

ORDINANCE OF LORAIN BOROUGH AUTHORIZING THE REPEALING OF LORAIN BOROUGH ORDINANCE NO. 111 ESTABLISHING THE LORAIN BOROUGH MUNICIPAL AUTHORITY AND TO PETITION THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA TO ORDER THE PROTHONOTARY OF CAMBRIA COUNTY, PENNSYLVANIA TO EXECUTE A CERTIFICATE OF TERMINATION FOR THE LORAIN BOROUGH MUNICIPAL AUTHORITY AND DIRECTING LORAIN BOROUGH COUNCIL TO FILE SUCH CERTIFICATE IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH; AND FURTHER AUTHORIZING INCIDENTAL ACTION TO BE TAKEN BY THE PROPER OFFICERS OF LORAIN BOROUGH TO RESCIND INCONSISTENT RESOLUTIONS AND STATING THE EFFECTIVE DATE.

WHEREAS, the Lorain Borough, Cambria County, Pennsylvania (the "Borough") is a political subdivision of the Commonwealth of Pennsylvania and is governed by the Lorain Borough Council (the "Governing Body"), and

WHEREAS, the Borough, acting through its Governing Body by adopting Lorain Borough Ordinance No. 111 incorporated the Lorain Borough Municipal Authority (the "Authority") on September 28, 1960, pursuant to the Pennsylvania Municipal Authorities Act, Act of Jun. 19, 2001, P.L. 287, 53 Pa.C.S. §5601 *et seq* (the "Authorities Act"); and

WHEREAS, the Authority owns all of the assets that make up the public sewage/wastewater collection and conveyance system that serves (the "Sanitary Sewer System"); and

WHEREAS, the Authority agreed to lease the Sanitary Sewer System to the Borough and the Borough pursuant to Ordinance No. 123 which was adopted by Borough Council on February 27, 1962, accepted the Sanitary Sewer System from the Authority; and

WHEREAS, although in existence, the Authority has neither held a public meeting nor has had an appointment to its authority board by Borough Council in the last twenty (20) years; and

WHEREAS, the Authority does not have any employees;

WHEREAS, Borough Council for at least the last twenty (20) years and currently oversees the operation and maintenance of the Sanitary Sewer System; and

WHEREAS, the Borough desires to terminate the Authority because the Authority did not hold any public meetings in the last twenty (20) years nor has Borough Council appointed any members to the Authority in the last twenty (20) years and that the Borough is overseeing, operating and maintaining the Sanitary Sewer System; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Lorain Borough, Cambria County, Pennsylvania as follows:

Section 1. The Borough hereby authorizes its solicitor to petition the Cambria County Court of Common Pleas to present a certificate of termination in the form that is attached as Exhibit "A" for approval to terminate the Authority by the Court or to have a conservator appointed to execute said certificate of termination on behalf of the Authority.

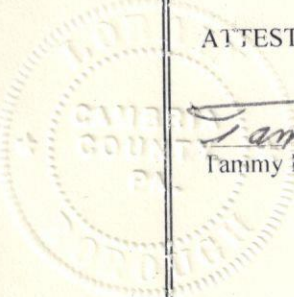
Section 2. The proper officers of the Borough are hereby authorized to file the executed Certificate in the Office of the Secretary of the Commonwealth of Pennsylvania, it being understood that such filing shall not occur until the Borough Lease is terminated.

- Section 3.** Upon receipt of said Certificate, the Secretary of the Commonwealth shall note the termination of existence of the Authority on the Authority's record of incorporation and return the Certificate with approval to the Borough. Upon receipt thereof, the Governing Body of the Borough is hereby authorized to record the Certificate in the Office of the Recorder of Deeds of Cambria County.
- Section 4.** Upon the recording of the Certificate with the Cambria County Recorder of Deeds, all property of the Authority shall pass to the Borough and the Authority will be effectively terminated.
- Section 5.** The Governing Body of the Borough, Borough Solicitor, Borough Council President, Borough Manager and Secretary are all, individually and collectively, authorized to take any further action necessary, and to execute and deliver such other documents, instruments, certificates and confirmations as may be necessary and appropriate in furtherance of the actions contemplated hereby, to effectuate the dissolution of the Authority and the transfer of the Authority's assets to the Borough.
- Section 6.** All ordinances, resolutions, or parts of any ordinances or resolutions inconsistent with this Ordinance are hereby repealed.

Adopted this 15th day of March, 2017.

ATTEST:

BOROUGH OF LORAIN


Tammy J. Ramos
 Tammy Ramos, Secretary

by: *Harold Berkebile*
 Harold Berkebile, Jr. Council President

 John Custer, Council Member

 , Council Member

John Raspotnik
 John Raspotnik, Council Member

Michael Hammers
 Michael Hammers, Council Member

John Wolfe
 John Wolfe, Council Member

Gary Hoffman
 Gary Hoffman, Council Member

Approved this 3 day of 15, 2017, by Florence Berkebile, Mayor.

Florence Berkebile
 Florence Berkebile, Mayor

EXHIBIT A
CERTIFICATE OF TERMINATION OF THE
LORAIN BOROUGH MUNICIPAL AUTHORITY,
CAMBRIA COUNTY, PENNSYLVANIA

THIS CERTIFICATE ("Certificate") is made this 15th day of March, 2017, by _____ as _____ for the Lorain Borough Municipal Authority, Cambria County, Pennsylvania ("Authority").

WHEREAS, pursuant to Lorain Borough Ordinance No. 111, Lorain Borough was directed to take all actions necessary to effectuate the dissolution and termination of the Authority;

WHEREAS, pursuant to the Municipalities Authorities Act, 53 Pa.C.S. §5619, the _____ as _____ for the Authority hereby submits this Certificate, requesting and advising Lorain Borough Council of the termination of the Authority's existence; and

WHEREAS, pursuant to the Municipalities Authorities Act, 54 Pa.C.S. §5619, the Lorain Borough is authorized to approve this Certificate by Ordinance or resolution.

NOW THEREFORE, the Authority, intending to be legally bound hereby, certifies as follows:

1. The Authority hereby submits this Certificate requesting its termination pursuant to Lorain Borough Ordinance No. 111 and the Municipalities Authorities Act, 54 Pa.C.S. §5619.
2. The Borough is authorized to terminate the existence of the Authority based on its prior action to create the Authority by adopting Lorain Borough Ordinance No. 111 on September 28, 1960
3. The _____ of the Authority is hereby authorized to take all actions necessary to carry out the purposes of this Certificate and to effectuate the dissolution and termination of the Authority.

IN WITNESS WHEREOF, the undersigned _____ of the Authority, having been authorized by the Court of Common Pleas of Cambria County, Pennsylvania has hereunto set their hand and seal the day and year first written above.

ATTEST:

LORAIN BOROUGH MUNICIPAL AUTHORITY



by: _____ (SEAL)