

ORDINANCE NO. _____

AN ORDINANCE FOR THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, PURSUANT TO SECTIONS 1230 AND 1305 OF THE SECOND CLASS TOWNSHIP CODE AND SECTION 5 OF THE ACT RELATING TO INTERGOVERNMENTAL COOPERATION, APPROVING AN AGREEMENT BETWEEN THE TOWNSHIP OF UPPER BERN AND THE TOWNSHIP OF UPPER TULPEHOCKEN, SETTING FORTH THE RIGHTS AND DUTIES OF THE TOWNSHIPS REGARDING CERTAIN BOUNDARY BRIDGES.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Upper Bern, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. The Township will enter into an agreement setting forth the rights and duties of the Township and the Township of Upper Tulpehocken regarding certain bridges that span the boundary line between the Townships. A true and correct copy of the form of that agreement is incorporated by reference thereto, made a part hereof, and attached as Exhibit "A" to this Ordinance.

SECTION 2. The Chairman of the Board of Supervisors is hereby authorized to execute two originals of the Agreement, one of which originals shall be kept on file by the Secretary in the records of the Township and the other of which will be delivered to the Township of Upper Tulpehocken.

SECTION 3. The conditions, duration, term, purpose, and objectives of the Agreement are as set forth at Exhibit "A". Financing necessary to carry out the respective duties incurred by the Agreement shall be the responsibility of the respective Townships. Unless authorized by resolution of the Board, no real or personal property shall be acquired or disposed of for purposes of this Agreement. The

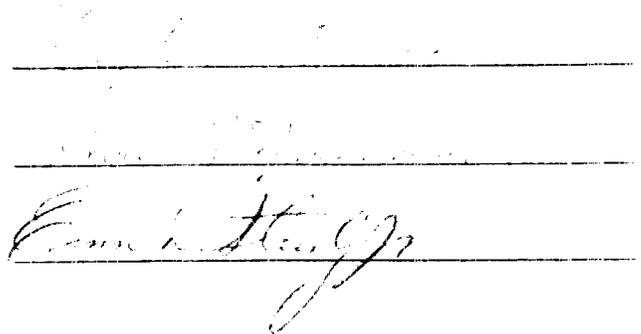
Township Supervisors are charged with managing all the Township property to be used in carrying out the terms of this Agreement. There will be no organizational structure or special entity required to implement the terms of this Agreement.

SECTION 4. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 5. This Ordinance shall become effective in accordance with law.

ENACTED AND ORDAINED THE 5 day of October, 1988.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF UPPER BERN



A G R E E M E N T

THE TOWNSHIP OF UPPER BERN and the TOWNSHIP OF UPPER TULPEHOCKEN, of Berks County, Pennsylvania, ("Townships") hereby enter into an Agreement setting forth the rights and duties of the Townships regarding certain bridges that span, or are believed by the Townships to span, the boundary line between the Townships;

WHEREAS, the Townships, have identified certain bridges that span the boundary line between the Townships and which bridges have heretofore been subject to the control and maintenance of one or the other, or both, of the Townships; and

WHEREAS, it is the desire of the Townships to identify, establish, and clearly set forth the respective rights and duties of the Townships regarding the bridges in order to ensure the proper care and maintenance of the bridges and to enhance, generally, the efficient operation of the governments of the respective Townships; and

WHEREAS, pursuant to the authority vested in the Townships by the Township Code, including, but not limited to, Sections 1305 and 1230, and pursuant to the Inter-governmental Cooperation Act of 1972, the Townships enter into this Agreement in a spirit of cooperation and with a desire to promote the general welfare of the citizens of the Townships:

W I T N E S S E T H :

It is hereby understood and agreed, upon consideration of the mutual rights and duties conferred and imposed upon each other,

EXHIBIT "A"

that the Townships, intending to be legally bound hereby, mutually agree and covenant as follows:

1. The bridges known as Feick's Bridge, at or near the intersection of Mollhead Creek and Northkill Creek, Forge Dam Bridge, at or near Forge Dam, and Northkill Road North Bridge (Bloody Springs Road Bridge), south of Northkill Bridge, will be the responsibility of the Township of Upper Bern as to the care, maintenance, and control of said bridges to the same extent as would be required by law if such bridges were located completely within the territorial limits of the Township of Upper Bern. Said bridges are further identified by location on a map that has been reviewed by the Townships, a copy of which is attached hereto at Exhibit "A".

