

TOWNSHIP OF WASHINGTON,
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 48

AN ORDINANCE

APPROVING THE PROPOSED ACTION OF WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY TO ACQUIRE ALL ASSETS, PROPERTY AND FRANCHISES OF MONTEREY-BLUE RIDGE WATER SUPPLY COMPANY AND THE ROUZERVILLE WATER COMPANY WHICH ARE LOCATED IN THE COMMONWEALTH OF PENNSYLVANIA, AND WHICH ARE USED OR USEFUL IN RENDERING WATER SERVICE TO THE PUBLIC IN AND ADJACENT TO THIS TOWNSHIP; APPROVING THE PROPOSED AGREEMENTS FOR PURCHASE BY SAID AUTHORITY OF SAID ASSETS, PROPERTY AND FRANCHISES OF SAID WATER COMPANIES; RECOMMENDING THAT SAID AUTHORITY PROCEED WITH SUCH PLAN OF ACQUISITION; CONSENTING AND AGREEING TO TERMS AND CONDITIONS OF SAID PROPOSED AGREEMENTS; AND AUTHORIZING PROPER OFFICERS OF THIS TOWNSHIP TO TAKE ALL OTHER NECESSARY AND PROPER ACTION.

WHEREAS, Washington Township Municipal Authority (the "Authority") is a municipality authority incorporated and existing under the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Authorities Act"), pursuant to appropriate action of the Board of Supervisors for the Township of Washington, Franklin County, Pennsylvania (the "Township"); and

WHEREAS, The Authority has reported to and has advised the Board of Supervisors of this Township of its proposed plan to acquire, by purchase (the "purchase"), as permitted by the Authorities Act from Monterey-Blue Ridge Water Supply Company and The Rouzerville Water Company, respectively (the

"Water Companies"), Pennsylvania public utility corporations being possessed of power and authority to render water service to the public in and adjacent to portions of this Township, all assets, property and franchises of the Water Companies, real, personal and mixed, located in the Commonwealth of Pennsylvania (the "Commonwealth"), thus vesting in the Authority all right, title and interest of the Water Companies, in and to the existing waterworks, water supply works and water distribution facilities now owned by the Water Companies, located in the Commonwealth, together with all appurtenant facilities and property which the Water Companies, may acquire in connection therewith prior to consummation of such acquisition by the Authority, including all property, real, personal and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises and other property or interests in property of whatsoever natures used or useful in connection with such facilities (the "Water Facilities"); and

WHEREAS, The Authority has presented to the Board of Supervisors of this Township certain proposed agreements by and between the Authority and the Water Companies, which proposed agreements set forth terms and conditions under which the Authority and the Water Companies propose to consummate the Purchase of the Water Facilities; and

NOW, THEREFORE, The Board of Supervisors of this Township enacts and ordains, as follows:

SECTION 1. The proposed action of the Authority to acquire all assets, property and franchises of the Water Companies, which are located in the Commonwealth and which are used or useful in rendering water service to the public in and adjacent to portions of this Township, by purchase is approved.

SECTION 2. The proposed agreements by and between the Authority and the Water Companies in the form presented to this meeting, which form of proposed agreements sets forth terms and conditions under which the Authority will purchase and the Water Companies will sell the Water Facilities is approved; and a copy of the form of such proposed agreements 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 Board of Supervisors of this Township recommends to the Authority that the Authority proceed with the plan to acquire such assets, property and franchises of the Water Companies, by purchase in accordance with terms and conditions of the proposed agreements as authorized under the Authorities Act, and such action is approved.

SECTION 4. This Township consents and agrees to terms and conditions of the proposed agreements by and between the Authority and the Water Companies, and, to the extent that any covenants contained therein shall require the cooperation or action of this Township, this Township agrees to perform the same.

SECTION 5. Proper officers of this Township are authorized and directed to take all other action and do all other things necessary or appropriate in order to carry out terms of the proposed agreements and the intent and purpose of this Ordinance.

SECTION 6. All action heretofore taken by the Authority in connection with action herein authorized is approved, ratified and confirmed by the Board of Supervisors of this Township.

SECTION 7. The Secretary of this Township is authorized and directed to deliver a certified copy of this Ordinance to the Authority.

SECTION 8. All Ordinances or parts of Ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania this 25 day of September, 1974.

TOWNSHIP OF WASHINGTON,
Franklin County, Pennsylvania

By: *Merle E. Giesecke*
Chairman of the Board of
Supervisors

ATTEST:

Kathryn Mueller
Secretary

(SEAL)

CERTIFICATE

We, the undersigned, Chairman of the Board of Supervisors and Secretary, respectively, of the Township of Washington, Franklin 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 was duly enacted by at least two-thirds (2/3) of all members of said Board of Supervisors at a meeting duly held on the 25 day of *September* 1974 that the said Ordinance has been duly recorded in the Borough Ordinance Book; that the said Ordinance has been duly published as required by law; and that said Ordinance remains in full force and effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, we set our hands and the Secretary affixes the official seal of the Borough, this *1st* day of *October*, 1974.

Mark L. Engstrom
Chairman of the Board of Supervisors

Kathryn Mullins
Secretary

(SEAL)