THE TOWNSHIP OF OHIO

ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 152

AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF $100,000.00 FOR SUNDRY PURPOSES: FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, it is necessary that the indebtedness of the Township of Ohio, Allegheny County, Pennsylvania, (hereinafter called "Township") be increased for the following purpose: 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 Mount Nebo and Lowries Run Road ("Bear Run Wetlands Interceptor Line"); and

WHEREAS, the Township has received preliminary realistic cost estimates from professional consultants indicating the sum of $135,080.00 will be needed to complete the project; and

WHEREAS, the proposed increase of debt, together with its nonelectoral indebtedness and its lease rental indebtedness presently outstanding, will not causing the limitations of the Township debt incurring power, pursuant to constitutional and statutory authority to be exceeded;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Ohio, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. That the aggregate principal amount of the Note of the Township of Ohio, County of Allegheny, Pennsylvania, proposed to be issued $100,000.00, same to be issued for the foregoing purposes and same to be incurred as nonelectoral debt.

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is estimated to be in excess of fifty (50) years.

SECTION 3. Said indebtedness shall be evidenced by one general obligation Note, (known as the AIM Loan Agreement and attached hereto) in proper form, in the principal sum of $100,000.00 dated and bearing interest from the earliest date of possible issue of said Note under the statutory time requirements as set forth in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session, at the rate of interest of 5¼ per annum, payable annually on the unpaid balance of said Note during the term of said Note, together with interest on overdue principal, and to the extend permitted by law, on overdue interest, at the rate of 15.75 per annum (computed on the basis of 365 days to the year) until paid, which Note shall mature in installments on the annual anniversary date of the said Note in as follows:

	Principal Only
Fiscal Year 19 90	$ 20,000.00
Fiscal Year 19 91	$ 20,000.00
Fiscal Year 19 92	$ 20,000.00
Fiscal Year 19 93	$ 20,000.00
Fiscal Year 19 94	$ 20,000.00

It is further acknowledged that the Loan Agreement has a litigation clause which the Township acknowledges and which clause calls for payment by the Township of the AIM Solicitor in the event of any litigation caused by the borrower's delinquencies.

The Township reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty.

The principal and interest of said Note shall be payable at the office of the sinking fund depository selected for the Note as hereinafter provided.

SECTION 4. The said Note is hereby declared to be a general obligation of the Township of Ohio. The Township hereby covenants that the Township shall include the amount of debt service on the Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the Note and the interest thereon at the dates and places and in the manner stated in the Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the Township of Ohio is hereby irrevocably pledged.

The amounts which the local government unit hereby covenants to pay in each of the following fiscal years on the basis of an interest rate of 5¼ are as follows:

Year	Principal	Interest
19 90 - 19 91	$ 20,000.00	$ 5,250.00
19 91 - 19 92	$ 20,000.00	$ 4,200.00
19 92 - 19 93	$ 20,000.00	$ 3,150.00
19 93 - 19 94	$ 20,000.00	$ 2,100.00
19 94 - 19 95	$ 20,000.00	$ 1,050.00

SECTION 5. The form of said Note shall be the Loan Agreement which is attached hereto and incorporated in this Ordinance a part and parcel thereof, showing the obligation arising out of the Loan Agreement to the Township of Ohio.

SECTION 6. The said Note shall be executed in the name and under the corporate seal of the Township by the Township of Ohio and by the Chairman of the Board of Supervisors and attested to by the Secretary. The Treasurer is hereby authorized and directed to deliver said Note to the purchaser, and receive payment therefore on behalf of the Township. The Chairman of the Board of Supervisors and Secretary of the Township are authorized and directed to prepare, verify and file the debt statement required by Section 410 of Act 52 of 1978, and to take other necessary action, including, if necessary or desirable, any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7. Equibank, Sewickley Branch, is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as the "Bear Run Wetlands Interceptor Sewer Line Sinking Fund General Obligation Note", for the payment of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the Township withdraw available monies in the Sinking Fund and apply

said monies to payment of the principal of and interest on the obligation.

SECTION 8. The Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to contract with Equibank, Sewickley Branch, for its services as Sinking Fund Depository for the Note and paying agent for the same.

SECTION 9. In compliance with Section 701 of Act 52 of 1978, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best interest of the Township. Therefore, the general obligation Note in the amount of $100,000.00, herein authorized to be issued and sold is hereby awarded and sold to the Authority for Improvements in Municipalities (AIM), in accordance with AIM's proposal to purchase the said Note at par; provided the said Note is dated the date of delivery thereof to AIM and is in the form set forth in the attached Loan Agreement between AIM and the Township of Ohio; and further provided that the proceedings have been approved by the Department of Community Affairs if such approval is required under the provisions of the Act.

SECTION 10. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in The Citizen, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment of the ordinance is hereby directed within fifteen (15) days following the day of final enactment.

It is further acknowledged that for the consideration given

by AIM, the Loan Agreement contains an indemnification clause for AIM, its officers, directors, administrators, employees and their successors and assigns.

SECTION 11. All ordinances of parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS 23rd day of January, 19 89.

TOWNSHIP OF OHIO

By J. David Holman
Chairman, Board of Supervisors

By Darlene M. Phillips

By _____

ATTEST:

John L. Sullivan Jr.
Secretary

CERTIFICATE

I HEREBY CERTIFY that the attached is a true copy of an ordinance passed finally at a meeting of the Board of Supervisors of Ohio Township on January 23rd, 1989; that said meeting above referred to was held with proper notice having been given to members and to the public and was at all times open to the public; that said ordinance was duly signed by the Chairman of the Board of Supervisors attested by the Secretary, and has been duly recorded in the Ordinance Book of the said local government unit.

I FURTHER CERTIFY that a copy of the ordinance was available for inspection by any citizen in the office of the Secretary.

WITNESS my hand and the seal of the Township of Ohio, Allegheny County, Pennsylvania, on this 23rd day of January, 1989.

Secretary of Ohio Township

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of The Township of Ohio, Allegheny County, Pennsylvania, do hereby certify that the foregoing and attached is a true and correct copy of an Ordinance of said local government unit, which was duly enacted by the affirmative vote of the members of the governing body at a meeting thereof duly called and held on the 23rd day of January, 1989, after due notice to the members and to the public and which was at all times open to the public, that the same was examined and approved by the members of the governing body and was duly recorded in the Ordinance Book of said local government unit and was published as required by law in the Citizen, a newspaper of general circulation in said local government unit.

I further certify that the total number of members of the governing body of the local government unit is 3; that the vote upon said Ordinance was called and duly recorded on the minutes of said meeting and that the members voted in the manner following:

J. David Holman Aye

Darlene M. Phillips Aye

_____ Aye

WITNESS my hand and the seal of the Township of Ohio, this 23rd day of January, 1989.

John L. Sullivan Jr.
Secretary of Ohio Township

(SEAL)