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COUNTY OF YORK
MEMORANDUM

DATE: January 20, 2000 (BOS Mtg. 2/2/00)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: Sanitary Sewer Connection Fee—David Powell, 313 Marion Drive, Tax Map #25C-9-3-48

As part of County sanitary sewer extension projects, once the construction is complete and the homeowners can start connecting to the sewer system, a "Notice of Construction Completion", formerly "Notice of Availability (NOA)", letter is mailed to each property, including vacant parcels, in the service area notifying its owner. This notice outlines the connection fees, time period in which to pay the connection fee, and the connection fee if paid after a certain date.

On June 7, 1996 a NOA for vacant property was mailed to Bay Savings Bank for 313 Marion Drive located in the Cheadle Heights area of Seaford. The letter, Exhibit "A", outlined that the payment of the sanitary sewer connection fee was not mandatory, but the $2,500 connection fee could be paid up to October 15, 1996. After this date the connection fee would increase to $7,500 (the then current regular connection fee). No payment was ever received for this parcel.

Mr. David W. Powell purchased the property located at 313 Marion Drive on August 4, 1999. Mr. Powell states in his letter to the Board of Supervisors, Exhibit "B", that he became aware of the $8,625 connection fee (current regular connection fee) when he applied for a building permit. He further states that the connection fee was a "Hidden Lien" and that he and his attorney were not aware of this fee. Therefore, he is asking the Board to provide relief to him by allowing him to pay the previous initial connection fee of $2,500.

The County Code does not (nor could it) place liens on property for non-mandatory connection fees. The owner is provided an opportunity to pay a reduced initial fee within 90 days of the construction completion. After the deadline the regular connection fee is applicable.

The sanitary sewer connection fee is just like any other connection fee (Hampton Roads Sanitation District, Newport News Waterworks, Virginia Natural Gas, Virginia Power, Bell Atlantic) that a prospective buyer should research prior to purchasing a piece of property. Based on the fact that proper notices were provided in accordance with §18.1-62 of the County Code, and County law does not authorize an initial fee in cases like this, I recommend that Mr. Powell not be granted relief from the current regular connection fee

of $8,625. Any such relief would be inequitable to many other property owners in the same situation who have paid the regular fee.

The theory behind the higher regular fee is that these County-subsidized sewer projects are installed to serve existing homes, not to encourage further residential development. The actual cost of installation per parcel in the Cheadle Heights Area in 1995 was $7,907. The regular fee attempts to recoup most, if not all, of the actual construction cost so as not to subsidize developers. Property owners of vacant parcels at the time of construction are given a one-time 90-day opportunity to pay the reduced fee. They must, however, from that point forward, pay a bimonthly non-user fee to support the system.

Should the Board wish to grant Mr. Powell his request, an ordinance change of some sort would be required; and I would suggest the Board direct the County Attorney as to what they would like to have done. Proposed Resolution R00-10, attached, denies the request.

Woodward/3241:bkw

Attachments: Exhibit A
Exhibit B