

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 470

(Duly Adopted January 30, 2008)

AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE ARTICLES OF THE ALBURTIS BOROUGH AUTHORITY TO ADD THE FOLLOWING LANGUAGE TO SAID ARTICLES: "THE TERM OF EXISTENCE OF THE AUTHORITY SHALL BE INCREASED SO THAT ITS TERM OF EXISTENCE SHALL EXPIRE ON FEBRUARY 21, 2058."; AND APPROVING AND ADOPTING AN AMENDMENT TO THE ARTICLES OF THE BOROUGH OF ALBURTIS SEWER AUTHORITY TO ADD THE FOLLOWING LANGUAGE TO SAID ARTICLES: "THE TERM OF EXISTENCE OF THE AUTHORITY SHALL BE INCREASED SO THAT ITS TERM OF EXISTENCE SHALL EXPIRE ON FEBRUARY 21, 2058."

WHEREAS, the Alburtis Borough Authority was incorporated under the Municipality Authorities Act of 1945, Act of May 2, 1945, Pa. Laws 382 under Articles of Incorporation executed September 10, 1958 by officials of the Borough of Alburtis and approved and filed by the Secretary of the Commonwealth on September 24, 1958; and

WHEREAS, the Borough of Alburtis Sewer Authority was incorporated under the Municipality Authorities Act of 1945, Act of May 2, 1945, Pa. Laws 382 under Articles of Incorporation executed May 18, 1970 by officials of the Borough of Alburtis and approved and filed by the Secretary of the Commonwealth on June 16, 1970; and

WHEREAS, the Municipality Authorities Act of 1945 has been succeeded by the Municipality Authorities Act, 53 PA. CONS. STAT. Chapter 56, which now governs authorities created under the Municipality Authorities Act of 1945; and

WHEREAS, under 53 PA. CONS. STAT. § 5607(d)(1), a municipality authority has existence for a term of 50 years and for such further period or periods as may be provided in articles of amendment approved under 53 PA. CONS. STAT. § 5605(e). Accordingly, in the absence of any amendment extending the term of existence of the authority, the Alburtis Borough Authority's term of existence will expire on September 24, 2008, and the

Borough of Albutis Sewer Authority's term of existence will expire on June 16, 2020; and

WHEREAS, under 53 PA. CONS. STAT. § 5605(a)(2), a municipality authority may amend its articles to increase the term of its existence to a date not exceeding 50 years from the date of approval of the articles of amendment if certain procedures are followed and certain approvals are obtained; and

WHEREAS, the Board of the Albutis Borough Authority, by its Resolution 2008-2 (adopted January 15, 2008), proposed that the following language shall be added to the Articles of the Albutis Borough Authority: "The term of existence of the Authority shall be increased so that its term of existence shall expire on February 21, 2058."; and

WHEREAS, the Board of the Borough of Albutis Sewer Authority, by its Resolution 2008-1 (adopted January 15, 2008), proposed that the following language shall be added to the Articles of the Borough of Albutis Sewer Authority: "The term of existence of the Authority shall be increased so that its term of existence shall expire on February 21, 2058."; and

WHEREAS, Borough Council believes it to be in the public interest to extend the term of the Albutis Borough Authority, and the term of the Borough of Albutis Sewer Authority, to February 21, 2058, so that both authorities may continue in existence for fifty (50) more years and so that the term of existence of both authorities will expire at the same time;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Albutis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances Chapter 5, Article I (relating to Municipal Authorities—Albutis Borough Authority (Water Authority)) is amended by adding the following new § 5-107 after current § 5-106:

§ 5-107 Amendment of Articles to Extend Term of Existence to February 21, 2058.

The Borough of Alburdis approves and adopts the following amendment to the Articles of the Alburdis Borough Authority, as proposed by the Board of the Alburdis Borough Authority:

The following language shall be added to the Articles of the Alburdis Borough Authority: “The term of existence of the Authority shall be increased so that its term of existence shall expire on February 21, 2058.”

SECTION 2. Codified Ordinances Chapter 5, Article II (relating to Municipal Authorities—Borough of Alburdis Sewer Authority) is amended by adding the following new § 5-206 after current § 5-205:

§ 5-206 Amendment of Articles to Extend Term of Existence to February 21, 2058.

The Borough of Alburdis approves and adopts the following amendment to the Articles of the Borough of Alburdis Sewer Authority, as proposed by the Board of the Borough of Alburdis Sewer Authority:

The following language shall be added to the Articles of the Borough of Alburdis Sewer Authority: “The term of existence of the Authority shall be increased so that its term of existence shall expire on February 21, 2058.”

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 30th day of January, 2008, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 30th day of January, 2008, the above Ordinance is hereby AP-
PROVED.

Robert W. Mader, Mayor