

ORDINANCE NO. 627

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE AUTHORIZING THE ACQUISITION OF VARIOUS SANITARY SEWER FACILITIES FROM THE MONROEVILLE WATER AUTHORITY, AND PROVIDING FOR THE EXECUTION OF AN AGREEMENT THEREFOR.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, as follows:

Section 1. The President of Council and Secretary are hereby authorized and directed to acquire from the Monroeville Water Authority all of the right, title and interest of the said Authority of, in and to any and all sanitary sewer lines and related facilities owned, in whole or in part, by the said Authority and acquired in pursuance of the Lease Agreement between the Borough and the Monroeville Water Authority dated November 15, 1963.

Section 2. The said Agreement shall further provide for the indemnification of the Authority by the Borough for all present or future liability or responsibility that may arise as a result of the said Lease Agreement of November 15, 1963. The said Agreement shall be in a form to be approved by the Borough Solicitor.

Section 3. The consideration for the said sanitary sewer facilities to be paid by the Borough to the Monroeville Water Authority shall be Seven Hundred Forty-seven Thousand Eight Hundred Eighty-eight and 68/100 Dollars, (\$747,888.68) and payment shall be made out of the Bond Issue Funds of the Borough of Monroeville Series 1967.

ORDAINED AND ENACTED this 4th day of December, 1968.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ James Mirro
Vice President of Council

S/ Carrol F. Pickens
Secretary

EXAMINED AND APPROVED this 4th day of December, 1968.

S/ John J. Duncan
Mayor

GRANT AND AGREEMENT

THIS INDENTURE made and entered into this 5th day of December, 1968 by and between the MONROEVILLE WATER AUTHORITY, a body corporate and politic organized and existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipal Authorities Act of 1945, as amended, hereinafter called the "Authority":

A
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the BOROUGH OF MONROEVILLE, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, hereinafter called "Monroeville",

W I T N E S S E T H:

WHEREAS Monroeville and the Authority have entered into a certain Agreement and Lease dated November 15, 1963, wherein and whereby the Authority assumed certain obligations of Monroeville for the participation in the construction of the Thompson Run interceptor sanitary sewer, as well as for the construction on behalf of Monroeville of certain other miscellaneous sewer lines and attendant facilities; and

WHEREAS in pursuance of the said Agreement the Authority borrowed certain sums of money from the Mellon National Bank & Trust Company of Pittsburgh, Pennsylvania in the total principal amount of Seven Hundred Thirty-six Thousand Five Hundred Sixty-seven and 74/100 Dollars (\$736,567.74); and

WHEREAS the Authority has leased the said sewer facilities to Monroeville in consideration of rental payments equal to the semi-annual interest charges on the said loan; and

WHEREAS it is the desire of both parties hereto that the said Lease Agreement be terminated; that ownership of the said sewer facilities shall be hereby set over, assigned and transferred to Monroeville upon payment of the Authority's total cost and expenses therefor; and that the said indebtedness to Mellon National Bank & Trust Company be repaid in full from the monies received from this transfer;

NOW, THEREFORE, in consideration of the sum of Seven Hundred Forty-seven Thousand Eight Hundred Eighty-eight and 68/100 (\$747,888.68) Dollars (being an amount equal to the total principal indebtedness of the Authority to Mellon National Bank & Trust Company of Pittsburgh, Pennsylvania incurred pursuant to the Credit Agreement dated November 15, 1963, in the amount of \$736,567.74, plus unpaid accrued interest of \$11,320.94) the Authority does hereby grant and convey, set over, assign and transfer to the Borough of Monroeville all of its right, title and interest of, in and to the sanitary sewer facilities constructed or acquired by the Authority in pursuance of the said Lease Agreement of November 15, 1963, including, but not necessarily limited to, the following facilities:

1. The Authority's proportionate share in the Thompson Run Interceptor Sewer constructed by Allegheny County Sanitary Authority as agent for the Borough of Churchill, the Borough of Turtle Creek, the Township of Wilkins and the Monroeville Water Authority - Contracts Nos. 200 and 201.

- 2. McKinney Heights Sanitary Sewer Project -
Monroeville Contract No. 6313-S.
- 3. Green Hills Pump Station Sanitary Sewer Project -
Monroeville Contract No. 6410-S.
- 4. Stroschein Road Sanitary Sewer Project -
Monroeville Contract No. 6307-S.
- 5. Penn View Sanitary Sewer Project No. 1 -
Monroeville Contract No. 6403-S.
- 6. Adderly Sanitary Sewer Project -
Monroeville Contract No. 6417-S.
- 7. Gregory Street Sanitary Sewer Project -
Monroeville Contract No. 6402-S.
- 8. Gateway Manor Sanitary Sewer Project -
Monroeville Contract No. 6312-S.
- 9. Turnpike Trunk Sanitary Sewer Project -
Monroeville Contract No. 6406-S.
- 10. Lake Run Sanitary Sewer Project -
Monroeville Contract No. 6401-S.
- 11. Bellwood Area Sanitary Sewer Project -
Monroeville Contract No. 6506-S.
- 12. McKinney Road Sanitary Sewer Project -
Monroeville Contract No. 6314-S.

The Borough of Monroeville does hereby indemnify and agree to save harmless the said Authority from all claims, demands, liabilities, duties and responsibilities, of any nature whatsoever, that may have arisen or that shall arise in the future as a result of the financing, constructing, leasing, operating or using of any of the sanitary sewer facilities above described.

IN WITNESS WHEREOF the parties hereto have caused this instrument to be duly executed pursuant to lawful authority, the day and year first above written.

ATTEST:

MONROEVILLE WATER AUTHORITY

Secretary
(SEAL)

By _____
Chairman

BOROUGH OF MONROEVILLE

S/ Carrol F. Pickens
Secretary

By S/ James Mirro
Vice President of Council

(SEAL)

Approved as to form.

S/ Jerome M. Meyers
Monroeville Borough Solicitor