TOWNSHIP OF MAIDENCREEK,
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 253

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES (ORDINANCE 223) TO ADOPT AND APPROVE AMENDMENTS TO THE ARTICLES OF INCORPORATION OF MAIDENCREEK TOWNSHIP AUTHORITY, AS PROPOSED BY RESOLUTION OF THE BOARD OF SAID AUTHORITY; SETTING FORTH THE PROPOSED AMENDMENTS, AUTHORIZING SAID AUTHORITY AND THE PROPER OFFICERS THEREOF TO EXECUTE, VERIFY AND FILE APPROPRIATE ARTICLES OF AMENDMENT; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH

WHEREAS, the Maidencreek Township Authority ("Authority") was incorporated under the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth of Pennsylvania ("Act") by the Township of Maidencreek, Berks County, Pennsylvania ("Township") pursuant to Articles of Incorporation dated October 27, 1971 and filed with the Department of State of the Commonwealth of Pennsylvania on December 6, 1971; and

WHEREAS, the Authority, by Resolution dated January 21, 2021 duly adopted, has proposed to amend its Articles of Incorporation so as to: (1) amend the Authority's registered office to 1A Quarry Road, P. O. Box 289, Blandon, Berks County, Pennsylvania 19510; and (2) increase the Authority's term of existence until January 21, 2070, which amendment is authorized and permitted by the Act; and

WHEREAS, the Authority has caused to be submitted to the Board of Supervisors of the Township a copy of the Resolution of the Board of the Authority wherein said amendments are proposed, which Resolution contains the language of said proposed amendments; and

WHEREAS, the Act provides, among other things, that the Board of Supervisors of the Township, being the governing authority of the municipality composing the Authority, shall adopt or reject said proposed amendments by ordinance or resolution.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. The Code of the Township of Maidencreek Berks county Pa is hereby amended as follows:

A. Part I Administrative Legislation, Chapter 5 Authorities, Article II Maidencreek Township Authority is hereby amended by adding new Section 5-12 to read as follows: "The Board of Supervisors of the Township hereby adopts and approves the amendments to the Articles of Incorporation of the Authority as proposed by a Resolution dated January 21, 2021 duly adopted by the Board of the Authority, a copy of which Resolution is attached hereto as Exhibit "A" and made a part hereof."

B. Part I Administrative Legislation, Chapter 5 Authorities, Article II Maidencreek Township Authority is hereby amended by adding new Section 5-13 to read as Follows: " The Articles of Incorporation of the Authority shall be amended to change the registered office to 1A Quarry Road, P. O. Box 289, Blandon, Berks County, Pennsylvania 19510.:

C. Part I Administrative Legislation, Chapter 5 Authorities, Article II Maidencreek Township Authority is hereby amended by adding new Section 5-14 to read as follows: The Articles of Incorporation of the Authority shall be amended to increase the term of existence of the Authority until January 21, 2070".

D. Part I Administrative Legislation, Chapter 5 Authorities, Article II Maidencreek Township Authority is hereby amended by adding new Section 5-15 to read as follows: The proposed Articles of Amendment implementing this changes attached to this ordinance as Exhibit B are hereby adopted and approved for filing with the Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations and the proper officers of the Authority are hereby authorized to take any and all actions necessary or appropriate to implement the terms of this Ordinance.

Section 2. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 3. All ordinances or parts of ordinances of the Township which are inconsistent herewith are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 4. This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

DULY ENACTED AND ORDAINED this _____ day of _____, 2021, in lawful session duly assembled.

TOWNSHIP OF MAIDENCREEK,
BERKS COUNTY, PENNSYLVANIA

By: _____
Claude Beaver, Chairman

By: _____
David Franke, Vice Chairman

By: _____
Heidi Fiedler, Member

Attest: _____
Diane Hollenbach, Secretary

MAIDENCREEK TOWNSHIP AUTHORITY

RESOLUTION NO. 03-01-2021

A RESOLUTION OF THE MAIDENCREEK TOWNSHIP AUTHORITY ADOPTING AMENDMENTS TO THE ARTICLES OF INCORPORATION OF THE AUTHORITY TO AMEND THE REGISTERED OFFICE OF THE AUTHORITY AND TO INCREASE THE TERM OF EXISTENCE OF THE AUTHORITY

WHEREAS, the Maidencreek Township Authority ("Authority") was incorporated under the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth of Pennsylvania ("Act") by the Township of Maidencreek, Berks County, Pennsylvania ("Township") pursuant to Articles of Incorporation dated October 27, 1971 and filed with the Department of State of the Commonwealth of Pennsylvania on December 6, 1971 ("Articles of Incorporation"); and

WHEREAS, the current registered office of the Authority is Maidencreek Township Municipal Building, Molltown, Berks County, Pennsylvania; and

WHEREAS, the Board of the Authority desires to amend the Articles of Incorporation of to reflect the address of the Authority's registered office to the current offices of the Authority, 1A Quarry Road, P. O. Box 289, Blandon, Berks County, Pennsylvania 19510; and

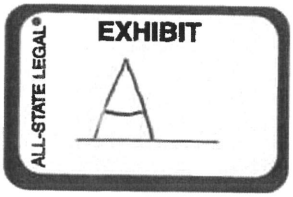
WHEREAS, the Authority's term of existence is scheduled to expire on December 6, 2021; and

