

**THE TOWNSHIP OF OHIO**  
**ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 150**

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP OF OHIO TO INCUR LEASE RENTAL DEBT IN THE AMOUNT OF \$100,000.00 BY ENTERING INTO A LEASE AND SUBLEASE FOR A PROJECT TO BE FINANCED IN THAT AMOUNT WITH THE PROCEEDS OF BONDS ISSUED BY THE AUTHORITY FOR IMPROVEMENTS IN MUNICIPALITIES FOR THE PURPOSE OF UNDERTAKING THE AUTHORITY'S MUNICIPAL POOLED EQUIPMENT LEASING PROGRAM; AGREEING TO PAY RENTAL IN THE AMOUNT AND AT SUCH TIMES AS SET FORTH IN THE SUBLEASE; APPROVING THE FORM OF THE LEASE AND THE FORM OF THE SUBLEASE; AUTHORIZING OTHER NECESSARY AND PROPER ACTION AND REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS.

WHEREAS, Authority for Improvements in Municipalities, (the "Authority") has undertaken a program (the "Program") of assisting municipalities in the Commonwealth of Pennsylvania to acquire or refinance various projects; and

WHEREAS, the Authority has determined to finance the Program by the issuance of its Lease Revenue Bonds (Municipal Pooled Equipment Leasing Program), Series 1985-A (the "Bonds"); and

WHEREAS, the Bonds have been issued by the Authority pursuant to a Trust Indenture dated as of December 1, 1985, as amended and restated as of December 1, 1986, (the "Indenture"), by and between the Authority and Mellon Bank, N.A. as Trustee (the "Trustee"); and

WHEREAS, the Township of Ohio deems it necessary and desirable to participate in the Program for the purpose of financing the construction of a sanitary sewer interceptor line

through the area of the Township known as the Bear Run Drainage Area, situated in the proximity of Mt. Nebo and Lowries Run Road (Bear Run Wetlands Interceptor Line Project), as more fully described in Exhibit "A" attached hereto; and

WHEREAS, the Authority has determined to assist in financing and to undertake the project; and

WHEREAS, to enable the Authority to assist the financing of the Project, the Township of Ohio shall lease the Project to the Authority (the "Lease") and the Authority will then sublease the Project to the Township of Ohio (the "Sublease"); and

WHEREAS, pursuant to the terms of the Indenture, the Authority will pledge the revenue and income from all subleases, including the Sublease, to the payment of the costs of operation of the program and to the payment of the principal of, and interest and premium, if any, on the Bonds and will pledge the payments due under the Sublease specifically as security therefore; and

WHEREAS, the Township of Ohio has received preliminary realistic cost estimates from professional consultants indicating the sum of \$135,080.00 will be needed to complete the Bear Run Wetlands Interceptor Line Project; and

WHEREAS, the proposed increase of debt, together with its non-electoral indebtedness and its lease rental indebtedness, presently outstanding, will not cause the limitations of the Township of Ohio debt incurring power pursuant to Constitutional and statutory authority to be exceeded.

NOW, THEREFORE, be it ordained and enacted by the Township of Ohio, County of Allegheny, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. That the indebtedness of the Township of Ohio be increased by \$100,000.00 to be evidenced by a Lease and Sublease.

SECTION 2. That the debt to be incurred is lease rental debt and is to be incurred to enable the Township of Ohio to obtain financing for the Bear Run Wetlands Interceptor Line Project. The description of the Project contained in Exhibit "A" is incorporated herein by reference.

SECTION 3. That the aggregate principal amount of Bonds issued by the Authority is \$100,000.00. The Authority will pledge the revenue and income from all subleases, including the amounts due and payable as Rental under the Sublease, as security for the payment of the principal of, and interest and premium, if any, on the Bonds.

SECTION 4. That the Township of Ohio hereby directs that the necessary documentation be filed with the Department of Community Affairs of the Commonwealth of Pennsylvania so that the debt incurred hereunder may be approved as lease rental debt of the Township of Ohio, and, if applicable, so that it may be excluded from the debt of the Township of Ohio as self-liquidating debt or subsidized debt pursuant to the Local Government Unit Debt Act, as amended (the "Debt Act"). It is, therefore, hereby declared that the lease rental debt of the Township of Ohio to be incurred hereunder shall not exceed \$100,000.00 which, together with all

presently existing net debt of the Township of Ohio, will not be in excess of the limitations as set forth in the Debt Act. The Chairman of the Board of Supervisors of the Township of Ohio and the Secretary of the Township of Ohio are hereby authorized and directed to prepare, verify and file the Debt Statement required by Section 410 of the Debt Act, together with the Borrowing Base Certificate and an application for approval of said indebtedness with the Department of Community Affairs as promptly as practicable and to do and perform all other acts and sign all other documents necessary and proper in connection therewith. Said officers are further directed to file such documents and certificates with the Department of Community Affairs as may be necessary to have the debt incurred hereby excluded from the Township of Ohio debt, if applicable, as self-liquidating or subsidized debt.

SECTION 5. The maximum amount to be paid in each year under the Sublease is set out in the Rental Schedule attached hereto as Exhibit "B". The Township of Ohio covenants that it will include the amount of such payment in its budget for each year in which each such amount is payable; that it will appropriate such amounts from its revenues for such payments and that it will duly and punctually pay such amounts or cause them to be paid on the dates and at the places and in the manner set forth in the Sublease according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the Township of Ohio hereby pledges its full faith, credit and taxing power.

**SECTION 6.** Pursuant to and subject to the provisions of the Municipality Authorities Act of 1945, as amended, and upon receipt by the Township of Ohio for the approval of the Department of Community Affairs of the Commonwealth of Pennsylvania to incur lease rental debt, the Township of Ohio shall enter into the Lease and the Sublease, substantially in the form presented to this meeting and as set forth in Exhibit "C" which is attached hereto and incorporated herein by reference, with such changes therein as shall be approved by the Township of Ohio Solicitor and the officers executing the Lease and Sublease, such approval to be conclusively evidenced by such execution.

**SECTION 7.** The Chairman of the Board of Supervisors of the Township of Ohio is hereby authorized and empowered to execute the Lease and the Sublease for and on behalf of the Township of Ohio and the Secretary of the Board of Supervisors of the Township of Ohio shall attest the same and affix thereto the seal of the Township of Ohio.

**SECTION 8.** The proper officers of the Township of Ohio are hereby authorized and directed to perform all acts necessary and proper for the delivery of the Lease and the Sublease, the payment of Rental due under the Sublease and the performance of all acts required by the Lease and/or the Sublease.

**SECTION 9.** The actions of the proper officers and the advertising of a summary of this Ordinance as required by law in The Pittsburgh Press and/or The Citizen, newspapers of general circulation, is ratified and confirmed. The advertisements in said papers of the enactment of the Ordinance is hereby directed

within 15 days following the day of final enactment.

SECTION 10. All ordinances or parts of ordinances not in accord with this Ordinance, are hereby repealed insofar as they conflict herewith. The following ordinances or parts thereof are specifically repealed: Ordinance No. 149.

ORDAINED AND ENACTED THIS 11 day of October, 1988.

ATTEST:

TOWNSHIP OF OHIO

John J. Sullivan Jr.  
Secretary

By J. David Holman  
Chairman, Board of Supervisors