

TOWNSHIP OF MIDDLESEX,
Cumberland County, Pennsylvania

ORDINANCE NO. 84-6

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT AND THE FORM THEREOF BETWEEN THIS TOWNSHIP, ON THE ONE HAND, AND THE MIDDLESEX TOWNSHIP MUNICIPAL AUTHORITY, ON THE OTHER HAND, WHEREBY SAID AUTHORITY WILL COVENANT TO ACQUIRE, TO CONSTRUCT, TO OWN AND TO OPERATE CERTAIN WATER TRANSMISSION AND DISTRIBUTION SYSTEM FACILITIES REQUIRED FOR RENDERING WATER SERVICE IN, TO AND FOR PORTIONS OF THIS TOWNSHIP, AND WHEREBY THIS TOWNSHIP WILL MAKE CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT TO THE PROPOSED WATER SYSTEM TO BE ACQUIRED, TO BE CONSTRUCTED, TO BE OWNED AND TO BE OPERATED BY SAID AUTHORITY, 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 IN BEHALF OF THIS TOWNSHIP; RATIFYING AND CONFIRMING ACTION OF THIS TOWNSHIP IN CONNECTION WITH A CERTAIN INTERMUNICIPAL WATER SERVICE AGREEMENT AND A CERTAIN INTERMUNICIPAL TRANSMISSION FACILITIES AGREEMENT, EACH BY AND AMONG THIS TOWNSHIP AND SAID AUTHORITY ON THE ONE HAND AND THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND COUNTY, PENNSYLVANIA, AND SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY ON THE OTHER HAND; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

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

SECTION 1. This Township shall enter into an Agreement (the "Agreement") with the Middlesex Township Municipal Authority (the "Authority"), whereby, inter alia, the Authority will covenant and agree to acquire, to construct, to own and to operate certain water transmission and distribution

system facilities required for rendering water service in, to and for portions of this Township, and this Township will make certain covenants and agreements with respect to the proposed water system to be acquired, to be constructed, to be owned and to be operated by the Authority, including: (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 of this Township, as applicable, are authorized and directed to execute, attest, acknowledge and deliver the Agreement, in behalf of this Township, in the form so approved.

SECTION 4. All actions heretofore taken by or on behalf of this Township in connection with authorization, execution and delivery of the Intermunicipal Water Service Agreement, dated as of August 16, 1984, and the Intermunicipal Transmission Facilities Agreement, dated as of August 16, 1984, each by and among this Township and the Authority on the one hand, and the Township of South Middleton, Cumberland County, Pennsylvania, and South Middleton Township Municipal Authority on the other hand, and each with respect to such water system to be acquired and constructed and operated by the Authority, are hereby ratified and confirmed in all respects.

SECTION 5. 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 6. This Ordinance shall become effective as provided by 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 of this Ordinance shall be and shall remain in full force and effect.

SECTION 8. 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 9. All ordinances and parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 10 day of October, 1984, by the Board of Supervisors of the Township of Middlesex, Cumberland County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MIDDLESEX,
Cumberland County, Pennsylvania

By: Robert M. Shaw
(Vice) Chairman of the
Board of Supervisors

ATTEST:

W. E. Preston
Secretary

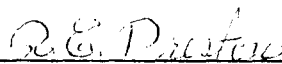
(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Middlesex, 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 10 day of October, 1984, such Ordinance duly has been recorded in the ordinance book of the Township; such Ordinance duly has been published as required by law; 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. 175 of the General Assembly of the Commonwealth of Pennsylvania, approved July 19, 1974, by advertising said meeting and by posting prominently a notice of said meeting at the public building in which said meeting was held, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 10 day of October, 1984.



Secretary

(SEAL)