

AGREEMENT

THIS IS AN AGREEMENT made this 6th day of April, 1990, by and among the LEHIGH COUNTY AUTHORITY (hereinafter "LCA"), COUNTY OF LEHIGH, BOROUGH OF MACUNGIE, BOROUGH OF ALBURTIS, TOWNSHIP OF LOWER MACUNGIE (hereinafter "LMT"), TOWNSHIP OF LOWHILL, TOWNSHIP OF UPPER MACUNGIE, TOWNSHIP OF UPPER MILFORD, TOWNSHIP OF WEISENBERG, LOWER MACUNGIE TOWNSHIP AUTHORITY (hereinafter "LMTA"), UPPER MACUNGIE TOWNSHIP AUTHORITY, BOROUGH OF ALBURTIS SEWER AUTHORITY AND BOROUGH OF MACUNGIE SEWER AUTHORITY.

W I T N E S S E T H

WHEREAS, by Section 11.08 of the Service Agreement dated August 1, 1970, as amended and modified by an Agreement dated April 1, 1983, the parties hereto agreed to the proposal of LMT not to discharge into the Interceptor System any sewage emanating from that area of LMT known as the "Phase II area" which is located in the northeast section of LMT and is bounded as follows:

1. On the West by the Pennsylvania Turnpike; 2. On the North by Upper Macungie Township; 3. On the East by South Whitehall Township; 4. On the South by the hydraulic ridge separating Little Lehigh Creek Watershed and the Cedar Creek Watershed (hereinafter known as Diversion Area No. 1); and

WHEREAS, LMTA with the consent of LMT in order to improve its sanitary sewer collection system desires to presently expand the area within LMT not discharging to LCA's Interceptor System beyond the Diversion Area No. 1 and to allow discharge of sewage emanating from that area of LMT served by the "Brookside Road Pump Station" through the Interceptor Line of South Whitehall Township (hereinafter "SWT") which area is bounded as follows:

1. On the North by Upper Macungie Township; 2. On the East by the Pennsylvania Turnpike; 3. On the South by the hydraulic ridge separating the

Little Lehigh Creek Watershed from the Cedar Creek Watershed; 4. On the West by a line beginning at the West side of the Pennsylvania Turnpike Service Plaza which proceeds South to the hydraulic ridge separating the area tributary to the Brookside Road Pumping Station from the area which drains to the North and West. (hereinafter known as Diversion Area No. 2); and

WHEREAS, LMTA, in order to provide for future improvement of its sanitary sewer collection system, which future improvement project shall require the specific additional approval of LMT, desires to obtain the necessary approval for future expansion of the area within LMT not discharging to LCA's Interceptor System beyond Diversion Area No. 1 and Diversion Area No. 2 to allow discharge of sewage emanating from that area of LMT served by the "Krocks Road Pump Station" through the Interceptor Line of SWT which area is bounded as follows:

1. On the North by Upper Macungie Township; 2. On the East by a line beginning at the West side of the Pennsylvania Turnpike Service Plaza which proceeds South to the hydraulic ridge separating the area tributary to the Brookside Road Pumping Station from the area which drains to the North and West; 3. On the South by the hydraulic ridge separating the Little Lehigh Creek Watershed from the Cedar Creek Watershed; 4. On the West by the hydraulic ridge separating the Little Lehigh Creek Watershed from the Cedar Creek Watershed. (hereinafter known as Diversion Area No.3); and

WHEREAS, the three diversion areas described above are also shown on a plan attached hereto as Exhibit "A" and made a part hereof.

NOW, THEREFORE, in further consideration of the mutual promises herein

contained, the parties hereto agree as follows:

1. For and in consideration of payment of the sum of TWENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-SIX and 73/100 (\$27,936.73) DOLLARS by LMTA to LCA, to be applied by LCA to defer any additional costs incurred by the remaining customers of the LCA Interceptor System, the parties agree to the diversion by LMT and LMTA of the flow from Diversion Area No. 2, consisting of approximately 585 equivalent dwelling units, from the LCA Interceptor System to the SWT Interceptor System. The method of calculation of the payment is attached hereto as Exhibit "B" and made a part hereof.

