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January 31, 2018

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FEB 05 2018

PA Office of Attorney General  
Attn: ACRE  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

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Office of Attorney General

Office of Attorney General  
Constituent Services

FEB 06 2018

Civil Law Division

SR-87598-4200

Re: Oley Township Municipal Authority matter

Dear Honorable Attorney General,

I am writing regarding an unresolved issue with the Oley Township Municipal Authority that has been ongoing for 4+ years in conjunction with an amendment to the Oley Township Zoning Ordinance first codified in 1994 and an amendment via Ordinance 2011-354 and codified in October of 2013 specifically addressing Wellhead Protection. Ordinance 2011-354 amendment creates prohibition and restriction requirements that extend beyond the Authority's current property lines. My father and more recently myself have unsuccessfully been able to come to agreement with the Authority over the lands affected by this change. We have however, honored the prohibition of general agriculture in Zone 1 since 2014.

The Oley Township Zoning Ordinance 27-102 Community Objective states: **A. Minimize impediments to, and continue to support existing farming operations in order to make possible the continuation of farming as the Township's primary economic activity.**

I brought the problem with the restrictions created through the enactment of the Ordinance to the attention of the Authority in November of 2013 in a letter that is included in the package. The Authority has since taken steps to evaluate the impacts to adjoining property owners by each of their wells and have made offers of a one-time compensation for easement agreements.

My familiarity with the Zoning Ordinance resulted in our objecting to the reference to *easement* since according to the Zoning Ordinance, *easements* must be netted out in any future subdivision of affected lands. That language in the proposed agreement was since changed to a *protective covenant* in a revised proposal to us from the Authority. This language was acceptable to us however, they also changed additional language in the revision and offer. My father did not get to resolve those issues prior to his passing in 2015.

In the spring of 2017, I became the owner of the property and subsequently submitted a letter to the Authority in August in an attempt to resolve the matter. The Authority Solicitor responded verbally to me in October that the Authority was willing to remove the objectionable changed language, but do nothing more regarding annual leasehold compensation.

If the Authority is unwilling to either compensate through a leasehold for the use of the said land on an annual basis as long as the wells remain in production, or allow general agricultural practices on the land, then I feel they should revert to the 3<sup>rd</sup> option I have suggested in my August 2, 2017 letter, and acquire the property through the *eminent domain* process and have the affected lands appraised.

Enclosures for your review include copies of referenced letters from my family, written offers and responses from the Authority, relevant sections of the Oley Township Zoning Ordinance and Parcel Map showing the well locations, and a Google Earth photo showing the buffer area in the fields. The entire Oley Township Zoning Ordinance is available on line at Oley Twp.org.

Should you have any questions or wish to further discuss this matter, I can be reached at [REDACTED] home [REDACTED] cell. Thank you for your consideration.

Enclosures

- 1<sup>st</sup>. letter to Authority 11-6-13
- 1<sup>st</sup> response from Authority 12-11-14
- 2<sup>nd</sup> letter to Authority 2-26-15
- 2<sup>nd</sup> response from Authority (Ord 27-1702 incl.) 4-29-15
- 3<sup>rd</sup> letter to Authority 8-2-17
- Oley Twp. Ordinance 2011-354 (now 27-1702)
- Oley Twp. Zoning Ordinance Chapter 27 relevant sections and map
- Mapping Grid of well buffers
- Google Earth view of established buffers

Sincerely,

[REDACTED]

[REDACTED]