

1997-2

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF WATER MANAGEMENT

RESOLUTION

Be it resolved by the Borough of West Newton, hereinafter designated as SPONSOR; and

WHEREAS, serious flooding and flood damages recur along Scholl Run endangering the public health and welfare; and

WHEREAS, the Department of Environmental Protection of the Commonwealth of Pennsylvania has proposed a flood protection project to divert floodwaters away from the community, and

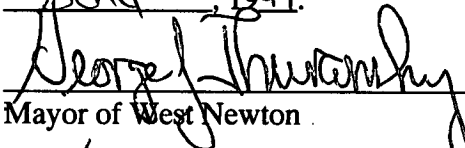
WHEREAS, the Department of Environmental Protection will undertake, at its cost, to design and construct the work aforementioned.

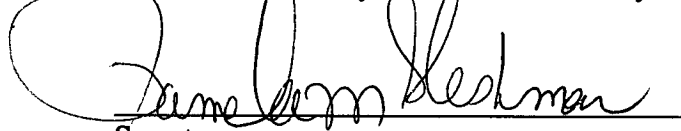
NOW, THEREFORE, in consideration of the work aforementioned and of the benefits to be derived, the SPONSOR, in regular (regular or special) session, does hereby agree to acquire and furnish at the SPONSOR'S cost, all lands, easements and rights-of-entry required for surveys, foundation investigations, construction and maintenance of the project, including the removal of buildings and other structures which interfere with the construction of the project, the relocation of utilities, borrow and spoil areas, and the removal or rebuilding of inadequate bridges as may be required. The SPONSOR does hereby agree to all assurances and conditions of sponsorship specified in the letter of proposal of the Department of Environmental Protection dated May 2, 1997 and addressed to Pamela M. Fleshman, Secretary, said letter attached hereto and made part hereof.

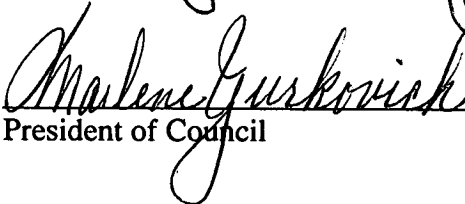
The SPONSOR does hereby guarantee to indemnify, protect and save free the Commonwealth of Pennsylvania, Department of Environmental Protection and/or its contractors and agents jointly and severally from and against any and all claims, damages, demands or actions in law or in equity resulting from any damage to property, public or private, by reason of the aforesaid work. The SPONSOR further agrees to maintain at its own expense, the completed projects which are constructed by or for the Commonwealth as part of the aforesaid work. Instructions regarding maintenance of the completed work will be furnished by the Department of Environmental Protection. *Contingent upon the Borough acquiring adequate funding to support the project.*

I hereby certify that the foregoing Resolution was adopted at a regular (regular or special) meeting of the Council, Borough of West Newton, Westmoreland County, held on the 21<sup>st</sup> day of

July, 1997.

  
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Mayor of West Newton

  
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Secretary

  
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President of Council