

TOWNSHIP OF SOUTH MIDDLETON  
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 98-11

AN ORDINANCE

OF THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING A TERMINATION AGREEMENT BETWEEN THIS TOWNSHIP AND SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY WITH RESPECT TO A LEASE AND A MANAGEMENT AGREEMENT BETWEEN THIS TOWNSHIP AND SUCH AUTHORITY WITH RESPECT TO THE SEWER SYSTEM OF SUCH AUTHORITY; AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGMENT, AND DELIVERY OF SUCH TERMINATION AGREEMENT ON BEHALF OF THIS TOWNSHIP; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

WHEREAS, All obligations of this Township under an Agreement of Lease (Sewer System), dated as of June 1, 1988, as amended and supplemented by a First Supplemental Agreement of Lease, dated as of January 15, 1992 (the "Original Lease"), between South Middleton Township Municipal Authority (the "Authority"), as lessor, and this Township, as lessee, with respect to the Sewer System, as such phrase is defined in the Original Lease, leased to this Township for operation and use, have been provided for by the Authority and this Township and it is desirable to terminate the Original Lease; and

WHEREAS, All obligations of this Township and the Authority under the Management Agreement (Sewer System), dated as of June 1, 1988, as amended and supplemented (the "Management Agreement"), between this Township and the Authority with respect to such Sewer System have been provided for and it is desirable to terminate the Management Agreement.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 1. This Township shall enter into a Termination Agreement, to be dated as of March 1, 1998, but effective as provided therein (the "Agreement"), with the Authority, with respect to the Original Lease and the Management Agreement, substantially in the form referred to in Section 2, the Agreement being entered into for the purpose of terminating such Original Lease and such Management Agreement.

SECTION 2. The Agreement shall be substantially in the form presented to this meeting, which form is approved; and a copy thereof, in the form so presented to this meeting and so approved, shall be filed with the Secretary of this Township and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

SECTION 3. The Chairman or Vice Chairman of the Board of Supervisors of this Township, and the Secretary or Assistant Secretary of this Township, as applicable, are authorized and directed to execute, to attest, to acknowledge, and to deliver the Agreement on behalf of this Township, substantially in the forms approved in Section 2, at the appropriate time.

SECTION 4. Proper officers of this Township are authorized and directed to execute all documents and to do all other acts as may be necessary and proper to carry out this Ordinance and the undertakings of this Township under the Agreement.

SECTION 5. This Ordinance shall become effective in accordance with law.

SECTION 6. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 7. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety, and welfare of inhabitants of this Township.

SECTION 8. All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 26<sup>th</sup> day of March, 1998, by the Board of Supervisors of the Township of South Middleton, Cumberland County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SOUTH MIDDLETON  
Cumberland County, Pennsylvania

By: /s/ R. Duff Manweiler  
Chairman of the Board of Supervisors

ATTEST:

/s/ Barbara A. Wilson  
Secretary

CERTIFICATE

I, the undersigned, Secretary of the Township of South Middleton, Cumberland County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors (the "Board of Supervisors") of the Township, which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors at a meeting of the Board of Supervisors duly convened and held according to law on March 26, 1998, at which meeting a quorum was present; that said Ordinance duly has been recorded in the Ordinance Book of the Township; that said Ordinance duly has been published as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Township met the advance notice and public comment requirements of the Sunshine Act, Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at such meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 26<sup>th</sup> day of March, 1998.

/s/ Barbara A. Wilson  
Secretary

(SEAL)