2. The bridges known as Riegel Farm Bridge, north of I-78 near Campsite Road, Old Route 22 Bridge, at or near the intersection of Northkill Creek with Old Pa. Route 22, and Kershner's Bridge, at or near the intersection of Northkill Road South and Northkill Creek, will be the responsibility of the Township of Upper Tulpehocken as to the care, maintenance, and control of said bridges to the same extent as would be required by law if such bridges were completely within the territorial limits of the Township of Upper Tulpehocken. Said bridges are further identified by location on a map that has been reviewed by the Townships, a copy of which is attached hereto at Exhibit "A".

3. The Townships, as to the respective bridges that have been identified in Paragraphs 1 and 2 above as being within their individual responsibility, will indemnify and hold each other harmless for and from any and all manner of causes of action, suits, and claims arising out of or based upon any alleged failure to fulfill the respective responsibilities as set forth at Paragraphs 1 and 2 above.

4. The Townships will undertake any and all steps required by any Federal, Commonwealth, or County agency to enable one another to procure any funds or other assistance that may be available from such agencies for the care, maintenance, and proper control of the respective bridges.

5. The Townships will undertake to cooperate with one another regarding the care, maintenance, and control of the respective bridges by, among other things, permitting reasonable temporary access within each other's rights of way and providing reasonable assistance, as may be required from time to time, to each other so that the one or the other of the Townships may be able to fully discharge its respective responsibilities as set forth in Paragraphs 1 and 2 above.

6. The Townships will undertake to enact appropriate ordinances pursuant to the Inter-governmental Cooperation of Act of 1972 to effect the terms and conditions of this Agreement, which Agreement, and the rights and duties thereunder, is conditioned upon the enactment of such ordinance by each of the

Townships and will not become effective until such ordinances are effective pursuant to the Township Code.

7. This Agreement will thereafter remain effective, unless rescinded upon mutual agreement of the Townships in writing and upon sixty (60) days written notice from one Township to the other Townships and upon effective date of Ordinance rescinding the Agreement.

WHEREUPON, we do set our hands and seals.

UPPER BERN TOWNSHIP

[Handwritten Signature]
Chairman

Attest:

(SEAL)

Helene A. Bosby
Secretary

UPPER TULPEHOCKEN TOWNSHIP

Chairman

Attest:

(SEAL)

