

**EAST NOTTINGHAM TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2022-24

A RESOLUTION ADOPTED PURSUANT TO THE TERMS OF THE INTERGOVERNMENTAL COOPERATION ACT, 53 Pa.C.S.A. § 2301, *ET SEQ.*, AS AMENDED, AUTHORIZING THE BOARD OF SUPERVISORS TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT (“AGREEMENT”) BETWEEN THE TOWNSHIPS OF WEST NOTTINGHAM AND EAST NOTTINGHAM, CHESTER COUNTY, PENNSYLVANIA FOR THE PURPOSE OF FUNDING THE DESIGN AND CONSTRUCTION, INCLUDING PERMITTING, OF THE BRIDGE ON WOODLAND DRIVE AKA WOODLAND ROAD WHICH IS PARTIALLY IN WEST NOTTINGHAM TOWNSHIP AND PARTIALLY IN EAST NOTTINGHAM TOWNSHIP AND CROSSES A BRANCH OF NORTH EAST CREEK WHICH IS THE TOWNSHIP LINE.

BE IT RESOLVED by the Board of Supervisors of East Nottingham Township, Chester County, Pennsylvania that the following Resolution is adopted authorizing an Intergovernmental Cooperation Agreement between East Nottingham Township and West Nottingham Township, both Chester County political subdivisions of the Commonwealth of Pennsylvania.

SECTION I. Statement of Purpose. The purpose of this Resolution is to authorize the entering into of an Intergovernmental Cooperative Agreement between East Nottingham Township and West Nottingham Township, Chester County, Pennsylvania (“Agreement”) for the purpose of funding the design and construction, including permitting, of the bridge on Woodland Drive (Road). A true and correct copy of the Agreement is attached hereto as Exhibit “A” and incorporated herein by reference as if fully set forth herein.

SECTION II. Duration. The Agreement shall remain in full force and effect until such time as Woodland Drive (Road) is constructed and all services and construction costs are paid for or until such time as the bridge on Woodland Drive (Road) is constructed.

SECTION III. Objective of the Agreement. The objective of the Agreement is to contractually obligate East Nottingham Township and West Nottingham Township to share equally in the cost for the planning, engineering, permitting and construction of the bridge on Woodland Drive (Road) connecting the two Townships, which bridge is partially in East Nottingham Township and partially in West Nottingham Township and which crosses the creek at the Township border, under and subject to the terms and conditions set forth in the Agreement.

SECTION IV. Manner and Extent of Financing of the Agreement. Each Township shall be responsible for funding and financing in accordance with the provisions for Second-Class Township's expenditures of funds for the construction of bridges on Township roads. Each Township shall fund its own 50% share of the cost as enumerated herein.

SECTION V. Organizational Structure/Membership. The Agreement authorized by this Resolution shall be approved by the Boards of Supervisors of each municipality, and the Agreement shall be implemented by both Townships.

SECTION VI. Manner In Which Real or Personal Property Shall Be Acquired, Managed, Licensed or Disposed Of. There is no anticipation of any purchase of real property or personal property in either Township nor will either Township engage in any necessary management or acquisition of requisite real property rights. No licensing or disposal of the property is anticipated.

SECTION VII. Authority to Enter Into Contracts. The Boards of Supervisors of West Nottingham Township and East Nottingham Township are each empowered to enter into this contract with each other and also to advertise for joint bids and enter into joint contracts with bidding contractors, engineering professionals and to expend the funds for permits, including the purpose of engaging attorneys, engineers and other consultants, and to enter into the Agreement attached hereto as Exhibit A and made a part hereof.

SECTION VIII. Amendments. The Board of Supervisors of East Nottingham Township hereby resolves that it may execute such amendments to the Agreement authorized by this Resolution as may be necessary to carry out the purposes of this Resolution and as mutually agreed to by West Nottingham Township and East Nottingham Township.

SECTION IX. Authority to Enter Into Contracts or Policies of Group Insurance and Employee Benefits. The two Townships are each empowered to enter into contracts for the planning, designing, construction and permitting of the above referenced bridge. No employees are anticipated by the Townships since each Township has its own employees. No employees are anticipated for the two Townships, so that no employee benefits, including group insurance will be relevant to this matter.

SECTION X. Severability. If any sentence, clause, section, or part of this Resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the municipality that this Resolution would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION XI. Repealer. All resolutions or parts of resolutions conflicting with any provisions of this resolution are hereby repealed as far as the same affects this Resolution.

SECTION XII. Effective Date. This Resolution shall become effective upon adoption.

RESOLVED this 8th day of November 2022.

ATTEST:

Dannay Wood
Secretary

EAST NOTTINGHAM TOWNSHIP

Joseph A Herlihy
Joseph Herlihy, Chairman

John Wallace
John Wallace, Vice- Chairman

Samuel Goodley, Jr
Samuel Goodley, Jr, Supervisor

P. David Smoker
P. David Smoker, Supervisor

Thomas Faux
Thomas Faux, Supervisor