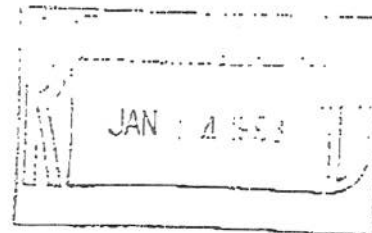


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AN ORDINANCE 7-97

CREATING INTERGOVERNMENTAL COOPERATION FOR THE
LACKAWANNA RIVER HERITAGE RAIL TRAIL
BY AND AMONG THE BOROUGHS OF ARCHBALD, BLAKELY AND JESSUP,
THE CITY OF SCRANTON, AND THE LACKAWANNA
HERITAGE VALLEY AUTHORITY

WHEREAS, the Lackawanna Heritage Valley Authority (the "Authority") shall acquire certain lands along the Lackawanna River in the Boroughs of Archbald, Blakely, and Jessup, and the City of Scranton, and will convey the lands acquired in each municipality to the municipality in which the lands are located for the purposes of creating a recreational trail/park known as the Lackawanna River Heritage Trail (hereinafter called the "Trail"); and

WHEREAS, it is believed by the Borough of Blakely that the citizens within its political boundaries will be benefitted by a management and maintenance program in connection with the Trail jointly administered by the Lackawanna River Heritage Trail Committee comprised of representatives of the participating municipalities and the Authority (the "Committee"), which program shall comply with all applicable laws; and

WHEREAS, the Area Government and Intergovernmental Cooperation Act (P.L. 1158, No. 177; 53 Pa.C.S.A. § 2301 et seq., herein called the "Act") permits municipalities to enter into agreements to cooperate in the powers and responsibilities of recreation trail activities; and

WHEREAS, the Borough of Blakely wishes to enter into an agreement by and among the Boroughs of Archbald, Blakely, and Jessup, and the City of Scranton and the Lackawanna Heritage Valley Authority, which would create the Committee and provide for the rights and responsibilities of the parties in the management and maintenance of the Trail.

NOW THEREFORE, BE IT ORDAINED BY the Council of the Borough of Blakely that:

ARTICLE I
CONDITIONS OF AGREEMENT

The Borough of Blakely is authorized to enter into an Intergovernmental Agreement of Cooperation (the "Agreement") by and among the Boroughs of Archbald, Blakely, and Jessup, the City of Scranton, and the Authority, as authorized by the Act, to create

Trail within a municipality to the Committee to cover annual expenditures and future resurfacing;

(g) To name Lackawanna Heritage Valley Authority to manage administrative duties on behalf of the Committee for two years from the date the deeds are conveyed to the municipality;

(h) To set forth Rules and regulations for the Trail;

(i) To establish cooperative law enforcement on the Trail;

(j) To allow for the addition of new municipal participants as the Trail is developed.

ARTICLE IV FINANCING

(a) The Borough of Blakely agrees to contribute to the Committee in accordance with its budget, as adjusted from time to time, the amounts of cash necessary to fund its portion of the Committee's operations, with each municipality's contribution being a prorated share of the entire amount budgeted for the year. The amount of each municipality's contribution is determined on the basis of the length of former Ontario and Western Railroad and Central railroad, New Jersey right of way within the municipal boundaries of each municipality, rounded to the nearest tenth of a mile. For the first year, the contributions, calculated at \$4,000.00 per mile right of way, are as follows:

1. The Borough of Archbald
1.1 miles; annual cost - \$4,400.00
2. The Borough of Blakely
1.2 miles; annual cost - \$4,800.00
3. The Borough of Jessup
.9 miles; annual cost - \$3,600.00
4. The City of Scranton
1.5 miles; annual
cost - \$6,000.00

(b) The municipalities shall make payments of their annual contribution to the Committee in four equal installments by the fifth day of the month at the beginning of each quarter commencing the second quarter of the year (April, July, October and January).

ARTICLE V
ORGANIZATIONAL STRUCTURE

The Trail shall be managed and maintained by the Committee. Each municipality shall have one vote, as delineated in the Agreement. The Committee shall direct the administration of the Trail management and maintenance programs and related activities pursuant to this Agreement and all amendments thereto.

ARTICLE VI
MANNER IN WHICH REAL PROPERTY SHALL BE
ACQUIRED, MANAGED, LICENSED OR DISPOSED OF

(a) Each municipality shall acquire real estate for that portion of the Trail that lies within the municipal boundaries from the Authority by deed. Property, equipment, and buildings which are acquired by the municipalities and donated or designated for incorporation into the trail or for uses in connection therewith shall be administered and maintained by the Committee for the benefit of all citizens of all the municipalities.

(b) Each municipality agrees to make available without charge for use by the Committee the real estate acquired for inclusion in the Trail by each municipality through the Authority. It is understood and agreed upon that existing property under the control of the municipalities currently used for parks and recreation purposes will be made available and open to the public for Trail use.

(c) The maintenance and operation of these park facilities will continue to be the responsibility of each separate municipality unless otherwise agreed upon.

(d) The municipalities agree to be responsible for and maintain all facilities and property that they own in a safe and reasonable condition.

ARTICLE VII

The Committee shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

ORDAINED AND ENACTED this 15th day of December,
1997.

BOROUGH OF BLAKELY

BY: Robert J. Munda
PRESIDENT OF COUNCIL

ATTEST:

Charles J. Cusker
SECRETARY

Approved this 15th day of December, 1997.

Mayor Paul W. Klink
MAYOR