("**Schoor DePalma**") to prepare a Land Use Assumptions Report dated June 21, 2005 (the "**LUAR**"). The LUAR was approved by the Committee, forwarded to the Board and approved by the Board on September 22, 2005 by Resolution 2005-14;

WHEREAS, the Committee caused McMahon Associates, Inc. ("**McMahon**") to prepare a Roadway Sufficiency Analysis dated December, 2005 (the "**Roadway Sufficiency Analysis**"). The Roadway Sufficiency Analysis was approved by the Committee, forwarded to the Board and approved by the Board January 26, 2006, by Resolution 2006-8;

WHEREAS, the Committee caused McMahon to prepare a Transportation Capital Improvements Plan dated December 2005, (the "**Capital Improvements Plan**," collectively with the Roadway Sufficiency Analysis, the "**Analysis and Plan**"). The Capital Improvements Plan was approved by the Committee, forwarded to the Board and approved by the Board January 26, 2006, by Resolution 2006-9;

WHEREAS, the amount of the Transportation Impact Fee to be imposed shall be determined by the cost of additional transportation improvements needed to meet the minimum safety and capacity standards established by the Analysis and Plan for those public facilities as identified by the Analysis and Plan;

WHEREAS, the Analysis and Plan as approved by the Board establishes two (2) transportation service areas ("**TSA**") within the Township; namely Transportation Service Area North ("**TSA North**") and Transportation Service Area South ("**TSA South**") and assigns a Transportation Impact Fee to each TSA; and

WHEREAS, the Board hereby finds and declares that a Transportation Impact Fee imposed upon residential and non-residential development in order to assist in the financing of specified transportation capital improvements in the designated TSAs, the demand for which is attributable to new development, is in the best interests of the Township and its residents, is equitable and does not impose an unfair burden on such development.

NOW THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Whitemarsh Township Board of Supervisors that the Transportation Impact Fees imposed upon new subdivision or land development for the purpose of funding off-site public transportation improvements as authorized by Act 209 and as described in the Analysis and Plan shall be as follows:

1. The TSA North Transportation Impact Fee shall be Two Thousand Eight Hundred Twenty-Five Dollars (\$2,825.00) per anticipated peak hour trip generated.

2. The TSA South Transportation Impact Fee shall be Two Thousand Five Hundred Twenty-Nine Dollars (\$2,529.00) per anticipated peak hour trip generated.

RESOLVED, this 9th day of February, 2006.