

TOWNSHIP OF OHIO

ORDINANCE NO. 74

AN ORDINANCE (i) AUTHORIZING AND DIRECTING THE TOWNSHIP SUPERVISORS TO ENTER INTO AN AGREEMENT AND LEASE, DATED AS OF DECEMBER 1, 1966, WITH AVONWORTH MUNICIPAL AUTHORITY, UNDER WHICH THE TOWNSHIP, TOGETHER WITH THE BOROUGHS OF BEN AVON, BEN AVON HEIGHTS AND EMSWORTH AND THE TOWNSHIP OF KILBUCK, WILL LEASE SAID AUTHORITY'S RECREATIONAL FACILITIES FOR THE TERM, AT THE LEASE RENTALS AND UPON THE OTHER TERMS AND CONDITIONS SET FORTH THEREIN, AND WHICH AGREEMENT AND LEASE, AS THEREIN PROVIDED, WILL BE ASSIGNED BY SAID AUTHORITY TO MELLON NATIONAL BANK AND TRUST COMPANY, AS TRUSTEE; (ii) AUTHORIZING AND DIRECTING THE TOWNSHIP TREASURER TO ESTABLISH AN OHIO PROPERTIES REVENUE FUND AND DIRECTING CERTAIN DEPOSITS TO AND DISBURSEMENTS (INCLUDING THE LEASE RENTALS) FROM SAID FUND BE MADE PURSUANT TO THE AGREEMENT AND LEASE AND THE ASSIGNMENT THEREOF; (iii) AUTHORIZING AND DIRECTING THE TOWNSHIP SUPERVISORS AND OFFICERS TO DO AND PERFORM ALL AND EVERY ACT AND THING NECESSARY OR CONVENIENT TO FULLY COMPLETE AND FULFILL THE TOWNSHIP'S OBLIGATIONS UNDER SAID AGREEMENT AND LEASE; (iv) REPEALING ANY INCONSISTENT ORDINANCE OR PART THEREOF; (v) PROVIDING THAT THE INVALIDITY OF ANY PART OF THIS ORDINANCE SHALL NOT AFFECT THE VALIDITY OF ANY OTHER PART HEREOF.

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

Section 1. On behalf of the Township of Ohio, the Township Supervisors are hereby authorized

the Township to, and to attest the same on, and to deliver to Avonworth Municipal Authority, a Management Agreement, dated as of December 1, 1966, engaging and appointing said Authority (subject to the general supervision, direction and control of the Boroughs of Ben Avon, Ben Avon Heights and Emsworth and the Townships of Kilbuck and Ohio, collectively referred to and being the Lessees under an Agreement and Lease, dated as of December 1, 1966, with said Authority with respect to recreational facilities of the Authority including Camp Horne; and with the advice of Avonworth Community Organization For Recreational Development) as general manager of the recreational facilities of said Authority (therein referred to as the Properties) and the recreation park business in connection therewith, and requiring said Authority, among other things, (i) to supervise all departments and phases of said Properties and the recreation park business, (ii) to keep all accounts and records relating thereto, and to report at least quarterly to the Lessees and ACORD with respect thereto, (iii) to hire employees to operate and maintain said Properties and the recreation park business, (iv) to contract for and purchase utilities, supplies, materials and services required to operate and maintain the Properties and the recreation park business, (v) to prepare rate schedules concerning the use of the Properties for adoption by the Lessees, (vi) to prepare rules and regulations with respect to the use thereof, (vii) to prepare budgets of operating expenses with respect thereto for adoption by the Lessees, and (viii) to collect the service charges for the use of the Properties and deposit the same to the credit of said Authority's Operating Fund; all as more fully set forth in said Management Agreement. The Management Agreement so to be executed and delivered shall be in the form presented to the Board of Supervisors, approved hereby and hereby ordered filed with the permanent records of the Township with such insubstantial changes therein as the Supervisors executing the same shall approve, such approval to be conclusively evidenced by their execution and delivery thereof.

Section 2. The Township Treasurer, in accordance with applicable township laws and the procedures of the Township of Ohio, is hereby authorized and directed to pay or cause to be paid to said Authority, from the sources and at the times

provided in said Management Agreement, the amounts required to be paid by the Township to said Authority by the provisions of said Management Agreement; and the Township Treasurer, as aforesaid, is hereby authorized and directed to deposit to the credit of the Ohio Properties Revenue Fund the amounts paid or caused to be paid by said Authority to the Township pursuant to the provisions of said Management Agreement.

Section 3. The Township Supervisors and the officers of the Township are hereby authorized and directed to do and perform all and every act and thing necessary or convenient to fully and completely fulfill the Township's obligations under said Management Agreement.

Section 4. All ordinances and resolutions or parts of either thereof which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. The invalidity of any part of this ordinance shall not affect the validity of any other part of this ordinance.

ORDAINED AND ENACTED into an ordinance and passed by the Board of Supervisors of the Township of

Ohio on this 25 day of November, 1966.

(TOWNSHIP SEAL)

ATTEST:

Thomas R. Jordan
Township Secretary

John Verhese
Supervisor

Thomas R. Jordan
Supervisor

Robert C. Rozman
Supervisor