Secretary

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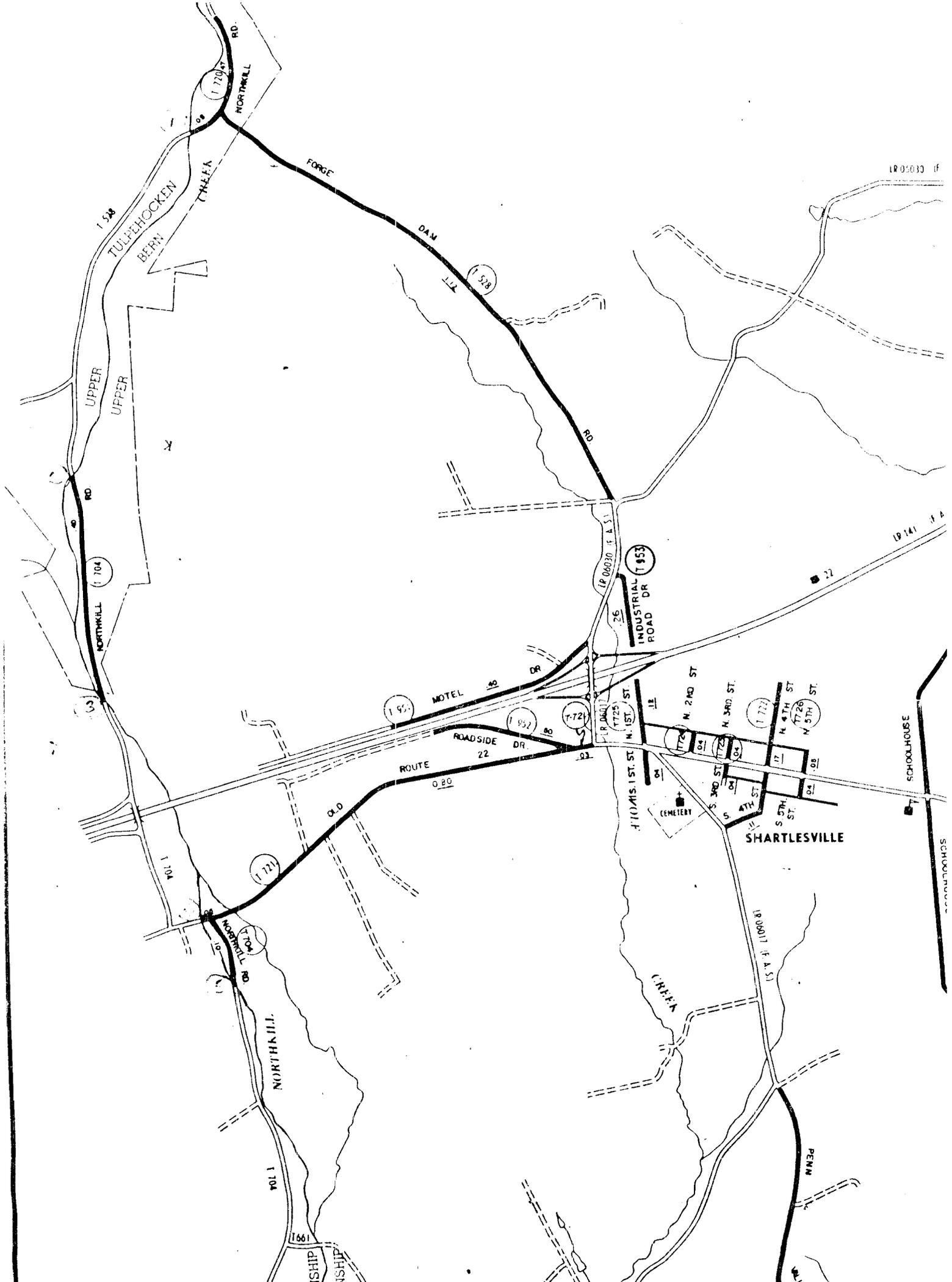
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Upper Bern Township Board of Supervisors

R. D. #1, BOX 184, BERNVILLE, PA. 19506

- | | |
|---|------------------------|
| (1) - Forge Dam Bridge | Upper Bern Twp. |
| (2) - Northkill Road North Bridge
(Bloody Spring Bridge) | Upper Bern Twp. |
| (3) - Riegel Farm Bridge | Upper Tulpehocken Twp. |
| (4) - Old Route 22 Bridge | Upper Tulpehocken Twp. |
| (5) - Kershner's Bridge | Upper Tulpehocken Twp. |
| (6) - Feick's Bridge | Upper Bern Twp. |



LR 05030 IF

LR 141 IF A

SHARTLESVILLE

SCHOOLHOUSE

SCHOOLHOUSE

154

104

103

1101

1721

1704

1104

166

1951

1992

7721

1725

190030 IF A S1

1953

26

1721

1721

1726

1726

190011 IF A S1

190011 IF A S1

190011 IF A S1

UPPER
UPPER

TULPEHOCKEN
BERN

CREEK

FORGE

DAM

1528

RD

MOTEL

ROADSIDE

ROUTE 22

OLD

NORTHKILL

NORTHKILL

SHIP

SHIP

INDUSTRIAL
ROAD DR

CEMETERY

CREEK

PENN

SCHOOLHOUSE

SCHOOLHOUSE

UPPER
UPPER

TULPEHOCKEN
BERN

CREEK

FORGE

DAM

1528

RD

MOTEL

ROADSIDE

ROUTE 22

OLD

NORTHKILL

NORTHKILL

SHIP

SHIP

INDUSTRIAL
ROAD DR

CEMETERY

CREEK

PENN

SCHOOLHOUSE

SCHOOLHOUSE