

ORDINANCE NO. 001 -- 2023

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE
COUNTY, PENNSYLVANIA, AUTHORIZING A CHANGE OF BOROUGH
BOUNDARY WITH RUSH TOWNSHIP

WHEREAS, the Borough Council of the Borough of Phillipsburg has engaged in numerous discussions with the Board of Supervisors of Rush Township relative to the alteration of the boundary between the two municipalities, generally for the purpose of including in the Borough boundary certain property owned by the Borough of Phillipsburg and known as the "Project 70" Recreation Area; and

WHEREAS, during discussions between representatives of the Borough and Township it has become apparent that the purposes of the boundary change would be enhanced for both municipalities if the boundary change also included the intersection of "Powder Magazine Road" and U.S. Route 322; and

WHEREAS, the Borough and Township have discussed that the boundary change will transfer to the Borough a large portion of "Dike Road" as well, along with a small portion of "Powder Magazine Road," the remainder of which will remain in the Township; and

WHEREAS, this Ordinance was introduced at the regular monthly meeting of the Borough Council held on the 18th day of September, 2023, and, following due and proper notice, the Township conducted a public meeting on the 2nd day of October, 2023, pursuant to §715 (d) of the Act of July 7, 2022, P.L. 455, NO. 41, Title 53 Pa. C. S. §711, *et seq.* (hereinafter, "the Act"), for the receipt of public comment on the proposed ordinance; and

WHEREAS, the Borough Council of the Borough of Philipsburg finds that it is in the best interest of the Borough and its residents to affectuate to the boundary change as proposed, and to adopt and ordain the boundary change as described herein;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Philipsburg Borough Council, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: The Board of Supervisors hereby approves the boundary change to include within the Borough that property described in the description attached hereto as Exhibit A.

SECTION 2: Attached as Exhibit B, is a map showing the relevant Borough boundary prior to this boundary change.

SECTION 3: Attached as Exhibit C, is a map showing the relevant Borough boundary after this boundary change.

SECTION 4: Attached as Exhibit D, is a map showing the relevant Township boundary prior to this boundary change.

SECTION 5: Attached as Exhibit E, is a map showing the relevant Township boundary after this boundary change.

SECTION 6: The Borough, through its duly appointed officers, hereby is authorized and directed to enter into any Agreement with Rush Township to carry out the terms of this Ordinance and to clarify or confirm any terms of this boundary change, so long as the agreement is not inconsistent with the terms of this Ordinance.

SECTION 7: The Borough Solicitor, Manager, Secretary, and any other appropriate officers hereby are authorized and directed to take whatever steps are

necessary to carry out the effects of the Petition, including but not limited to the providing of formal notice to any persons or entities required by the Act or the taking of any action necessary in the Courts of Centre County. In short, the proper officers of the Borough are authorized and directed to carry out this matter to its conclusion.

SECTION 8: Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 9: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed insofar as the same affects this Ordinance.

ADOPTED as an Ordinance of the Philipsburg Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 16th day of October, 2023.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals this 18th day of December, 2023.

ATTEST:

BOROUGH OF PHILIPSBURG

Shelley R. Wapstrom
Secretary

BY Kathy Kahrnsky
President of Council

EXAMINED AND APPROVED by me this 18th day of December, 2023.

John Sch...
Mayor