

ORDINANCE NO. 2021-04

AN ORDINANCE OF LANCASTER TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, AUTHORIZING THE MUNICIPALITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE PURPOSE OF PROVIDING FOR INTERGOVERNMENTAL COOPERATION WITH RESPECT TO THE PAYMENT OF COSTS, CONTRIBUTION OF SERVICES, AND PURSUIT OF FUNDING NECESSARY FOR THE PRELIMINARY DESIGN AND ENGINEERING PHASE OF THE LITTLE CONESTOGA CREEK BLUE/GREEN CORRIDOR PROJECT

BE IT ENACTED and ORDAINED by the BOARD OF SUPERVISORS of LANCASTER TOWNSHIP, Lancaster County, Pennsylvania (hereinafter called "Municipality") and it is hereby enacted and ordained by the authority of the Municipality as follows:

SECTION 1. Purpose. The purpose of the Memorandum of Understanding, a copy of which is attached to this Ordinance and incorporated herein by reference (the "MOU") is to provide for the cooperation of the Municipality with certain other municipalities with respect to the payment of costs, contribution of services, and/or pursuit of funding necessary for the 30% preliminary design and permit application component of the Little Conestoga Creek Blue/Green Corridor Project (the "Project"), as further delineated on Exhibit B of the MOU (the "Preliminary Design Component"). The costs and funding for the Preliminary Design Component of the Project will be used to fund design, engineering, and consulting work and services required to prepare a multi-site, project-based permit for the Project and to clarify future construction and maintenance of the Project.

SECTION 2. Grant of Power. This Ordinance is adopted pursuant to authority granted in the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996, 53 Pa.C.S.A., Section 2301, et seq., as amended, or as it may be amended from time to time.

SECTION 3. Participation and Authority to Enter Into MOU. Pursuant to and in accordance with the above-referenced authority, the Municipality is hereby authorized and does hereby declare its intention to enter into the MOU with the Little Conestoga Creek Foundation, East Hempfield Township, City of Lancaster, and Manheim Township (collectively, the "MOU Participants"), which governs the MOU Participants, and the implementation of the Preliminary Design Component of the Project, in accordance with the authority granted in the above referenced laws and this Ordinance.

SECTION 4. Authorizations and Ratification.

(a) The CHAIR of the BOARD OF SUPERVISORS of LANCASTER TOWNSHIP is hereby authorized and directed on behalf of the Municipality, (i) to execute and deliver the MOU, and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the MOU and the transactions to be effected under the MOU.

(b) All necessary and appropriate actions of any officer, agent or other representative of the Municipality heretofore taken in the pursuit of the MOU and/or the Municipality's participation therein, are hereby ratified and approved in all aspects.

(c) The BOARD OF SUPERVISORS of LANCASTER TOWNSHIP is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes in this Ordinance and of the MOU.

SECTION 5. Justification for MOU. As required by the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. Section 2307, the following matters are specifically found and determined:

(a) The conditions of the MOU are set forth in the MOU.

(b) The Municipality shall participate in the MOU for an indefinite term, or may withdraw at any time upon written notice to the other MOU Participants.

(c) The purpose and objectives of the MOU are set forth in the MOU. The MOU delegates certain authority of the MOU Participants to the Little Conestoga Creek Foundation, as further set forth in Section 2 of the MOU.

(d) The MOU will require the Municipality to contribute financing and/or services to the Project as further identified in the MOU. The date by which financing is to be contributed to the Project is December 31, 2021.

(e) No organizational structure will be necessary to implement the MOU.

(f) No property, real or personal, shall be acquired, managed, licensed or disposed of pursuant to the MOU except as described in Section 1.D. of the MOU.

(g) Contracts will not be empowered pursuant to the terms of the MOU.

SECTION 6. Repeal of Ordinances. Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 7. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is, for any reason declared to be illegal, unconstitutional or invalid, by any court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The BOARD OF SUPERVISORS of LANCASTER TOWNSHIP, Lancaster County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 8. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

SECTION 9. Code of Ordinances. The Code of Ordinances, as amended, of LANCASTER TOWNSHIP, Lancaster County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

DULY ORDAINED and ENACTED as an Ordinance this ____ day of _____, 2021 by the Board of Supervisors of the Township of Lancaster, Lancaster County, Pennsylvania.

**BOARD OF SUPERVISORS
TOWNSHIP OF LANCASTER**

[SEAL]

Benjamin H. Bamford, Chair

Iber Guerrero Lopez, Vice Chair

ATTEST: William M. Laudien, Secretary

Steven P. Elliott, Treasurer

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