

ORDINANCE NO. 39
OF THE BOARD OF SUPERVISORS
OF THE TOWNSHIP OF EAST NORRITON
(Montgomery County, Pa.)

APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT OF LEASE BETWEEN THE TOWNSHIP OF EAST NORRITON AS LESSEE, WITH EAST NORRITON TOWNSHIP MUNICIPAL AUTHORITY, AS LESSOR OF THE SEWER SYSTEM HERETOFORE CONSTRUCTED BY AUTHORITY, IN AND FOR SEWER DISTRICT NO. 1 IN THE TOWNSHIP OF EAST NORRITON AND THE PAYMENT OF RENTALS BY SAID TOWNSHIP UNDER THE TERMS OF SAID LEASE; CONSENTING TO THE ASSIGNMENT OF SAID LEASE; PROVIDING FOR THE EXECUTION OF ALL PAPERS AND INSTRUMENTS NECESSARY AND PROPER FOR SUCH PURPOSES; AND PROVIDING FOR TERMINATION OF SEWER SYSTEM LEASE DATED AS OF APRIL 1, 1960

WHEREAS, pursuant to Ordinance duly enacted, the proper officers of the Board of Supervisors of the Township of East Norriton (the "Township") executed a Lease dated as of April 1, 1960 (the "1960 lease") with East Norriton Township Municipal Authority (the "Authority") of the Sewer System thereafter to be constructed by the Authority, said Lease being for a term of 40 years from the date thereof and providing for the payment of certain rentals by the Township, all as therein provided; and

WHEREAS, the 1960 lease was, as provided by its terms, assigned and pledged to Girard Trust Corn Exchange Bank, Philadelphia, Pa., as Trustee (the "1960 trustee") under an indenture dated as of April 1, 1960 (the "1960 indenture") in connection with an issue of \$1,025,000 principal amount of East Norriton Township Municipal Authority Sewer Assessment Revenue Bonds - Series of 1960, all of which have been paid or provision therefor made, and \$1,075,000 principal amount of Sewer Revenue Bonds - Series of 1960 (the "1960 Series Bonds"), the proceeds of which were used to construct the Sewer System; and

WHEREAS, the Authority has determined to refund such 1960 Series Bonds and, for that purpose, to issue Sewer Revenue Bonds - Series of

1963 under an Indenture to be dated as of May 1, 1963 (the "1963 Indenture") and it has been demonstrated that such refunding will effect certain savings to the Township; and

WHEREAS, in connection with such refunding Authority will deposit with the 1960 trustee moneys which, together with other funds available to such trustee, will be sufficient to redeem and pay all outstanding 1960 Series Bonds which mature by their terms after April 1, 1965, to pay the interest on all Sewer Revenue Bonds due on and prior to April 1, 1965 and to pay the principal of such Sewer Revenue Bonds which will become due and payable on and prior to such date, and upon such deposit the lien of the 1960 indenture will be released, cancelled and discharged and the 1960 lease will be reassigned by the 1960 trustee to the Authority, whereupon the 1960 lease, with the consent of the Township, will be terminated, cancelled and become void; and

WHEREAS, the Board of Supervisors of the Township proposes, as lessee, to enter into an Agreement of Lease to be dated as of May 1, 1963 (the "Lease") with the Authority, as lessor, of the Sewer System, under the terms of which Lease, the Township is to operate and maintain the Sewer System and to charge and collect certain annual sewer rentals and charges from the users of the Sewer System, which will be pledged for the payment of the expenses of operating and maintaining the Sewer System and of the rentals to be paid to Authority under the terms of the Lease; and

WHEREAS, upon deposit with the 1960 trustee of moneys which, together with other funds available to such trustee, will be sufficient to accomplish the aforesaid refunding purposes, the 1960 trustee has undertaken to invest such moneys so deposited with, or otherwise available to, it and has likewise undertaken to pay the income on such investments to the Authority and Authority proposes to sell, assign and transfer to

the Trustee its right to receive such income;

NOW, THEREFORE, the Board of Supervisors of the Township of East Norriton hereby ordains and enacts that:

Section 1. Upon reassignment of the 1960 lease to the Authority by the 1960 trustee, the Township hereby authorizes the cancellation and termination of such 1960 lease.

Section 2. The Township hereby approves the form, and authorizes the execution and delivery of, the Lease of the Sewer System heretofore constructed by Authority, said Lease to be in the form as presented at this meeting, to be dated as of May 1, 1963, to be for a term of 39 years and 11 months and to provide for rental payments by the Township on the dates and in the amounts all as set forth in the form of said Lease as presented to this meeting.

Section 3. The proper officers of said Township are hereby authorized and directed to execute and deliver on behalf of said Township, the Lease, in the form presented at this meeting, and to execute any and all papers and instruments, and to do and cause to be done any and all acts and things necessary and proper for the carrying out of the provisions of this Ordinance and the covenants of said Township as contained in said Lease.

Section 4. All ordinances and parts of ordinances inconsistent herewith be and the same are hereby repealed absolutely.

I, CALVERT V. HURDLE, Secretary of the Board of Supervisors of the Township of East Norriton, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of an ordinance which was duly enacted by the Board of Supervisors on *April 19*, 1963, after said ordinance, as proposed, had been duly advertised as required by law, and that said ordinance has been duly recorded in the minutes of said Board and is now in full force and effect on the date of this certification.

IN WITNESS WHEREOF, I have hereunto set my signature as such official and affixed the seal of the Township of East Norriton this *6th* day of May, 1963.



Secretary

[S E A L]