

Resolution No. 2006-4

of

Indian Lake Borough

AND NOW, this 14th day of June, 2006, the Borough Council of Indian Lake Borough hereby resolves as follows:

WHEREAS, David A. Finui and Allison Troy Finui, husband and wife, have submitted a proposed plan for a sewage treatment facility on Fairway Lot 106 and Peninsula Lot 91;

WHEREAS, Finui have agreed to address concerns relative to the proposal;

NOW, THEREFORE, Indian Lake Borough Council hereby agrees to the issuance of a sewage permit subject to the following terms and conditions:

1. Finui shall execute a deed which shall be full and complete and which shall tie the two lots together for so long as the sewage treatment facility for Peninsula Lot 91 is on Fairway Lot 106.

2. The deed shall be signed by David A. Finui and Allison Troy Finui, husband wife.

3. The covenants tying the lots together shall be deemed to be covenants, which run with the land and shall be binding on subsequent assignees, grantees, or transferees of Finui for so long as the sewage treatment system for Peninsula Lot 91 is located on Fairway Lot 106.

4. Finui agree in writing that the following conditions become part of their sewage permit:

A. Finui agree to allow Indian Lake Borough to inspect the installation of the sewage facility and particularly to inspect all work done in connection with the installation of the pipe which shall run under the Borough right-of-way, Peninsula Drive.

B. As a condition of the issuance of the permit, Finui agree that they will be responsible for the repair of any malfunction, break, or inability of the system to function and such obligations shall be binding on any assignee, grantee, or transferee of Finui. A copy of these conditions shall be provided to any assignee, grantee, or transferee of Finui.

C. Finui shall, upon becoming aware of a malfunction or a break in any part of the system and particularly in the delivery line underneath Peninsula Drive, immediately notify Indian Lake Borough of such malfunction or break.

D. Finui shall, upon completion of the installation of the delivery line underneath Peninsula Drive, install a permanent monument on both sides of Peninsula Drive indicating the location of the delivery line.

E. Finui shall maintain a two-foot distance between the top of his delivery line and the bottom of the six-inch Indian Lake Borough water line along Peninsula Drive.

F. Any breach of any condition of the permit or the covenants set forth in the deed shall be deemed to be a material breach and Indian Lake Borough, at its discretion, may suspend, revoke, or modify the permit.

5. A copy of the conditions set forth in this Resolution shall be attached to the sewage permit and are incorporated herein by reference.

RESOLVED AND ENACTED the 14th day of June, 2006.

ATTEST:

BOROUGH OF INDIAN LAKE

Theresa L. Weyant
Theresa L. Weyant

Terry L. St. Clair
Terry L. St. Clair, Council President