



Plantation Harbor Property Owners Association

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REGULATION #04-03

SEWAGE IMPACT FEE

DATE APPROVED: October 18, 2004

This authorizes a Sewage Impact Fee to handle capital construction situations for parts of our Sewage Treatment System (STS) unique to a subset (i.e. not all) of the members of PHPOA. This situation should not arise, but if it does, this defines the procedures for seeking funding from the appropriate parties.

It is the Declarant's (the Developer) obligation to design, permit, fund, and construct all expansions to the PHPOA STS and to then turn the system over to PHPOA for operation and maintenance. This obligation is clearly spelled out in the BYLAWS, the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF PLANTATION HARBOR (and their Amendments), and numerous contracts with the Declarant. PHPOA will take all reasonable steps, including appropriate legal action, to ensure that this obligation is upheld by the Developer.

But in any case, if the Developer does not fulfill his obligation and failure to complete this project is to the detriment of all, or part of, the community, then PHPOA, without giving up any of its other legal remedies, may undertake the work. If a project is for the primary benefit of, or necessitated by, individual lots, then the owner(s) of these lots will be held financially accountable. All notifications and appeals procedures will be as laid out in our Covenants. Failure of any party to pay their share of the impact assessment will be handled as specified in our Covenants. Until this fee is paid no sewage service will be initiated for the offending lot owner(s).

The fee will be determined by totaling all costs (legal, engineering, construction, etc.) of the project and dividing them equally amongst the impacted lots (as in the Covenants, the use of "lots" also includes multifamily units). For purposes of this division of financial responsibility, each new, planned or in the process of being created lot, bears an equal share of the cost independent of its road frontage.

As noted in the beginning of this regulation, this obligation for sewage expansion is the Developer's. Thus, use of this Regulation should not be required. But, if the need arises, this provides a means to divide the costs amongst the benefiting lots, rather than amongst all members of PHPOA. Nothing in this Regulation prevents PHPOA, or any individual member, from seeking additional legal remedies from the Developer should his failure to meet his obligations cause use of this Sewage Impact Fee.

APPROVED:

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