

05-5-88

TOWNSHIP OF MOUNT JOY  
LANCASTER COUNTY, PENNSYLVANIA

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ORDINANCE NO. XCIIX

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AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MOUNT JOY, LANCASTER COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE TOWNSHIP OF MOUNT JOY, THE BOROUGH OF ELIZABETHTOWN AND KETTERLINE BUILDERS WITH RESPECT, INTER ALIA, TO THE REALIGNMENT OF A PORTION OF RADIO ROAD (T-316) NEAR THE CEDAR ACRES SUBDIVISION, WHICH AGREEMENT SETS FORTH APPROPRIATE AND NECESSARY COVENANTS AND AGREEMENTS OF SAID PARTIES; AUTHORIZING AND DIRECTING THAT THE AGREEMENT BE EXECUTED, ATTESTED AND DELIVERED ON BEHALF OF THE TOWNSHIP OF MOUNT JOY; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

BE AND IT IS HEREBY ORDAINED by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Township of Mount Joy (hereinafter referred to as the "Township") shall enter into an Agreement (hereinafter referred to the "Agreement") with the Borough of Elizabethtown, Lancaster County, Pennsylvania (hereinafter referred to as the "Borough") and Ketterline Builders, R. D. 4, Manheim, Pennsylvania (hereinafter referred to as "Developer") with respect to the improvement of Radio Road by widening a portion of the road and relocating a portion of the road, which Agreement sets forth appropriate and necessary covenants and agreements of the respective parties thereto. The Agreement shall be substantially in the form presented at this meeting which Agreement and form thereof are hereby approved.

SECTION 2. A copy of the Agreement, in the form presented at this meeting and so approved, shall be filed with the Secretary of the Township and shall be made available for public inspection at reasonable times.

SECTION 3. In accordance with Act of July 12, 1972, P.L. 762, No. 180, as amended, 53 P.S. §487, it is hereby specified that:

- A. The conditions of the Agreement are that the parties agree to the realignment, reconstruction, and relocation of that portion of Radio Road as shown on Exhibit "A" of the Agreement.
- B. Work under the Agreement shall be completed by September 1, 1989. The Township and the Borough shall have a reasonable time after the completion of the work to take the necessary steps to vacate existing portions of Radio Road.
- C. The purpose and objectives of the Agreement are to enable the relocation, reconstruction, and realignment of Radio Road in such a manner as to improve traffic safety and conditions.
- D. The cost of engineering services shall be born by the developer. Each of the parties shall pay one-third (1/3) of the cost of the project. It is estimated that each party will be responsible for the payment of Fifty-Three Thousand Three Hundred (\$53,300) Dollars based upon the cost estimate. Developer shall post an improvement gaurantee satisfactory to both the Borough and the Township in an amount equal to Fifty-Three Thousand Three Hundred (\$53,300) Dollars which shall be posted prior to the date set for opening bids.
- E. There is no organizational structure necessary to implement the Agreement.
- F. The Developer shall dedicate to the municipalities the bed of the proposed relocated Radio Road. After construction of the improvements is completed, the Township and the Borough shall take such steps as are necessary to vacate and abandon the existing portion of Radio Road.
- G. No separate entity shall be created. The Township, Borough and Developer have authority to enter into contracts for policies of group insurance and employee benefits.

SECTION 4. The Chairman or the Vice-Chairman of the Board of Supervisors and the Secretary of the Township, as applicable, are hereby authorized and directed to execute, attest and deliver the Agreement, on behalf of the Township, in the form so approved.

SECTION 5. The proper officers of the Township are hereby authorized and directed to execute all documents and perform all other acts that may be necessary and proper to implement this ordinance and the obligations and rights of the Township under the Agreement.

SECTION 6. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not effect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 7. This Ordinance shall become effective five (5) days after its enactment as provided by law.

DULY ORDAINED AND ENACTED this 12<sup>TH</sup> day of May, 1988, by the Board of Supervisors of the Township of Mount Joy in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY

By: Dean R. Steinkamp  
Chairman, Board of  
Supervisors

Attest:

Richard E. Fournier  
Secretary

[TOWNSHIP SEAL]