

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 98-08

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT AND THE FORM THEREOF BETWEEN THIS TOWNSHIP, ON THE ONE HAND, AND SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY, ON THE OTHER HAND, WHEREBY SAID AUTHORITY WILL COVENANT TO ACQUIRE, TO CONSTRUCT, TO OWN AND TO OPERATE CERTAIN WATERWORKS, WATER SUPPLY WORKS AND WATER DISTRIBUTION FACILITIES FOR RENDERING WATER SERVICE IN AND FOR PORTIONS OF THIS TOWNSHIP, AND WHEREBY THIS TOWNSHIP WILL MAKE CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT TO SUCH WATER SYSTEM, INCLUDING, INTER ALIA: (1) THE ENFORCING OF REQUIREMENTS FOR CONNECTION TO AND USE OF SUCH WATER SYSTEM; (2) THE GRANTING OF CERTAIN EASEMENTS, RIGHTS OF WAY, RIGHTS AND PRIVILEGES TO SAID AUTHORITY; AND (3) OTHER RELATED MATTERS; AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGEMENT AND DELIVERY OF SAID AGREEMENT ON BEHALF OF THIS TOWNSHIP; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

The Board of Supervisors of the TOWNSHIP OF SOUTH MIDDLETON, Cumberland County, Pennsylvania, enacts and ordains as follows:

SECTION 1. This Township shall enter into an Agreement (the "Agreement") with the South Middleton Township Municipal Authority (the "Authority"), whereby, inter alia, the Authority will covenant and agree to acquire, to construct, to own and to operate certain waterworks, water supply works and water distribution facilities for rendering water service in and for portions of this Township, and this Township will make certain covenants and agreements with respect to such water system, including, inter alia: (1) the enforcing of requirements for connection to and use of such water system; (2) the granting of certain easements, rights of way, rights and privileges to the Authority; and (3) other related matters. The Agreement shall be substantially in the form presented to this meeting, which Agreement and the form thereof is approved.

SECTION 2. A copy of the Agreement, 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 and Secretary or Assistant Secretary of this Township, as applicable, are authorized and

directed to execute, attest, acknowledge and deliver the Agreement, on behalf of this Township, in the form so approved.

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

SECTION 5. This Ordinance shall become effective as provided by 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 of this Ordinance shall be and shall remain in full force and effect.

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

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

DULY ENACTED AND ORDAINED, this 26th 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

(SEAL)

CERTIFICATE

I, the undersigned, (Assistant) 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 of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on the 26th day of March, 1998; such Ordinance duly has been recorded in the ordinance book of the Township; such Ordinance duly has been published as required by law; such Ordinance, upon enactment, was assigned number 98-08; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice requirements of 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 26th day of March, 1998.

/s/ Barbara A. Wilson
Secretary

(SEAL)