

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 497

(Duly Adopted September 28, 2011)

AN ORDINANCE APPROVING THE TERMINATION OF THE BOROUGH OF ALBURTIS SEWER AUTHORITY AND THE CERTIFICATE OF TERMINATION PRESENTED BY THAT AUTHORITY.

WHEREAS, the Borough of Alburdis 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 Alburdis 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, the Borough of Alburdis Sewer Authority has paid and discharged all bonds issued and outstanding and the interest due thereon, and has settled all other outstanding claims against it; and

WHEREAS, under 53 PA. CONS. STAT. § 5619(b), when a municipality authority has finally paid and discharged all bonds issued and outstanding and the interest due on them and settled all other outstanding claims against it, the authority may convey all its property to the municipality and terminate its existence; and

WHEREAS, under 53 PA. CONS. STAT. § 5619(c), a municipality authority which desires to terminate its existence must submit a certificate requesting termination to the municipality which created it. If the municipality approves the certificate by ordinance, the certificate is then to be filed in the Office of the Secretary of the Commonwealth, which shall note the termination of existence on the record of incorporation and return the certificate with approval to the board of the authority. The board shall then cause the

certificate to be recorded in the office of the recorder of deeds of the county. Upon recording, the property of the authority shall pass to the municipality and the authority shall cease to exist; and

WHEREAS, the Board of the Borough of Alburdis Sewer Authority, pursuant to its Resolution 2011-1 (adopted September 13, 2011), conveyed all of its property to the Borough of Alburdis, and submitted a Certificate to the Borough of Alburdis requesting that the Borough approve the termination of the Authority's existence. A true and correct copy of the Certificate is attached to this Ordinance and incorporated herein by reference; and

WHEREAS, Borough Council believes it to be in the public interest to approve the termination of the Borough of Alburdis Sewer Authority;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, that Codified Ordinances Chapter 5, Article II (relating to Municipal Authorities—Borough of Alburdis Sewer Authority) is amended by adding the following new § 5-207 after current § 5-206:

§ 5-207 Termination of the Authority.

The Borough of Alburdis hereby approves the termination of the Borough of Alburdis Sewer Authority and approves the Authority's Certificate of Termination dated September 13, 2011 requesting to terminate its existence. The officers of the Borough are hereby authorized and directed to execute an Approval of Certificate of Termination in the form appended to the Authority's Certificate of Termination, which is attached to Ordinance 497 and incorporated herein by reference.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 28th day of September, 2011, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 28th day of September, 2011, the above Ordinance is hereby
APPROVED.

Robert W. Mader, Mayor

Filed in the Department of State on:

Secretary of the Commonwealth

**CERTIFICATE OF TERMINATION
BOROUGH OF ALBURTIS SEWER AUTHORITY**

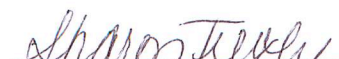
In accordance with the requirements of 53 PA. CONS. STAT. § 5619(c), the Borough of Alburdis Sewer Authority, pursuant to Resolution 2011-1 adopted by the Board of the Authority on September 13, 2011, hereby requests the termination of its existence and submits this Certificate to the Borough of Alburdis for its approval by ordinance. The Authority certifies that it has finally paid and discharged all bonds issued and outstanding and the interest due on them and settled all other outstanding claims against it. The Authority was formed under the Act of May 2, 1945, Pa. Laws 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented. The original Articles of Incorporation were approved and filed on June 16, 1970.

As provided in 53 PA. CONS. STAT. § 5619(c), if the Borough of Alburdis approves this Certificate, it shall be filed in the office of the Secretary of the Commonwealth, who shall note the termination of existence on the record of incorporation and return the Certificate with approval to the Authority, which shall then record the Certificate in the office of the recorder of deeds of Lehigh County. Upon recording, the property of the Authority shall pass to the Borough of Alburdis.

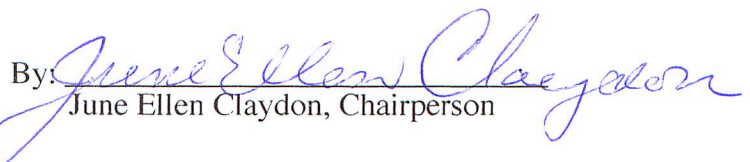
IN WITNESS WHEREOF, the Borough of Alburdis Sewer Authority has caused this Certificate to be executed by its duly authorized officers under the seal of the Authority, this 13th day of September, 2011.

Attest:

BOROUGH OF ALBURTIS SEWER AUTHORITY



Sharon Trexler, Secretary

By: 
June Ellen Claydon, Chairperson

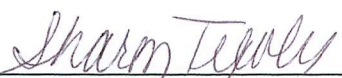
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APPROVAL OF CERTIFICATE OF TERMINATION

In accordance with 53 PA. CONS. STAT. § 5619(c), and pursuant to Ordinance No. 497, duly adopted by Borough Council on September 28, 2011 and approved by the Mayor on September 28, 2011, the Borough of Alburytis hereby approves the termination of the Borough of Alburytis Sewer Authority and the foregoing Certificate of Termination. The Borough of Alburytis is the municipality which created the Borough of Alburytis Sewer Authority.

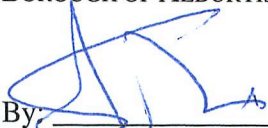
IN WITNESS WHEREOF, the Borough of Alburytis has caused this Approval to be executed by its duly authorized officers under the seal of the Borough, this 28th day of September, 2011.

Attest:



Sharon Trexler, Executive Secretary

BOROUGH OF ALBURTIS


By: _____
Steven R. Hill, President of Borough
Council

{SEAL}