

ORDINANCE NO. 422

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE EXECUTION, ACKNOWLEDGMENT AND DELIVERY OF AN AGREEMENT AND LEASE BETWEEN THE BOROUGH OF MONROEVILLE AND MONROEVILLE WATER AUTHORITY PROVIDING FOR THE ASSUMPTION BY THE AUTHORITY OF CERTAIN OBLIGATIONS OF THE BOROUGH UNDER AN AGREEMENT DATED AS OF AUGUST 1, 1963, WITH ALLEGHENY COUNTY SANITARY AUTHORITY RELATING TO THE CONSTRUCTION, MAINTENANCE AND REPAIR OF A SANITARY SEWER IN THOMPSON RUN, THE CONSTRUCTION BY THE AUTHORITY OF ADDITIONAL SEWER FACILITIES AS REQUESTED BY THE BOROUGH, AND THE LEASE BY THE BOROUGH FROM THE AUTHORITY OF SAID SANITARY SEWER AND ADDITIONAL SEWER FACILITIES.

WHEREAS, the Borough of Monroeville (the "Borough"), Township of Wilkins, Borough of Churchill and Borough of Turtle Creek have entered into an Agreement (the "Alcosan Agreement") dated as of August 1, 1963, with Allegheny County Sanitary Authority ("Alcosan"), providing for the construction, maintenance and repair by Alcosan, at the expense of said municipalities of an intercepting sanitary sewer and appurtenances in Thompson Run (the "Thompson Run Sewer"); and,

WHEREAS, the Borough proposes to enter into an Agreement and Lease dated November 15, 1963, with Monroeville Water Authority (the "Authority"), a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipality Authorities Act of 1945, as amended, providing for the assumption by the Authority of certain obligations of the Borough under the Alcosan Agreement relating to the construction, maintenance and repair of the Thompson Run Sewer, the construction by the Authority of additional sewer facilities as and when requested by the Borough and the lease by the Borough from the Authority of said Thompson Run Sewer and additional sewer facilities; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Monroeville, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by the Authority of the same:

Section 1. The Borough shall enter into an Agreement and Lease with said Authority, dated November 15, 1963, pursuant to which (a) the Authority shall assume the Borough's obligations in respect of construction of the Thompson Run Sewer, (b) the Authority shall agree to make the payments to Alcosan in respect of such construction required to be made by the Borough under the Alcosan Agreement, to finance the Borough's share of the cost of such construction, including reimbursement to the Borough for amounts theretofore paid by the Borough to Alcosan, and to assume the

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Borough's obligations in respect of the acquisition of all lands, easements, rights-of-way and other rights or interests in lands, or relating thereto required for the Thompson Run Sewer, (c) the Borough shall assign to the Authority the Borough's percentage ownership interest in the Thompson Run Sewer, (d) the Authority shall lease to the Borough, and the Borough shall lease from the Authority said interest in the Thompson Run Sewer and all additional sanitary sewer facilities constructed and to be constructed by the Authority in the Borough of Monroeville at the request of the Borough (all the foregoing being herein referred to as the "Sewer System"), (e) the Borough will agree to pay therefor a net rental, on or before June 1, 1964 and on or before each December 1, and June 1 thereafter to and including December 1, 1968, a sum at least equal to interest payable on such June 1 or December 1, as the case may be, by the Authority on loans made to it to provide for construction of such Sewer System, provided, that in no case shall any such rental payment exceed the sum of \$11,250, (f) the Borough will agree to operate and maintain the Sewer System at its expense and to pay to the Authority on the aforesaid rental payment dates the administrative expenses of the Authority in the operation of the Sewer System, and (g) the Borough will agree that if the Authority issues Bonds to pay the aforesaid loans or sells Bonds for the purpose of paying such loans, the Borough will join the Authority in the execution and delivery of a new lease pursuant to which the Borough will lease from the Authority the Sewer System for a period ending not prior to the maturity date of such Bonds and pursuant to which the Borough will pay rentals to the Authority at least sufficient to amortize and pay in full all such Bonds together with interest thereon and to provide for a margin of safety. Such Agreement and Lease shall also contain substantially the other terms and provisions set forth in the form of Agreement and Lease dated November 15, 1963, which is hereby made a part hereof by reference only and is on file with the Borough's Secretary.

Section 2. The Mayor and the President of Council of the Borough of Monroeville are hereby directed to execute, on behalf of the Borough, and under its Borough Seal which shall be attested by the Borough Secretary, and to acknowledge and deliver to the Authority an Agreement and Lease substantially in the form of said Agreement and Lease.

ORDAINED AND ENACTED FINALLY INTO LAW by the Council of the Borough of Monroeville, this 27th day of November, 1963.

S/A. O. Strathern
President of Council

(Borough Seal)

Attest:

S/Gladys Diller
Secretary

Examined and approved this 27th day of November, 1963.

Attest:

S/John J. Duncan
Mayor

S/Gladys Diller
Secretary

CERTIFICATE

I, Gladys Diller, Secretary of the Borough of Monroeville, Allegheny County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 422 of the Borough of Monroeville duly ordained and enacted the 27th day of November, 1963 and duly recorded and published according to law.

I do further certify that said Ordinance No. 422 has not been rescinded or amended but is in full force and effect.

Witness my hand and seal of the Borough of Monroeville, this 27th day of November, 1963.

S/Gldays Diller
Secretary

(Borough Seal)