

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 566

(Duly Adopted April 28, 2021)

AN ORDINANCE AUTHORIZING THE BOROUGH OF ALBURTIS TO ENTER INTO AN INTERMUNICIPAL COOPERATION AGREEMENT WITH LOWER MACUNGIE TOWNSHIP REGARDING THE ADMINISTRATION OF SITE DEVELOPMENT AND BUILDING CODE INSPECTIONS, PLAN REVIEWS, PERMIT ISSUANCE, APPROVAL OF CONSTRUCTION WORK, AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE APPROVED DEVELOPMENT PROJECT ON THE PROPERTY COMMONLY KNOWN AS LOTS 9 AND 10 OF THE SPRING CREEK PROPERTIES SETTLEMENT SUBDIVISION, WHICH INCLUDES A BUILDING AND LAND IN BOTH MUNICIPALITIES.

WHEREAS the Borough of Alburdis and Township of Lower Macungie have each approved development plans for a project on property commonly known as Lots 9 and 10 of the Spring Creek Properties Settlement Subdivision, which includes land and a proposed building located partly in the Borough of Alburdis and partly in the Township of Lower Macungie; and

WHEREAS the governing bodies of the municipalities believe it would be most efficient and economical for one municipality to handle the administration of building code and development matters for the entire project under the terms and conditions set forth in the Agreement attached to this Ordinance as **Exhibit 1**; and

WHEREAS intergovernmental cooperation between the municipalities is authorized under 53 PA. CONS. STAT. §§ 2301-2316;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Chapter 6 of the Alburtis Codified Ordinances (relating to Intergovernmental Cooperation) is amended by amending the title and adding a new section to Article VI thereof as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

Article VI — Administration of Uniform Construction Code, etc.

* * *

§ 6-602 **Intermunicipal Cooperation Agreement with Lower Macungie Township Regarding the Administration of Site Development and Building Code Matters for the Approved Development Project on the Property Commonly Known as Lots 9 and 10 of the Spring Creek Properties Settlement Subdivision.**

The Borough of Alburtis shall enter into an Agreement with the Township of Lower Macungie in the form attached to Ordinance 566 as **Exhibit 1** (including Exhibit A to Exhibit 1), which is incorporated into this Article by reference, *provided that* the Commissioners of the Township of Lower Macungie shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by the Commissioners of the Township of Lower Macungie.

SECTION 2. The attached **Exhibit 1** (including Exhibit A to Exhibit 1) is incorporated into this Ordinance by reference.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Albur-
tis, this 28th day of April, 2021, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Ronald J. DeIaco President

Attest:

Sharon Trexler, Borough Manager

AND NOW, this 28th day of April, 2021, the above Ordinance is hereby **APPROVED**.

Kathleen Palmer, Mayor

Exhibit 1

INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE BOROUGH OF ALBURTIS AND THE TOWNSHIP OF LOWER MACUNGIE

THIS AGREEMENT made this ___ day of April, 2021, by and between Lower Macungie Township, a Pennsylvania First Class Township organized and existing under the laws of the Commonwealth of Pennsylvania, with offices located at 3400 Brookside Road, Macungie, PA 18062 (hereinafter “Township”) and Borough of Alburtis, a Pennsylvania Borough organized and existing under the laws of the Commonwealth of Pennsylvania with offices located at Borough Hall, 260 Franklin Street, Alburtis, Pennsylvania 18011 (hereinafter “Borough”).

WHEREAS, Liberty Property Limited Partnership (“Owner”) is the owner of a certain 91.654± acre tract in the Borough and Township, Lehigh County, commonly known as Lots 9 and 10 of the Spring Creek Properties Settlement Subdivision, tax parcel identification numbers 546337222951, 546338922117, and 546336987581 (the “Property”), and is more fully described in the attached Exhibit A, which is incorporated herein by reference; and