2. At such time as additional, existing LMT customers' flow from Diversion Area No. 3 is diverted from the LCA Interceptor System to the SWT Interceptor System, payment shall be made to LCA based on a similar method as used to determine the payment set forth in Paragraph 1.

3. Both the wastewater treatment allocation currently in use and all future approved allocation in Diversion Area No. 2 and Diversion Area No. 3 shall remain with LMT and shall be part of the LCA treatment allocation in the City of Allentown ("City") treatment plant. Future connections shall follow the allocation procedure as set forth in the August 4, 1987 Agreement (Post-1985 Allocation Agreement) or successor thereto, provided that such connections shall be exempt from fees related to the Western Lehigh Interceptor and Little Lehigh Relief Interceptor Phase 2 facilities. LCA shall pass all billing costs from the City for any diverted flow directly to Lower Macungie Township without addition of any LCA costs other than for treatment allocation and also relief interceptor

services which are related to flow from the South Whitehall Township Cedar Creek Interceptor.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have hereunto set their hands and seals this _____ day of _____, 1989.

ATTEST:
Carl O. Hamel

LEHIGH COUNTY AUTHORITY
By: Richard H Bohner

ATTEST:

COUNTY OF LEHIGH
By: _____

ATTEST:

TOWNSHIP OF LOWER MACUNGIE
By: _____

ATTEST:

TOWNSHIP OF LOWHILL
By: _____

ATTEST:

TOWNSHIP OF UPPER MACUNGIE
By: _____

ATTEST:

TOWNSHIP OF UPPER MILFORD
By: _____

ATTEST:

TOWNSHIP OF WEISENBERG
By: _____

ATTEST:

LOWER MACUNGIE TOWNSHIP AUTHORITY
By: _____

ATTEST:

UPPER MACUNGIE TOWNSHIP AUTHORITY
By: _____

services which are related to flow from the South Whitehall Township Cedar Creek Interceptor.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have hereunto set their hands and seals this _____ day of _____, 1989.

ATTEST:
Carl O. Heine

LEHIGH COUNTY AUTHORITY
By: Richard H. Bohner

ATTEST:
Robert E. Lee, P.E.

TOWNSHIP OF LOWER MACUNGIE
By: Robert E. Lee, P.E.

ATTEST:

COUNTY OF LEHIGH
By: [Signature]

ATTEST:

TOWNSHIP OF LOWHILL
By: _____

ATTEST:
Chas. M. Bastian

TOWNSHIP OF UPPER MACUNGIE
By: Henry C. Horn

ATTEST:

TOWNSHIP OF UPPER MILFORD
By: _____

ATTEST:

TOWNSHIP OF WEISENBERG
By: _____

ATTEST:
Harold W. Thomas

LOWER MACUNGIE TOWNSHIP AUTHORITY
By: Harold W. Thomas - Chairman

ATTEST:
Jan W. [Signature]

UPPER MACUNGIE TOWNSHIP AUTHORITY
By: Jan W. [Signature]

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IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have hereunto set their hands and seals this _____ day of _____, 1989.

ATTEST:
Carl O. Hume

LEHIGH COUNTY AUTHORITY
By: Richard H Bohner

ATTEST:
Robert E. Jones

TOWNSHIP OF LOWER MACUNGIE
By: Robert E. Lee, P.E.

ATTEST:

COUNTY OF LEHIGH
By: _____

ATTEST:

TOWNSHIP OF LOWHILL
By: _____

ATTEST:
Carl M. Bostman

TOWNSHIP OF UPPER MACUNGIE
By: Kent C. Gow

ATTEST:

TOWNSHIP OF UPPER MILFORD
By: _____

ATTEST:

TOWNSHIP OF WEISENBERG
By: _____

ATTEST:
John W. Sunday

LOWER MACUNGIE TOWNSHIP AUTHORITY
By: Harold W. Thomas - Chairman

ATTEST:
Richard Hill

UPPER MACUNGIE TOWNSHIP AUTHORITY
By: Jan W. Oram

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ATTEST:
Carl O. Hume

LEHIGH COUNTY AUTHORITY
By: Richard H Bohner

ATTEST:

