

TOWNSHIP OF BERWICK
ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 40-97

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP SIGNIFYING ITS DESIRE TO ACQUIRE THE PROJECT OF THE SEWER SYSTEM OF BERWICK TOWNSHIP MUNICIPAL AUTHORITY; SIGNIFYING THE INTENT OF THIS TOWNSHIP TO ASSUME ALL OBLIGATIONS INCURRED BY SAID AUTHORITY IN CONNECTION WITH SAID PROJECT; AUTHORIZING AND APPROVING EXECUTION, ATTESTATION, ACKNOWLEDGMENT AND DELIVERY OF ALL INSTRUMENTS AND DOCUMENTS RELATING TO SUCH ACQUISITION AND ASSUMPTION OF OBLIGATIONS; AND SETTING FORTH RELATED MATTERS.

WHEREAS, Berwick Township Municipal Authority (the "Authority") is a municipality authority heretofore incorporated pursuant to the Act of the Pennsylvania General Assembly known as the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Authorities Act"), by appropriate action of the Board of Supervisors of this Township; and

WHEREAS, the Authority, upon the request of the Board of Supervisors of this Township, heretofore undertook the establishment, planning, design and financing of a sewer system **for rendering sewage service in and for a portion of this Township; and**

WHEREAS, This Township is the sole municipality involved with the incorporation of the Authority and the **appointment of** the Board of the Authority; and

WHEREAS, This Township is empowered by law to establish, maintain and operate a system of sewers, sewage treatment works and related facilities.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of this Township, as follows!

Section 1. This Township, as contemplated by Section 18(A) of the Authorities Act, hereby signifies its intent and desire to acquire the project of the Authority, consisting of the sewer system, existing or proposed, and all appurtenant facilities and properties of 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 nature used or useful in connection with the planning, establishment, acquisition, construction and maintenance of all such facilities and all additions, extension, alterations and improvements thereto which may be made or acquired, from time to time, all of which herein is referred to as the "Sewer Project".

Section 2. This Township, hereby expresses its intent and desire to assume and concurrently with conveyance of the Sewer Project by the Authority shall assume, as required by Section 18(A) of the Authorities Act, all of the Authority's obligations incurred with respect to the Sewer Project, including without intending to limit the generality of the foregoing! (i) the Authority's debt, if any: and (ii) any other obligations of the Authority incurred with respect to the Sewer Project.

Section 3. Proper officers of this Township are authorized and directed to execute, to attest, to acknowledge and to deliver, as applicable, all documents and instruments and to do all other acts as may be necessary and proper to carry out this Ordinance and the undertakings of the Township hereunder_

Section 4. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause of part of this Ordinance, it being the

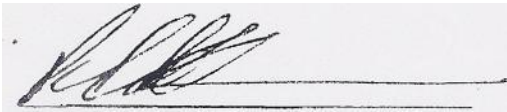
intent of this Township that **such remainder shall be and shall remain in full force and effect.**

Section 5. It is declared that the enactment of this Ordinance is necessary for the **protection, benefit and preservation** of the health, safety and welfare of inhabitants of this Township.

Section 6_ All other ordinances or parts of **ordinances** inconsistent herewith shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED this ____ day of September, 1997, by the Board of Supervisors of the Township of Berwick, Adams County, Pennsylvania, in lawful session duly assembled.

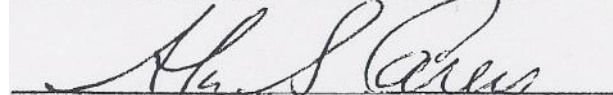
ATTEST:



Secretary

(SEAL)

TOWNSHIP OF BERWICK
ADAMS COUNTY, PENNSYLVANIA



Chairman of Board of Supervisors



CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of the Township of Berwick, Adams 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 affirmative vote of a majority of the members of the Board of Supervisors of the Township at an open public meeting duly held after notice required by law on 9/15/97 that said Ordinance has been recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 15th day of September, 1997_

A handwritten signature in black ink, appearing to be 'R. B. B.', is written over a horizontal line. The signature is cursive and somewhat stylized.

Secretary