

BOROUGH OF YOE
York County, Pennsylvania

ORDINANCE NO. 81-002

AN ORDINANCE

OF THE COUNCIL OF BOROUGH OF YOE, YORK COUNTY, PENNSYLVANIA, APPROVING AND AUTHORIZING THIS BOROUGH TO ENTER INTO AN AMENDMENT TO AN AGREEMENT, DATED AS OF JANUARY 30, 1959, AS AMENDED, WITH REGARD TO PROVIDING WATER FOR PUBLIC WATER SUPPLY PURPOSES, HERETOFORE ENTERED INTO WITH THE BOROUGHS OF RED LION AND DALLASTOWN, BOTH OF YORK COUNTY, PENNSYLVANIA, RED LION MUNICIPAL AUTHORITY AND DALLASTOWN-YOE WATER AUTHORITY WHEREBY THIS BOROUGH AGREES, INTER ALIA, TO AN EXTENSION OF THE TERM OF AFORESAID AGREEMENT.

WHEREAS, Borough of Red Lion, York County, Pennsylvania (the "Red Lion Borough"), together with Red Lion Municipal Authority, the Boroughs of Dallastown and Yoe, both of York County, Pennsylvania (the "Dallastown and Yoe Boroughs"), and Dallstown-Yoe Water Authority, heretofore entered into an Agreement, dated as of January 30, 1959, as amended by an Addendum to Agreement, dated as of July 28, 1978 (collectively referred to as the "Water Purchase Agreement"); and

WHEREAS, Under and pursuant to the terms and provisions of the Water Purchase Agreement, Red Lion Borough agreed to supply and sell to Dallastown and Yoe Boroughs, and Dallastown and Yoe Boroughs agreed to purchase, all water required by Dallastown and Yoe Boroughs in connection with operating, as joint lessees, the water system owned by Dallastown-Yoe Water Authority or any extensions thereof to furnish water service in and adjacent to Boroughs of Dallastown and Yoe, during the term of the Water Purchase Agreement; and

WHEREAS, Red Lion Municipal Authority and Dallastown-Yoe Water Authority, pursuant to authority vested in them by law, plan to construct and acquire certain improvements, additions and modifications to their respectively owned waterworks, water supply works and water distribution systems; and

WHEREAS, To facilitate the financing and construction of such improvements, additions and modifications, it is necessary and desirable to extend the term of the Water Purchase Agreement; and

WHEREAS, Dallastown and Yoe Boroughs desire to assign all their right, title and interest in and to the Water Purchase Agreement to Dallastown-Yoe Water Authority.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of this Borough, as follows:

Section 1. This Borough shall enter into an Amendment To Agreement, substantially in the form as presented at this meeting, which form is hereby approved, under which Amendment To Agreement, inter alia, the term of the Water Purchase Agreement is extended, Red Lion Borough and Red Lion Municipal Authority consent to assignment of the Water Purchase Agreement by Dallastown and Yoe Boroughs to Dallastown-Yoe Water Authority, and Dallastown and Yoe Boroughs and Dallastown-Yoe Water Authority consent to assignment, if such assignment should occur, of the Water Purchase Agreement by Red Lion Borough to Red Lion Municipal Authority.

Section 2. A copy of the Amendment To 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, the Mayor and the Secretary, respectively, of this Borough are authorized and directed to execute, attest and deliver, as appropriate, the said Amendment To 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 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 6. All ordinances or parts of ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED, this 14th day of May, 1981, by the Council of the Borough of Dallastown, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF YOE,
York County, Pennsylvania

Victor M. Howe
Asst. Secretary

By: Robert T. Morton II
(Vice) President of Council

(SEAL)

Examined and approved this 14th day of May, 1981.

By: _____
Mayor of the
Borough of Yoe,
York County, Pennsylvania