

TOWNSHIP OF WESTFALL,

Pike County, Pennsylvania

ORDINANCE NO. 107

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WESTFALL, PIKE COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT, DATED AS OF JANUARY 15, 2002, BETWEEN THIS TOWNSHIP AND THE MUNICIPAL AUTHORITY OF THE TOWNSHIP OF WESTFALL, WHEREBY, INTER ALIA, SAID AUTHORITY COVENANTS, INTER ALIA, TO ACQUIRE AND CONSTRUCT A COMPLETE SANITARY SEWAGE COLLECTION AND TREATMENT SYSTEM AND WHEREBY THIS TOWNSHIP MAKES CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT TO SAID SANITARY SEWAGE SYSTEM TO BE ACQUIRED, CONSTRUCTED AND OPERATED BY SAID AUTHORITY, INCLUDING REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED IN THIS TOWNSHIP AND ADJOINING AND ADJACENT TO THE AFORESAID SEWER SYSTEM, TO CONNECT THEREWITH, AND GRANTING CERTAIN EASEMENTS AND RIGHTS OF WAY TO SAID AUTHORITY; AUTHORIZING AND DIRECTING EXECUTION AND DELIVERY OF SAID AGREEMENT IN BEHALF OF THIS TOWNSHIP; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

The Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania, enacts and ordains as follows:

SECTION 1. This Township shall enter into an Agreement, dated as of January 15, 2002 (the "Agreement"), between this Township and The Municipal Authority of the Township of Westfall (the "Authority"), whereby, inter alia, the Authority covenants, inter alia, to acquire, construct and operate a complete sanitary sewage collection and treatment system and whereby this Township makes certain covenants and agreements with respect to the Sewer System, as such phrase is defined in the Agreement, to be owned and operated by the Authority, including requiring all owners of improved property located in this Township and adjoining and adjacent to the Sewer System to connect therewith, and granting certain easements and rights of way to the Authority, substantially in the form presented to this meeting, which Agreement 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. All ordinances and parts of ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED this ^{7th} day of ^{May} ~~January~~, 2002, by
the Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania, in
lawful session duly assembled.

ATTEST:

TOWNSHIP OF WESTFALL,
Pike County, Pennsylvania



Secretary

By: 

Chairman of
Board of Supervisors

(SEAL)

AGREEMENT

THIS AGREEMENT, dated as of the 15th day of January, 2002, by and between the TOWNSHIP OF WESTFALL, Pike County, Pennsylvania (the "Township"), and THE MUNICIPAL AUTHORITY OF THE TOWNSHIP OF WESTFALL (the "Authority").

WITNESSETH:

WHEREAS, The Authority, pursuant to authority vested in it by law, inter alia, plans to acquire and construct a complete sanitary sewage collection and treatment system, including all related facilities, for rendering sanitary sewer service in and for certain portions of the Township, which undertakings hereinafter are referred to as the "Project"; and

WHEREAS, The facilities contemplated by the Project and all additions, extensions, alterations and improvements which, from time to time, may be acquired or made thereto, together with all appurtenant property, real, personal and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises and any and all other property or interests in property of whatsoever nature, which the Authority has acquired or hereafter shall acquire in connection therewith, hereinafter are called the "Sewer System"; and

WHEREAS, It is necessary and desirable for the Township to make certain binding covenants and agreements with the Authority in order to facilitate the ownership and operation of the Sewer System by the Authority.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties hereto, each intending to be legally bound, covenant and agree as follows:

1. The Township covenants and agrees to enact an ordinance requiring all owners of improved property located within the Township and adjoining and adjacent to the Sewer System to connect therewith and to provide for the enforcement of such ordinance as permitted by law. The Township also covenants to keep such ordinance or a subsequent similar ordinance or ordinances requiring such connections in full force and effect continuously during the time the Authority owns or operates the Sewer System and to enforce the same as may be permitted by law, including the taking of such action as may be necessary to make any such connections as shall not be made by any owner within the time required and collecting the cost thereof from such owner or owners to the extent permitted by law.

2. The Township covenants and agrees to enact an ordinance granting to the Authority, its successors and assigns, all easements, rights of way and

any and all other rights necessary and desirable in, along, over and under roads, streets, lanes, courts, alleys, public squares and other properties of the Township, together with free ingress, egress and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with constructing, replacing, repairing, altering, maintaining and operating the Sewer System.

3. The Township covenants and agrees neither to construct nor to permit or join in construction of a sewer system or sewer facilities duplicating, as a competing system, any part of the Sewer System.

4. It is the intention of the parties hereto to be legally bound by the terms and provisions hereof.

IN WITNESS WHEREOF, the Township has caused this Agreement to be executed in its behalf by the Chairman of its Board of Supervisors and its seal to be affixed hereunto and attested by its Secretary, and the Authority has caused this Agreement to be executed in its behalf by its Chairman or Vice

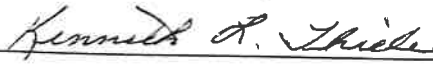
Chairman and its corporate seal to be affixed hereunto and attested by its Secretary or Assistant Secretary, all as of the day and year first above written.

ATTEST:

TOWNSHIP OF WESTFALL,
Pike County, Pennsylvania



Secretary

By: 

Chairman of the
Board of Supervisors

(SEAL)

ATTEST:

THE MUNICIPAL AUTHORITY OF THE
TOWNSHIP OF WESTFALL

Secretary

By: _____
Chairman

(SEAL)

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