

TOWNSHIP OF WASHINGTON

Franklin County, Pennsylvania

ORDINANCE NO. 38

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY AND THIS TOWNSHIP, UNDER WHICH THIS TOWNSHIP SHALL COVENANT AND AGREE TO MAKE CERTAIN ANNUAL GRANTS, CONTRIBUTIONS, APPROPRIATIONS, ALLOCATIONS AND/OR ADVANCEMENTS TO SUCH AUTHORITY AS AN ALLOCATION OF, AND FOR APPLICATION BY SUCH AUTHORITY FOR AND TOWARD, COSTS AND EXPENSES WITH RESPECT TO THE "PRELIMINARY UNDERTAKINGS", AS DEFINED IN SAID AGREEMENT, AND RELATED COSTS AND EXPENSES, IN CONNECTION WITH THE SEWER SYSTEM TO BE DESIGNED, ACQUIRED, CONSTRUCTED AND OWNED BY SAID AUTHORITY AND TO BE LEASED TO THIS TOWNSHIP, FOR THE PURPOSE OF PROVIDING SEWAGE COLLECTION, TRANSPORTATION, TREATMENT AND DISPOSAL SERVICES IN AND FOR CERTAIN PORTIONS OF THIS TOWNSHIP AND UNDER WHICH THE AUTHORITY WILL COVENANT AND AGREE TO REPAY TO THIS TOWNSHIP, FROM FUNDS OBTAINED BY THE "PERMANENT FINANCING", AS DEFINED IN SAID AGREEMENT, A SUM EQUAL TO ALL SUCH GRANTS, CONTRIBUTIONS, APPROPRIATIONS, ALLOCATIONS AND/OR ADVANCEMENTS WHICH HAVE BEEN MADE, PURSUANT TO SAID AGREEMENT AND WHICH THEREFORE HAVE NOT BEEN REPAID, AT THE TIME SUCH "PERMANENT FINANCING", WITH RESPECT TO SUCH SEWER SYSTEM, IS SUCCESSFULLY COMPLETED; AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGMENT AND DELIVERY OF SAID AGREEMENT IN BEHALF OF THIS TOWNSHIP; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

WHEREAS, The Commonwealth of Pennsylvania, acting by and through its Department of Environmental Resources (formerly the Department of Health), pursuant to laws of the Commonwealth, has mandated to this Township that certain sewage collection, transportation, treatment and disposal services be provided in and for certain parts of this Township; and

WHEREAS, Washington Township Municipal Authority (the "Authority"), pursuant to the request and consent of this Township, has agreed to undertake the planning and design of certain sewage collection, transportation, treatment and disposal and related facilities, to be leased to this Township at necessary annual lease rentals, for the purpose of operation and use by this Township, in the providing of sewage collection, transportation, treatment and disposal services in and for certain portions of this Township, (the "Sewer System"); and

WHEREAS, This Township desires to agree to make certain annual grants, contributions, appropriations, allocations and/or advancements to the Authority as an allocation of, and for application for and toward, costs and expenses with respect to the Preliminary Undertakings, as defined in the Agreement hereinafter mentioned, and related costs and expenses, in connection with such Sewer System; and

WHEREAS, This Township desires to express its intention that, at the appropriate time, it will enter into an appropriate agreement of lease with the Authority, pursuant to which the Authority will construct the Sewer System and pursuant to which the Township will lease the Sewer System from the Authority, at necessary annual lease rentals, for the purpose of operation and use by this Township in the providing of sewage collection, transportation, treatment and disposal services in and for certain portions of this Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of this Township as follows:

SECTION 1. This Township shall enter into an Agreement (the "Agreement") with the Authority, substantially in the form referred to in Section 2, with respect to the Preliminary Undertakings, the Project and the Sewer System, as such word and phrases are defined herein and in the Agreement, to be undertaken, to be acquired, to be owned by the Authority, as appropriate, and to be leased to this Township, for the purpose of providing sewage collection, transportation, treatment and disposal services in and for certain portions of this Township, under terms and provisions of which Agreement this Township shall covenant and agree to make certain annual grants, contributions, appropriations, allocations and/or advancements to the Authority each year, from current revenues of this Township, or such other funds as legally may be available, as an allocation of, and for application by the Authority for and toward, costs and expenses with respect to the Preliminary Undertakings, the Project and the Sewer System, and related costs and expenses, and under terms and provisions of which the Authority will covenant and agree to repay to this Township, from funds obtained by the "Permanent Financing", as such phrase is defined in the Agreement, a sum equal to all such annual grants, contributions, appropriations, allocations and/or advancements which have been made pursuant to the Agreement, and which theretofore have not been repaid, at the time such "Permanent Financing," with respect to the Sewer System, is successfully completed, as is more specifically provided in the Agreement.

SECTION 2. The Agreement shall be substantially in the form presented to this meeting, which form is approved; and 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 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, in behalf of this Township, substantially in the form approved in Section 2.

SECTION 4. This Township expresses its intention that, at the appropriate time, it will enter into an appropriate agreement of lease with the Authority, pursuant to which this Township will lease the Sewer System from the Authority, at necessary annual lease rentals, for the purpose of operation and use by this Township in the providing of sewage collection, transportation, treatment and disposal services in and for certain portions of this Township.

SECTION 5. 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 6. This Ordinance shall become effective in accordance with law.

SECTION 7. 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 8. 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.

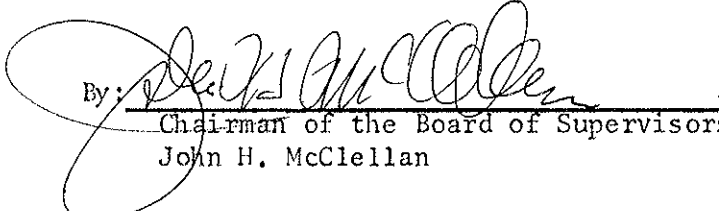
SECTION 9. All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

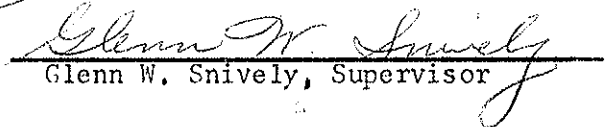
DULY ENACTED AND ORDAINED, this 20th day of March, 1972, by the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, in lawful session duly assembled.

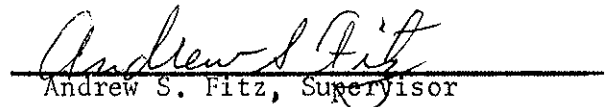
TOWNSHIP OF WASHINGTON
Franklin County, Pennsylvania

ATTEST:

By:


Chairman of the Board of Supervisors
John H. McClellan


Glenn W. Snively, Supervisor


Andrew S. Fitz, Supervisor