

ORDINANCE NO. 151

AN ORDINANCE OF THE COUNCIL OF THIS BOROUGH AUTHORIZING AND APPROVING AN AGREEMENT OF LEASE, DATED AS OF JUNE 15, 1971, BETWEEN BOROUGH OF ALBURTIS SEWER AUTHORITY, AS LESSOR, AND THIS BOROUGH, AS LESSEE, UNDER WHICH THE SEWER SYSTEM TO BE ACQUIRED, CONSTRUCTED AND OWNED BY SAID AUTHORITY WILL BE LEASED TO THIS BOROUGH 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 Alburdis, Lehigh County, Pennsylvania, enacts and ordains as follows:

SECTION 1. The Borough of Alburdis, Lehigh County, Pennsylvania (the "Borough"), as lessee, shall enter into an Agreement of Lease, dated as of June 15, 1971 (the "Lease"), with Borough of Alburdis Sewer Authority (the "Authority"), as lessor, substantially in the form referred to in Section 2 of this Ordinance, with respect to the Sewer System, as that term is defined in the Lease, to be acquired, constructed and owned by the Authority, under terms of which Lease said Sewer System will be leased to this Borough for operation and use.

The Lease shall be for an initial term of 40 years and shall set forth terms, conditions, provisions, covenants and agreements to be observed by the Authority and this Borough with respect to said Sewer System.

SECTION 2. The Lease shall be substantially in the form presented to this meeting, which form is approved; and a copy of the Lease, in the form so presented to 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 Mayor, President or Vice President of Council and Secretary or Assistant Secretary of this Borough, as applicable, are authorized and directed to execute, acknowledge and deliver the Lease, in behalf of this Borough, substantially in the form approved in Section 2.

SECTION 4. Proper officers of this Borough are authorized and directed to execute all documents and do all other acts as may be necessary and proper to carry out this Ordinance and undertakings of this Borough under the Lease.

SECTION 5. The firm of A. L. Wiesenberger Associates, Inc., Consulting Engineers, Allentown, Pennsylvania, is appointed as the consulting engineers of this Borough to perform such duties as the Lease shall require.

SECTION 6. Campbell, Rappold and Yurasits, Allentown, Pennsylvania, 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 is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

SECTION 10. All ordinances or parts of ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED THIS 7<sup>th</sup> day of June, 1971, by Council of the Borough of Alburdis, Lehigh County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ALBURDIS,  
Lehigh County, Pennsylvania

By:

*James B. Peterson*  
President of Council

ATTEST:

*Bertha M. Kuhns*  
Secretary

(SEAL)

EXAMINED AND APPROVED this 11<sup>th</sup> day of June, 1971.

*Edward B. Quigman Jr.*  
Mayor of the Borough of Alburdis  
Lehigh County, Pennsylvania

CERTIFICATE

I, the undersigned, Secretary of the Borough of Alburdis, Lehigh County, Pennsylvania (the "Borough"), certify that the foregoing is a true and correct copy of an Ordinance of the Council of the Borough which was duly enacted by affirmative vote of a majority of the members of the Council of the Borough at a meeting duly held on June 7, 1971; that the same has been duly recorded in the Ordinance Book of the Borough; that said Ordinance was duly published as required by law; and that the same remains in effect, unaltered and unamended, as of this date.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 7th day of June, 1971.

Bertha M. Zubas  
Secretary

(SEAL)