

CHAPTER TWENTY

UTILITIES

part

ORDINANCE NO. 14

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF YOE, YORK COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT OF LEASE BETWEEN DALLASTOWN-YOE WATER AUTHORITY, AS LESSOR, AND BOROUGHS OF DALLASTOWN AND YOE (THE "BOROUGHs"), AS LESSEES, UNDER WHICH AGREEMENT OF LEASE THE WATER SYSTEM OF SAID AUTHORITY WILL BE LEASED TO THE BOROUGHS FOR OPERATION AND USE; AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGMENT AND DELIVERY OF SAID AGREEMENT OF LEASE IN BEHALF OF THIS BOROUGH; APPOINTING CONSULTING ENGINEERS AND A CERTIFIED PUBLIC ACCOUNTANT; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

The Council of the BOROUGH OF YOE, York County, Pennsylvania, hereby enacts and ordains as follows:

SECTION 1. The Borough of Yoe, York County, Pennsylvania, together with Borough of Dallastown, York County, Pennsylvania (collectively called the "Boroughs"), as lessees, subject to the prior or concurrent termination and cancellation of an Agreement of Lease, dated as of November 1, 1959, between Dallastown-Yoe Water Authority (the "Authority"), as lessor, and the Boroughs, as lessees, shall enter into an Agreement of Lease, dated for convenience as of July 15, 1963, but effective as of the date therein provided (the "Lease"), with the Authority, as lessor, substantially in the form referred to and authorized and approved in Section 2 of this Ordinance, with respect to the Water System, as that phrase is defined in the Lease, of the Authority, under terms of which Lease portions of said Water System will be leased to the Boroughs for operation and use.

The Lease shall be for an initial term of thirty-seven (37) years and nine and one-half ( $9\frac{1}{2}$ ) months and shall set forth terms, conditions, provisions, covenants and agreements to be observed by the Authority and this Borough with respect to said Water System.

SECTION 2. The Lease shall be substantially in the form presented to this meeting, which form hereby is authorized and approved; and a copy of the Lease, in the form so presented to this meeting and so authorized and 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 Mayor of this Borough and the President or Vice President of Council of this Borough and the Secretary or Assistant Secretary of this Borough, as applicable, hereby are authorized and directed to execute, acknowledge and deliver the Lease, in behalf of this Borough, substantially in the form authorized and approved in Section 2 of this Ordinance or with such changes and modifications, if any, as may be approved by the Solicitor of this Borough; Subject, however, to the condition precedent set forth in Section 1 of this Ordinance.

SECTION 4. Proper officers of this Borough hereby are authorized and directed to execute all documents and to do all other acts as may be necessary and proper in order to carry out the intent and purpose of this Ordinance and the undertakings of this Borough as set forth in the Lease; Subject, however, to the condition precedent set forth in Section 1 of this Ordinance.

SECTION 5. The firm of Buchart-Horn, Consulting Engineers, York, Pennsylvania, hereby is appointed as the Consulting Engineers of this Borough to perform such duties as the Lease shall require.

SECTION 6. William D. Snyder, 38 South Beaver Street, York, Pennsylvania, hereby is appointed as the certified public accountant of this Borough to make examinations, audits and reports required by the Lease and by law.

SECTION 7. This Ordinance shall become effective immediately.

SECTION 8. 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 Borough that such remainder shall be and shall remain in full force and effect.

SECTION 9. It hereby is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

SECTION 10. All ordinances or parts of ordinances inconsistent herewith shall be and the same hereby expressly are repealed.

DULY ENACTED AND ORDAINED this 2nd day of July, 1963, by the Council of the BOROUGH OF YOE, York County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF YOE,  
York County, Pennsylvania

By: James D. Wright /s/  
President of Council

ATTEST:

Ivan R. Bentzel /s/  
(SEAL) Secretary

EXAMINED AND APPROVED this 2nd day of July, 1963.

Daniel S. Burke, Jr. /s/  
Mayor of the Borough of Yoe  
York County, Pennsylvania

SECTION 4. Proper officers of this Borough hereby are authorized and directed to execute all documents and to do all other acts as may be necessary and proper in order to carry out the intent and purpose of this Ordinance and the undertakings of this Borough under the Termination Agreement.

SECTION 5. This Ordinance shall become effective immediately.

SECTION 6. 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 Borough that such remainder of this Ordinance shall be and shall remain in full force and effect.

SECTION 7. It hereby is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the safety, health and welfare of the inhabitants of this Borough.

SECTION 8. All ordinances and parts of ordinances inconsistent herewith shall be and the same hereby expressly are repealed.

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BOROUGH OF YOE,  
York County, Pennsylvania

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President of Council

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Ivan R. Bentzel /s/  
Secretary

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