

TOWNSHIP OF RUSH

Schuylkill County, Pennsylvania

ORDINANCE NO. 100

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF RUSH, SCHUYLKILL COUNTY, PENNSYLVANIA, APPROVING AND AUTHORIZING THIS TOWNSHIP TO ENTER INTO AN AGREEMENT WITH TAMAQUA AREA WATER AUTHORITY, WHEREBY THIS TOWNSHIP COVENANTS TO ENACT AN ORDINANCE OR ORDINANCES GRANTING TO SAID AUTHORITY CERTAIN RIGHTS AND PRIVILEGES, IN, ALONG, OVER AND UNDER ROADS, STREETS, LANES, ALLEYS, COURTS, PUBLIC SQUARES, HIGHWAYS AND OTHER PROPERTIES OF THIS TOWNSHIP FOR USE IN CONNECTION WITH THE WATER SYSTEM TO BE OWNED BY SAID AUTHORITY: COVENANTING TO NEITHER CONSTRUCT NOR PERMIT OR JOIN IN CONSTRUCTION OF A WATER SYSTEM OR WATER FACILITIES DUPLICATING, AS A COMPETING SYSTEM, ANY PART OF THE WATER SYSTEM OF SUCH AUTHORITY, WITHOUT CONSENT OF SUCH AUTHORITY; AND AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THIS TOWNSHIP TO EXECUTE AND DELIVER THE SAID AGREEMENT IN BEHALF OF THIS TOWNSHIP.

WHEREAS, Tamaqua Area Water Authority has determined to acquire and construct a complete water supply, treatment, transmission and distribution system, including all related and necessary facilities, for rendering water service in and for certain portions of this Township and areas adjacent thereto (the "Water System"); and

WHEREAS, the Authority proposes to finance the costs of the certain water treatment facilities 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 from the acquisition, construction and operation of the Water System; and

WHEREAS, it is necessary and desirable for this Township to make certain binding covenants and agreements with the Authority in order to facilitate the acquisition and construction of the Water System and the financing related thereto and the ownership, maintenance and operation of the Water System by the Authority.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, as follows:

SECTION 1. This Township shall enter into an Agreement with the Authority, substantially in the form as presented to this meeting, which form is hereby approved, whereby this Township covenants, inter alia: (1) to enact an ordinance granting to the Authority certain rights and privileges in, along, over and under roads, streets, lanes, alleys, courts, public squares, highways and other properties of this Township for use in connection with the Water System; and (2) to neither construct nor permit or join in construction of a water system or water facilities duplicating, as a competing system, any part of the Water System, without consent of the Authority, except as to areas of the Township not served by the Authority.

SECTION 2. A copy of the Agreement, in the form presented to this

Township at 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. The Chairman or Vice Chairman of the Board of Supervisors of this Township and the Secretary or Assistant Secretary of this Township are authorized and directed, along with appropriate Authority officers, to execute and deliver said Agreement, in behalf of this Township, 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 affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED this 12th day of August, 1993, by the Board of Supervisors of the Township of Rush, Schuylkill

County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Carol Ann Spet
Secretary

TOWNSHIP OF RUSH,
Schuylkill County, Pennsylvania

By: *Ronald T. Werner*
Chairman of Board of Supervisors

(SEAL)