Whereas, Owner has obtained approvals from the Township and the Borough to develop the Property, as shown on Preliminary/Final Land Development Plans – Proposed Warehouse Facility on Lot 9 of Spring Creek Properties Settlement Subdivision – Liberty Property Trust, as prepared by Barry Isett & Associates, Inc., dated September 17, 2018, last revised November 11, 2020, consisting of forty-one (41) sheets of drawings, a copy of which is on file at Borough Hall in the Borough and incorporated herein by reference (the “Plan”). The Property is to be developed in accordance with the Plan (hereafter, the “Development”); and

Whereas, Plan was approved by the Borough on February 13, 2019, subject to certain conditions, as provided in Resolution 2019-1, which is incorporated herein by reference as if set forth in full; and,

Whereas, the Township also approved the Plan on February 21, 2019, subject to certain conditions, as provided in Resolution 2019-07 which is incorporated herein by reference as if set forth in full; and

WHEREAS, inasmuch as the Property is bisected by the jurisdictional boundary between the municipalities, and an Intermunicipal Cooperation Agreement is necessary to address issues related to zoning and land development, permitting, inspections and code enforcement.

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND HEREBY, pursuant to the authority granted it by the Intergovernmental Cooperation Act, 53 P.S. §§ 2301, et. seq., the Borough and Township agree as follows:

1. Knox boxes shall be installed for each tenant space of the Warehouse Facility under the jurisdiction of the Lower Macungie Fire Department.
2. During construction, all site development inspections and approvals shall be supervised and under the jurisdiction of the Township. It is specifically understood that site development, review, inspections, and security shall be managed by the Township and be subject of the Land Development Improvements Agreement between the Township and Owner.
3. Building code inspections for the Development shall be performed by the Township or their designee pursuant to, inter alia, the Township Code Enforcement Code, Chapter 5, including all Township rules, regulations, and detail sheets. Plan review, permit issuance, inspections and approval of construction work shall be performed by the Township or their designee for the entire structure regardless of municipal boundary lines as identified on Exhibit "A".

4. The Township will charge the permit applicant the cost of any applicable building permits in accordance with the Township's adopted fee schedule for the entire square footage. Building code inspections performed under the purview of the Uniform Construction Code by the Township or its designee, which occur within the Borough's municipal boundary lines as identified on Exhibit "A, will not be charged to the Borough by the Township. The Township will pay the Borough the difference of the Borough's permit fees that would be collected from the permit applicant for the square footage located in the Borough and the payment for inspection services performed by the Township for the square footage located in the Borough. The amount of this payment will be \$11,427.50. The Township will not charge the Borough for administrative charges for that portion of inspections occurring within the Borough as it relates to future plan review, billing, mailings or other administrative work related to the inspections. of the structure in accordance with the approved permit application regardless of the municipal boundary. The Borough will not charge a fee to the applicant or issue a permit for the Borough's portion of the structure as identified in Exhibit "A".

5. The Township shall issue a Certificate of Occupancy for the entire structure for the use identified on the approved Plan.

6. This Agreement shall terminate upon the issuance of the Certificate of Occupancy. Construction or alterations occurring within the footprint of the structure after the Certificate of Occupancy is issued, shall be governed by the municipal boundary line as identified on Exhibit "A". Unless otherwise agreed by the parties in a future agreement, any portion of construction or alterations which occur within the Borough boundary shall be subject to Borough review, permitting, and inspection, and the Borough shall issue a certificate of completion for that area, when applicable; and any portion of construction or alterations which

occur within the Township boundary shall be subject Township review, permitting, and inspection, and the Township shall issue a certificate of completion for that area, when applicable. Each party shall endeavor to provide a courtesy copy of all certificates, permits, and correspondence relating to the Property to the other party.

7. During the term of the Agreement, the parties agree to cooperate on all other issues involving development and jurisdiction of this tract, and shall from time to time, if necessary, modify, refine, or provide more specific definition with regard to their respective jurisdictions, responsibilities and obligations.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year designated below.

Attest:

BOROUGH OF ALBURTIS

Sharon Trexler, Manager

By: _____
Ronald J. DeIaco, President

Attest:

LOWER MACUNGIE TOWNSHIP

Renea Flexer, Secretary

By: _____
Bruce Beitel, Township Manager

EXHIBIT "A"

