

ORDINANCE NO. 294

AN ORDINANCE PROVIDING THAT THE PROPER OFFICERS OF THE BOROUGH OF MONROEVILLE ENTER INTO AN AGREEMENT BETWEEN THE TOWNSHIP OF WILKINS, THE BOROUGH OF TURTLE CREEK, THE BOROUGH OF CHURCHILL AND THE ALLEGHENY COUNTY SANITARY AUTHORITY, PROVIDING FOR CERTAIN PAYMENTS BY THE VARIOUS MUNICIPALITIES AND THE UNDERTAKING OF THE CERTAIN ENGINEERING STUDY PREPARATORY TO BUILDING THE PROPOSED THOMPSON RUN SEWER LINE.

BE IT ORDAINED AND ENACTED by the proper officers of the Borough of Monroeville and it is hereby ordained and enacted by the authority of the same.

SECTION 1. The proper officers of the Borough of Monroeville are hereby authorized and directed to enter into and to execute an agreement in substantially the following form:

AGREEMENT

For Preparing Construction Plans for
Trunk Sewer in Thompson Run

THIS AGREEMENT, executed in six copies and effective as of the first day of February, 1961

by and between

BOROUGH OF MONROEVILLE, TOWNSHIP OF WILKINS, BOROUGH OF TURTLE CREEK and BOROUGH OF CHURCHILL, all located in the County of Allegheny, Pennsylvania and hereinafter referred to individually as "Monroeville", "Wilkins", "Turtle Creek Borough" and "Churchill", respectively, and together as the "Municipalities",

and

ALLEGHENY COUNTY SANITARY AUTHORITY, a municipal authority organized and existing under the Municipality Authorities Act of 1945 as amended, hereinafter called the "Sanitary Authority",

WITNESSETH:

WHEREAS, The Municipalities, which are located in the Turtle Creek Valley, have entered into separate but substantially similar long-term agreements with the Sanitary Authority under which they are obtaining sewage treatment and disposal service from the Sanitary Authority's Sewage Disposal System; and

WHEREAS, Under said agreements it is the obligation of each Municipality to convey its sewage to an approved point or points of connection with the Sanitary Authority's intercepting sewer located along the bank of Turtle Creek; and

WHEREAS, The sewage from those portions of the Municipalities which border on Thompson Run, a tributary of said Turtle Creek, is being discharged untreated into the said Run; and

WHEREAS, Each of the Municipalities is obligated by State Law to abate the discharge of untreated sewage and by its agreement with the

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Sanitary Authority to convey its sewage to the Sanitary Authority's Turtle Creek intercepting sewer; and

WHEREAS, A single trunk sewer in Thompson Run of adequate capacity to serve all the Municipalities would obviate the need for construction multiple trunk sewers, one by each Municipality; and

WHEREAS, The Municipalities are not yet in a position to finance construction of such a trunk sewer but have agreed to share the cost of preparing detailed construction plans and specifications therefore; and

WHEREAS, The Municipalities have requested the Sanitary Authority to prepare such plans and specifications for the sum of approximately \$25,000, and the Sanitary Authority is willing to do so upon condition that it will not thereby obligate itself in any way to construct or to finance construction of such sewer,

NOW THEREFORE, The parties hereto, each intending to be legally bound, agree as follows:

1. The Municipalities hereby engage the Sanitary Authority to prepare detailed construction plans and specifications (hereinafter called "plans") for a trunk sewer in Thompson Run adequate to serve the portions of the Municipalities (and of the Township of Penn Hills) which drain toward Thompson Run, such plans to receive the approval of the State Sanitary Water Board.

2. The parties agree that the reasonable cost of preparing such plans is approximately \$25,000, and the Municipalities agree to advance such aggregate sum immediately to the Sanitary Authority as follows:

Monroeville	\$ 14,130.00
Wilkins	7,627.50
Turtle Creek Borough	2,500.00
Churchill	<u>742.50</u>
Total	\$ 25,000.00

Any surplus shall be returned to each of the four Municipalities in the same proportion as its contribution and any additional sum required shall be assessed each of the four Municipalities on the same basis as its contribution.

The Sanitary Authority shall have the right to deposit the Municipalities' checks in the above-listed exact amounts previously received from them in connection with a proposal which did not materialize, such \$25,000 (together with additional moneys advanced by the Municipalities, if necessary, or minus the unexpended portion of such \$25,000, as the case may be) to be the Sanitary Authority's compensation under the instant agreement.

3. The Sanitary Authority agrees to begin the preparation of such plans immediately upon receipt of said sum of \$25,000; to complete such plans promptly (only, however, if sufficient moneys have been advanced by the Municipalities); to obtain approval thereof by the State Sanitary Water

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Board; and to submit to each Municipality two copies of the completed and approved plans.

4. This agreement shall not in any way obligate the Sanitary Authority to construct the said Thompson Run trunk sewer or to finance construction thereof.

IN WITNESS WHEREOF, this agreement has been executed and delivered by the Borough of Monroeville pursuant to its Ordinance No. _____ duly enacted and approved on the 18th day of May, 1961.

Attest: BOROUGH OF MONROEVILLE
S/Arthur H. Curtis By S/Thomas Harter
Borough Secretary President of Council

Approved as to form:
S/Martin Lubow
Borough Solicitor

by the Township of Wilkins pursuant to its Ordinance No. _____ duly enacted and approved on the _____ day of _____, 1961.

Attest: TOWNSHIP OF WILKINS
S/ By S/
Township Secretary President of the Board of
Township Commissioners

Approved as to form:
S/
Township Solicitor

by the Borough of Turtle Creek pursuant to its Ordinance No. _____ duly enacted and approved on the _____ day of _____, 1961.

Attest: BOROUGH OF TURTLE CREEK
S/ By S/
Borough Secretary President of Council

Approved as to form:
S/
Borough Solicitor

by the Borough of Churchill pursuant to its Ordinance No. _____ duly enacted and approved on the _____ day of _____, 1961.

Attest: BOROUGH OF CHURCHILL
S/ By S/
Borough Secretary President of Council

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Approved as to form:

S/
Borough Solicitor

and by the Allegheny County Sanitary Authority pursuant to Resolution duly adopted by its Board on the _____ day of _____, 1961.

Attest: ALLEGHENY COUNTY SANITARY AUTHORITY

S/
Secretary

By S/
Chairman

Approved as to form:

S/
Chief Counsel

SECTION 2. Any ordinance or part of an ordinance conflicting with the terms of this ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED into law in Council this 18th day of May, 1961.

S/Thomas Harter
President of Council

ATTEST:

S/
Arthur H. Curtis
Secretary

EXAMINED AND APPROVED by me this 12th day of May, 1961.

S/Anthony J. Martin
Burgess