COUNTY OF LEHIGH

By: _____

ATTEST:

TOWNSHIP OF LOWER MACUNIGE

By: _____

ATTEST:
Lucille C. Hahn

TOWNSHIP OF LOWHILL
By: Eugene Wener

ATTEST:

TOWNSHIP OF UPPER MACUNGIE

By: _____

ATTEST:

TOWNSHIP OF UPPER MILFORD

By: _____

ATTEST:

TOWNSHIP OF WEISENBERG

By: _____

ATTEST:

LOWER MACUNGIE TOWNSHIP AUTHORITY

By: _____

ATTEST:

UPPER MACUNGIE TOWNSHIP AUTHORITY

By: _____

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IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have hereunto set their hands and seals this _____ day of _____, 1989.

ATTEST:

Carl O. Hume

LEHIGH COUNTY AUTHORITY

By: Richard H Bohner

ATTEST:

[Signature]

TOWNSHIP OF LOWER MACUNGIE

By: Robert E. Lee, P.E.

ATTEST:

[Signature]

COUNTY OF LEHIGH

By: _____

ATTEST:

[Signature]

TOWNSHIP OF LOWHILL

By: _____

ATTEST:

[Signature]

TOWNSHIP OF UPPER MACUNGIE

By: Robert C. Gow

ATTEST:

Shirley M. Betman

TOWNSHIP OF UPPER MILFORD

By: William E. Schaffer

ATTEST:

[Signature]

TOWNSHIP OF WEISENBERG

By: _____

ATTEST:

[Signature]

LOWER MACUNGIE TOWNSHIP AUTHORITY

By: Harold R. Thomas - Chairman

ATTEST:

[Signature]

UPPER MACUNGIE TOWNSHIP AUTHORITY

By: James W. [Signature]

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IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have hereunto set their hands and seals this _____ day of _____, 1989.

ATTEST:
Charles O. Heine

LEHIGH COUNTY AUTHORITY
By: Richard H. Bolner

ATTEST:

COUNTY OF LEHIGH

By: _____

ATTEST:

TOWNSHIP OF LOWER MACUNGIE

By: _____

ATTEST:

TOWNSHIP OF LOWHILL

By: _____

ATTEST:

TOWNSHIP OF UPPER MACUNGIE

By: _____

ATTEST:

TOWNSHIP OF UPPER MILFORD

By: _____

ATTEST:
Donald P. Breining

TOWNSHIP OF WEISENBERG
By: Alan C. Patton

ATTEST:

LOWER MACUNGIE TOWNSHIP AUTHORITY

By: _____

ATTEST:

UPPER MACUNGIE TOWNSHIP AUTHORITY

By: _____

ATTEST:

Louise Stout

ATTEST:

ATTEST:

ATTEST:

Louise Stout

BOROUGH OF ALBERTIS SEWER AUTHORITY

By: Harry Bellisario

BOROUGH OF MACUNGIE SEWER AUTHORITY

By: _____

BOROUGH OF MACUNGIE

By: _____

BOROUGH OF ALBERTIS

By: Arthur R. Raines

ATTEST:

BOROUGH OF ALBURTIS SEWER AUTHORITY

By: _____

ATTEST:

[Signature]

BOROUGH OF MACUNGIE SEWER AUTHORITY

By: *Mary Binnel*

ATTEST:

Clarence W. M. [unclear] 5-15-59

BOROUGH OF MACUNGIE

By: *[Signature]*

ATTEST:

