

OFFICIAL

**BOROUGH OF CRAFTON
ORDINANCE NO. _____**

AN ORDINANCE OF THE BOROUGH OF CRAFTON,
ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING
THE BOROUGH TO ENTER INTO A TEMPORARY LICENSE
AND COOPERATION AGREEMENT WITH THE CITY OF
PITTSBURGH FOR THE PURPOSE OF PAVING INGRAM
AVENUE BETWEEN DUNCAN AVENUE AND STEUBEN
STREET AND APPORTIONING THE COST OF SAME.

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2301, *et seq.*, as amended, (the “Intergovernmental Cooperation Act”) and Section 1202(24) of the Pennsylvania Borough Code, 8 Pa.C.S. § 1202(24), as amended, the Borough of Crafton (“Borough”) is authorized to enter into joint cooperation agreements with other local governments for the performance or exercise of governmental functions, powers, and responsibilities; and

WHEREAS, the portion of Ingram Avenue between Duncan Avenue and Steuben Street is owned by the Borough; and

WHEREAS, the City of Pittsburgh (“City”) has agreed to resurface Ingram Avenue between Duncan Avenue and Steuben Street provided that the Borough agree to pay the cost of the improvement for the Borough-owned portion (the “Ingram Avenue Paving Project”); and

WHEREAS, the City has requested that the Borough execute a Temporary License and Cooperation Agreement (“Agreement”), which, among other things, sets forth the terms, conditions, and the Borough’s and City’s responsibilities related to the allocation of costs for the Ingram Avenue Paving Project;

WHEREAS, the Council of the Borough is willing to enter into such an Agreement with the City and desires to authorize the appropriate Borough officials to execute the Agreement and to take any and all actions necessary to effectuate its purpose; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act, the Borough may only enter into an intergovernmental cooperative agreement upon the passage of an ordinance by Borough Council.

NOW, THEREFORE, the Council of the Borough of Crafton hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. The Temporary License and Cooperation Agreement with the City that sets forth the terms, conditions, and the Borough’s and City’s responsibilities related to the Ingram Avenue Paving Project, a copy of which is attached hereto and incorporated herein as Attachment “A”, is hereby approved.

SECTION 2. The appropriate Borough officials are hereby authorized and directed, in the name and on behalf of the Borough, to execute or cause to be executed the aforesaid Cooperation Agreement and to take such other actions as shall be necessary to effectuate its purpose.

SECTION 3. Pursuant to the requirements of the Intergovernmental Cooperation Act, the terms of the Temporary License and Cooperation Agreement and this Ordinance set forth: (1) the conditions of agreement for the cooperation of the Borough and the above-referenced municipalities; (2) the duration of the term of the agreement; (3) the purposes and objectives of the agreement; (4) the manner and extent of financing the agreement; and (5) the organizational structure necessary to implement the agreement. Due to the nature of Temporary License and Cooperation Agreement, §§2307(6) and (7) of the Intergovernmental Cooperation Act do not apply.

SECTION 4. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

SECTION 5. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 6. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this ____ day of _____, 2019, by the Council of the Borough of Crafton in lawful session duly assembled.

ATTEST:

BOROUGH OF CRAFTON

Carissima Kerns
Borough Secretary

By: _____
Coletta Perry
President, Borough Council

EXAMINED and **APPROVED** this ____ day of _____, 2019

James G. Bloom
Mayor