WHEREAS, the Board of the Authority desires to amend the Articles of Incorporation pursuant to Subsection 5605(a)(2) of the Act to add to the Articles of Incorporation a statement increasing the term of existence of the Authority until January 21, 2070, a date approximately fifty (50) years from the date of this Resolution; and

WHEREAS, the Act requires that this Resolution be adopted for the purposes of amending of the Articles of Incorporation, setting forth the Articles of Amendment and directing submission of the same to the Board of Supervisors of the Township for its adoption or rejection; and

WHEREAS, the Board of the Authority desires to request the Board of Supervisors of the Township to specifically adopt and approve, by Ordinance or Resolution, the Articles of Amendment of the Authority attached hereto as Exhibit "A" and made a part hereof ("Articles of Amendment"), amending the address of the Authority's registered office to 1A Quarry Road, P. O. Box 289, Blandon, Berks County, Pennsylvania 19510, and increasing the term of existence of the Authority until January 21, 2070; and

WHEREAS, the Board of the Authority desires to authorize and direct the taking of all related necessary and appropriate actions for the approval, adoption and filing of the Articles of Amendment.



NOW, THEREFORE, BE IT RESOLVED by the Board of the Maidencreek Township Authority, and it is hereby resolved by the authority of the same as follows:

Section 1. The Articles of Amendment are hereby approved and, following approval and adoption thereof by the Board of Supervisors of the Township, shall be executed by the proper officers of the Authority and filed with the Pennsylvania Department of State, Bureau of Corporations and Charitable Organizations, following advertisement of the intention to file the Articles of Amendment, all in compliance with the Act.

Section 2. The proper officers of the Authority and the Solicitor to the Authority are hereby authorized and directed to submit a proposed Ordinance or Resolution and the Articles of Amendment to the Board of Supervisors of the Township for adoption or rejection.

Section 3. The proper officers of the Authority and the Solicitor to the Authority are hereby authorized and directed to take all such actions, and any and all additional actions, with respect to such approval, adoption, advertisement and filing as are necessary or appropriate to effect the purposes of this Resolution and the Articles of Amendment.

Section 4. The Articles of Incorporation, as so finally amended by the Articles of Amendment, shall be amended so that the matters set forth in the Articles of Amendment shall be added to the Articles of Incorporation.

DULY ADOPTED this 21st day of January, 2021.

MAIDENCREEK TOWNSHIP AUTHORITY

By: Daniel Novakovich
Daniel Novakovich, Chairman

By: James L. Nothwehr
James L. Nothwehr, Vice Chairman

By: Karl A Bolognese
Karl A. Bolognese, Member

By: Jack L May Jr
Jack May, Member

Attest: Jerry Hartman
Jerry Hartman, Secretary

PENNSYLVANIA DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

☐ Return document by mail to:
Nancy L. Hess, Paralegal
Kozloff Stoudt, Professional Corporation
2640 Westview Drive
Wyomissing, PA 19610

☒ Return document by email to: nhess@kozloffstoudt.com

ARTICLES OF AMENDMENT

TO: PENNSYLVANIA DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

In compliance with the requirements of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth of Pennsylvania, and pursuant to an adopted Resolution of the Maidencreek Township Authority ("Authority") and an enacted Ordinance of the Township of Maidencreek, Berks County, Pennsylvania ("Township"), the sole organizing municipality of the Authority, the Articles of Incorporation of the Authority are hereby amended pursuant to these Articles of Amendment, as follows:

1. The name of the Authority is: Maidencreek Township Authority

2. The address of the Authority's current registered office in this Commonwealth and the county of venue is: Maidencreek Township Municipal Building, Molltown, Pennsylvania, Berks County

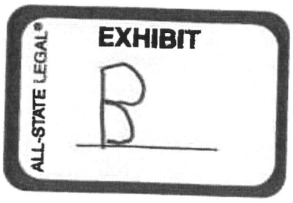
3. The Authority was formed under the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth of Pennsylvania, as evidenced by Articles of Incorporation dated October 27, 1971 and filed with the Department of State of the Commonwealth of Pennsylvania on December 6, 1971.

4. The Resolution of the Board of the Authority approving these Articles of Amendment are attached hereto as Exhibit "A" and made a part hereof; and the Ordinance of the Board of Supervisors of the Township, the incorporator of the Authority, approving and adopting these Articles of Amendment are attached hereto as Exhibit "B" and made a part hereof.

5. The Amendment adopted by the Authority, set forth in full, is as follows:

   (a) The address of the Authority's registered office in this Commonwealth and the county of venue shall be amended so as to hereafter read as follows: 1A Quarry Road, P. O. Box 289, Blandon, Pennsylvania 19510, Berks County

   (b) The term of existence of the Authority is hereby increased until January 21, 2070.



6. The Amendment shall be effective upon filing these Articles of Amendment in the Department of State.

IN WITNESS WHEREOF, the undersigned duly authorized officers of the Authority have executed these Articles of Amendment and impressed the seal of the Authority thereon this 21st day of January, 2021.

MAIDENCREEK TOWNSHIP AUTHORITY

By: Daniel Novakovich

Daniel Novakovich, Chairman

Attest: Jerry Hartman

Jerry Hartman, Secretary