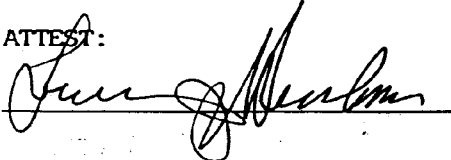
BOROUGH OF ALBURTIS

By: _____

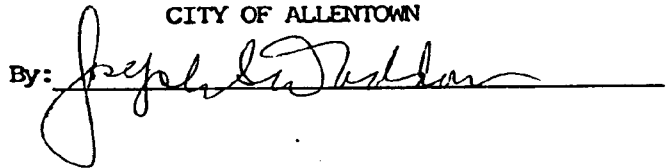
The CITY OF ALLENTOWN ("City"), a third-class city located in Lehigh County, Pennsylvania, for valued received, and intending to be legally bound hereby, does hereby join in and consent to the foregoing Agreement, dated for convenience as of April 6, 1989 ("AGREEMENT"), by and among the County of Lehigh, Lehigh County Authority, Boroughs of Alburdis and Macungie, Townships of Lower Macungie, Lowhill, Upper Macungie, Upper Milford and Weisenberg, Lower Macungie Township Authority, Upper Macungie Township authority, Alburdis Sewer Authority and Macungie Sewer Authority, and to the extent applicable to it, agrees to the terms of this Agreement, namely to the diversion of sewage collected within the areas of Lower Macungie Township described within the Agreement from the Lehigh County Authority Western Lehigh Interceptor and the CITY's Emmaus Interceptor to the South Whitehall Township Interceptor and the CITY'S Cedar Creek Interceptor, and that the treatment allocation in the CITY'S Kline's Island Treatment Plant shall remain part of the Lehigh County Authority's allocation, and further, agrees to be bound by the terms of the Agreement.

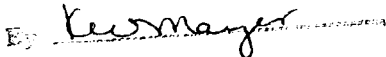
IN WITNESS WHEREOF, the CITY OF ALLENTOWN has caused this Consent and Joinder to be duly executed and attested by its proper officers, pursuant to proper action taken by its proper officers this _____ day of _____, 1989.

ATTEST:

