

BOROUGH OF SOUTHMONT  
CAMBRIA COUNTY, PENNSYLVANIA

Ordinance No. 271

AN ORDINANCE OF THE BOROUGH OF SOUTHMONT AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT OF LEASE COVERING THE RIDGE SEWAGE TREATMENT PLANT PROJECT BETWEEN WESTMONT HILLTOP RECREATION AUTHORITY AND THE BOROUGH OF SOUTHMONT AND OTHERS, AND AUTHORIZING THE EXECUTION AND FILING OF A DEBT STATEMENT AND APPROVAL REQUEST FOR SAID AGREEMENT OF LEASE WITH THE DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, Westmont Hilltop Recreation Authority (hereinafter called the "Authority") has been requested by the Borough of Westmont, the Borough of Southmont, and the Township of Upper Yoder (hereinafter called the "School District"), and the Westmont Hilltop Recreation Commission to construct a sewage treatment plant at the Ridge property (hereinafter called the "Ridge Sewage Treatment Plant Project"), and to finance the same through the borrowing of not in excess of \$50,000 from the Dale National Bank under and pursuant to the terms of the Bank Loan Agreement, dated as of November 1, 1972 (hereinafter called the "Bank Loan Agreement") and

WHEREAS, in order to construct the Ridge Sewage Treatment Plant Project and to finance the same in accordance with the procedures heretofore approved by the Incorporating Municipalities, the School District and the Recreation Commission, it is necessary for the Borough of Southmont to enter into an Agreement of Lease with Westmont Hilltop Recreation Authority and others; and

WHEREAS, in order to render said Agreement of Lease effective as to the Borough it is necessary, pursuant to the provisions of the Local Government Unit Debt Act, to provide for the adoption, execution and filing of a "Debt Statement" and the "Application for Approval" with the Department of Community Affairs.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Southmont, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. The Borough of Southmont shall enter into an agreement with Westmont Hilltop Recreation Authority and others substantially in the form of the Agreement of Lease, dated as of November 1, 1972, presented to this meeting, which is hereby made a part hereof by reference only and is on file with the Borough Secretary.

SECTION 2. The President of Council and Mayor are hereby directed to execute, on behalf of the Borough, an agreement substantially in the form of said Agreement of Lease, which Agreement of Lease when consummated shall be attested to by the Borough Secretary, and shall, after proper filings and approvals, be "lease rental debt" of the Borough of Southmont to the extent of \$4,081.00 ( $\$50,000 \times 8.163\%$ ).

SECTION 3. The President of Council and Mayor and the Borough Secretary are hereby further directed to prepare, execute and verify under oath a "Debt Statement" of the Borough in order to make effective the aforementioned Agreement of Lease, and to submit the same, together with an "Application for Approval" of said Agreement of Lease and the necessary filing fee, to the Department of Community Affairs, pursuant to the Local Government Unit Debt Act, as promptly as practicable. Said officers are also hereby authorized and directed to perform all other acts and do all other things necessary to perfect such exclusion.

SECTION 4. The Borough Council hereby further authorizes and directs that Westmont Hilltop Recreation Authority shall undertake the construction of its proposed Ridge Sewage Treatment Plant Project in accordance with the plans and specifications and reports prepared or to be prepared by Straw & Custer, Inc., Consulting Engineers, and pursuant to the Engineer's Cost Estimate for this work heretofore presented to the Borough and approved by separate ordinance, and directs that said Authority finance said Project through a Bank Loan Agreement with Dale National Bank, as the Lending Bank, in the amount of \$50,000, and as secured by the Agreement of Lease approved hereunder.

Ordinance No. 271 (Continued)

SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions not in accord with this Ordinance are hereby repealed insofar as they affect this Ordinance.

SECTION 6. This Ordinance shall take effect ten (10) days after its final enactment.

ORDAINED AND ENACTED into law by the Borough Council of the Borough of Southmont in lawful session assembled this 11th day of December, 1972.

BOROUGH OF SOUTHMONT

By Paul L. Weir  
President of Borough Council

(BOROUGH SEAL)

Attest:

Beverly C. Brown  
Borough Secretary

APPROVED this 11th day of December, 1972

By Robert Moore  
Mayor