

BOROUGH OF MILESBERG
Centre County, Pennsylvania

ORDINANCE NO. 264

AN ORDINANCE

OF THE COUNCIL OF BOROUGH OF MILESBERG, CENTRE COUNTY, PENNSYLVANIA, APPROVING AND AUTHORIZING THIS BOROUGH TO ENTER INTO AN AGREEMENT WITH THE MILESBERG BOROUGH WATER AUTHORITY, WHEREBY THIS BOROUGH COVENANTS TO ENACT ORDINANCES REQUIRING CERTAIN OWNERS OF IMPROVED PROPERTIES TO CONNECT TO THE WATER SYSTEM OWNED AND OPERATED BY SAID AUTHORITY, AND TO ENACT AN ORDINANCE GRANTING TO SAID AUTHORITY, CERTAIN RIGHTS AND PRIVILEGES IN, ALONG, OVER AND UNDER STREETS, ROADS, LANES, COURTS, PUBLIC SQUARES, ALLEYS, HIGHWAYS AND OTHER PROPERTIES OF THIS BOROUGH FOR USE IN CONNECTION WITH SAID WATER SYSTEM, AND WHEREBY THIS BOROUGH COVENANTS TO NEITHER CONSTRUCT NOR PERMIT OR JOIN IN CONSTRUCTION OF A DUPLICATING COMPETING WATER SYSTEM; AND AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THIS BOROUGH TO EXECUTE AND DELIVER SAID AGREEMENT IN BEHALF OF THIS BOROUGH.

WHEREAS, The Milesburg Borough Water Authority (the "Authority"), heretofore determined to undertake the ownership of the water works, water supply works and water distribution system, including related and necessary facilities, in and for rendering water supply and distribution service in and for the Borough of Milesburg, all of which herein is referred to as the "Existing Water System"; and

WHEREAS, The Authority has determined to undertake certain additions and improvements to the Existing Water System, including (A) the acquisition and construction of (i) a pump station and related water mains and (ii) a water storage facility, and (B) a capital contribution toward the construction of a water transmission main, and acquisition of necessary and related equipment and other associated work and related facilities (collectively, the "Improvement Project"); and

WHEREAS, The Existing Water System and the facilities contemplated by the Improvement Project, together with all appurtenant facilities and properties which the Authority has acquired or hereafter shall acquire in connection therewith, including all 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, used or useful in connection with such facilities, and together with all additions, extensions, betterments, alterations and improvements thereto which may be made or acquired, from time to time, by the Authority, herein are referred to as the "Water System"; and

WHEREAS, The Authority proposes to finance the costs of the Improvement Project and related costs and expenses, to the extent necessary by issuance of certain obligations to be secured, inter alia, by revenues derived by the Authority by reason of construction, acquisition, ownership and operation of the Water System; and

WHEREAS, It is necessary and desirable for this Borough to make certain binding covenants and agreements with the Authority in order to facilitate the construction and financing of the Improvement Project and the operation and maintenance of the Water System.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of Borough of Milesburg, Centre County, Pennsylvania, as follows:

SECTION 1. This Borough shall enter into an Agreement with the Authority, substantially in the form as presented to this meeting, which form is hereby approved, whereby this Borough covenants, inter alia, (i) to enact ordinances requiring owners of certain improved properties located within this Borough to connect with the Water System; (ii) to enact an ordinance granting to the Authority certain rights and privileges in, along, over and under streets, roads, lanes, courts, public squares, alleys, highway and other properties of this Borough for use in connection with the Water System; and (iii) to neither construct nor permit or join in constructing of a duplicating, competing systems.

SECTION 2. A copy of the Agreement, in the form presented to this Borough at this meeting and so approved, shall be filed with the Secretary of this Borough and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

SECTION 3. The President or Vice President of the Council and Mayor and Secretary or Assistant Secretary of this Borough are authorized and directed, along with appropriate Authority officials, to execute and deliver said Agreement, in behalf of this Borough, substantially in the form approved in Section 1 hereof.

SECTION 4. This Ordinance shall become effective as provided by law.

SECTION 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

DULY ENACTED AND ORDAINED, this 28th day of September, 1998, by the Council of Borough of Milesburg, Centre County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF MILESBURG,
Centre County, Pennsylvania

Paul J. Wall
(Assistant) Secretary

By: Stephen J. Lettner
(Vice) President of Council

(SEAL)

Examined and approved this 28th day of September, 1998.

Phyllis J. Jorden
Mayor