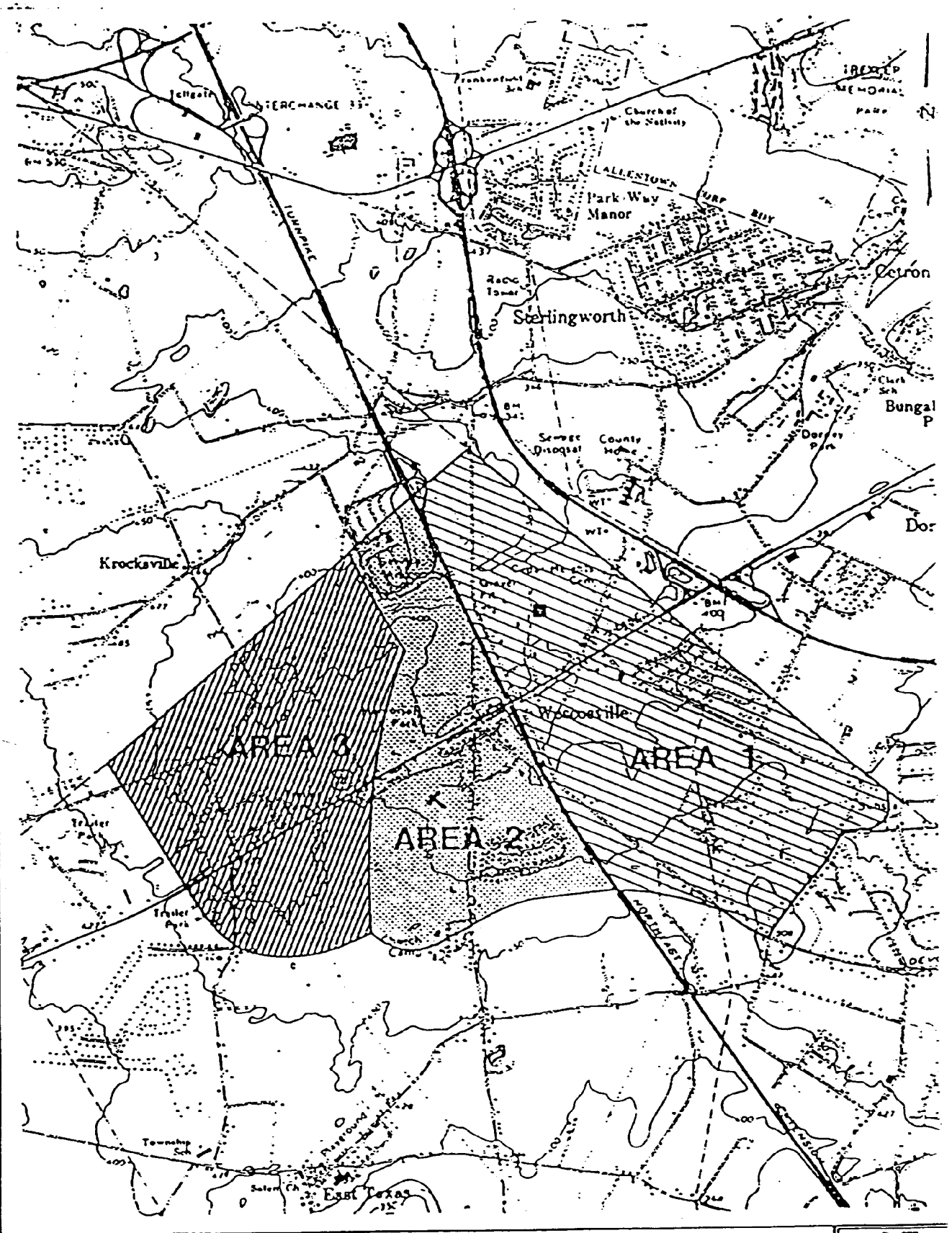


CITY OF ALLENTOWN

By: 

By: 

CIPARE Form 10-8



AREAS TRIBUTARY TO THE CEDAR CREEK DRAINAGE BASIN

LOWER MACUNGIE TOWNSHIP AUTHORITY
 SANITARY SEWERAGE SYSTEM

DATE
 APRIL 1989

SCALE
 1" = 2000'

EXHIBIT
 A

Lower Macungie Township Authority
 Cedar Creek Interceptor Analysis
 of Contributions to Lehigh County Authority

June 1, 1987

Calculate contribution required from Lower Macungie Township Authority (LMTA) to Lehigh County Authority (LCA) to offset the loss of revenue to LCA when the customers served by the LMTA Brookside Road and Krocks Road pump stations are removed from the LCA system.

Current Situation and Assumptions:

1. Customers connected to Brookside Road pump station 585 EDU
 Customers connected to Krocks Road pump station 226 EDU

2. Current Development rate throughout LCA system:

Residential development	200 EDU/year
Industrial/Commercial development - 75,000 gpd/year	340 EDU/year
@ 220 gpd/EDU	
annual	

3. Current LCA rates required for service & O & M of Western Lehigh Interceptor and Phase ² Relief Interceptor \$72.45/EDU

4. Assume cost of treatment and amortization of treatment capacity charges will continue to be paid through LCA. These charges do not enter into this calculation.

5. LMT will continue to pay Sewage Treatment Plant allocation costs of \$770/EDU to LCA. The Interceptor Fees would not be paid to LCA.

When the Brookside Road and/or Krocks Road pump stations are abandoned and the flow is taken out of the system LMTA will continue to pay $(\$72.45 \div 4) = \18.11 per quarter to LCA for each EDU diverted from the system. This contribution will be reduced on a one for one basis as new EDU's are connected to the LCA system.

1. Calculate Contribution if only Brookside Road system is removed from LCA system.

Number of EDU's to be removed from the system - 585
 Assumed rate of connection to LCA system is 540 EDU/year (135 EDU/quarter)

<u>Quarter</u>	<u>EDU</u>	<u>Cost/ EDU</u>	<u>Quarterly Contribution</u>	<u>Present Worth at 7-1/2% Annual Interest</u>	<u>Factor to Convert Future Payment to Present Worth</u>
1	585	\$ 18.11	\$10,594.35	\$10,594.35	
2	450	18.11	8,149.50	7,999.55	.9816
3	315	18.11	5,704.65	5,498.71	.9639
4	180	18.11	3,259.80	3,086.05	.9467
5	45	18.11	814.95	758.07	.9302
Present Worth of contribution required				\$27,936.73	