

RESOLUTION NO. 20-26

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
AMITY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA  
SETTING THE FEE IN LIEU OF LAND DEDICATION OF  
SUITABLE OPEN SPACE FOR PUBLIC RECREATION.**

**WHEREAS**, Section 503(11) of the Municipalities Planning Code, 53 P.S. §10503(11), outlines the rights and powers of municipalities regarding the requirement of public dedication of land, construction of recreational facilities and payment of fees in lieu thereof; and

**WHEREAS**, the Board of Supervisors (the "Board of Supervisors") of Amity Township, Berks County, Pennsylvania (the "Township") established the Amity Township Subdivision and Land Development Ordinance of 1992, as amended, regulating the subdivision and improvement of real estate in the Township; and

**WHEREAS**, by Ordinance No. 93-135 enacted July 6, 1993, the Board of Supervisors established standards for park and recreation areas for real estate which is the subject of subdivision and / or land development and provided for dedication of such park and recreation areas and / or the payment of a fee in lieu of dedication thereof, based upon the projections and evaluations of development, growth, and population needs within the Township; and

**WHEREAS**, by Ordinance No. 96-153 enacted June 3, 1996, the Board of Supervisors amended the standards for parks, recreation areas and open spaces, the dedication thereof and the fee in lieu of dedication as a result of the significant increase of development and population growth within the Township and the need to acquire and develop additional real estate which is accessible to, but not necessarily located within, the new subdivisions and land developments within the Township; and

**WHEREAS**, by Resolution adopted July 10, 2000, the Board of Supervisors adopted the Recreation Fees / Land Policy which established the procedures and guidelines for land dedication and the payment of recreation fees in lieu of land dedication; and

**WHEREAS**, in 2007, the Board of Supervisors commissioned Douglas A. Haring, MAI, SRA, AI-GRS, to prepare a Real Property Appraisal Consulting Assignment Appraisal Report to determine an opinion of reasonable "fee in lieu of dedication" in order for the Township to calculate the recreation fees in lieu of land dedication per §27-519 of the Subdivision and Land Development Ordinance; and

**WHEREAS**, Douglas A. Haring prepared a Real Property Appraisal Consulting Assignment Appraisal Report (the "2008 Appraisal Report") establishing an opinion of the estimated fee in lieu of dedication of Seventy-Five Thousand Dollars (\$75,000.00) per acre, as of January 15, 2008; and

**WHEREAS**, by Ordinance No. 249 enacted October 1, 2008, in accordance with the 2008 Appraisal Report, the Board of Supervisors increased the standard recreation fees in lieu of land dedication from Forty-Five Thousand Dollars (\$45,000.00) to Seventy-Five Thousand Dollars (\$75,000.00) per acre, or in proportionate rate for any portion thereof; and

WHEREAS, by Ordinance No. 298 enacted February 1, 2017, the Board of Supervisors among other items, provided that the recreation fees in lieu of land dedication shall be set by the Board of Supervisors by Resolution, by reference to this Ordinance.

WHEREAS, in June of 2020, the Board of Supervisors again commissioned Douglas A. Haring, MAI, SRA, AI-GRS, to prepare a Real Property Appraisal Consulting Assignment Appraisal Report to determine an opinion of reasonable "fee in lieu of dedication" in order for the Township to calculate the recreation fees in lieu of land dedication per §27-519 of the Subdivision and Land Development Ordinance; and

WHEREAS, Douglas A. Haring prepared a Real Property Appraisal Consulting Assignment Appraisal Report (the "2020 Appraisal Report") establishing an opinion of reasonable fee in lieu of dedication of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) per acre, as of July 15, 2020; and

WHEREAS, in accordance with the 2020 Appraisal Report, the Board of Supervisors have determined that the estimated recreation fees in lieu of land dedication shall be Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) per acre, or in proportionate rate for any portion of an acre.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Supervisors of Amity Township, Berks County, Pennsylvania, that pursuant to 53 P.S. §10503(11) and Amity Township Ordinances 93-135, 96-153, 249-2008 and 298-2017 the recreation fee in lieu of land dedication shall be set at Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) per acre, or in proportionate rate for any portion of acre, effective this date.

DULY ADOPTED and APPROVED this 16<sup>th</sup> day of September, 2020.

**BOARD OF SUPERVISORS  
AMITY TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA**

  
\_\_\_\_\_  
Kim McGrath, Chairperson

  
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David Hackett, Vice Chairperson

  
\_\_\_\_\_  
Paul Weller

  
\_\_\_\_\_  
Terry Jones

  
\_\_\_\_\_  
Kevin Keifrider

Attest:   
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Pamela Kisch, Secretary