

No. 434

AN ACT

SB 1064

Amending the act of May 2, 1945 (P. L. 382), entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," providing for the merger and consolidation of Authorities leasing projects to the same reorganized school district.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of May 2, 1945 (P. L. 382), known as the "Municipality Authorities Act of 1945," is amended by adding after section 3.2, a new section to read:

Section 3.3. Merger and Consolidation Authorized.—A. Any two or more existing Authorities, all the projects of all of which are leased to the same reorganized school district may in the manner hereinafter provided in this section be merged into one such Authority hereinafter designated as the surviving Authority, or consolidated into a new Authority to be formed in the manner hereinafter provided.

B. Articles of Merger, or Articles of Consolidation, as the case may be, shall first be proposed by the board of school directors of the reorganized school district leasing the projects. The governing body of such school district and of any other municipality or municipalities incorporating one or more of the existing Authorities shall each adopt a resolution which shall contain the language of the proposed merger or consolidation. The Articles of Merger or Consolidation shall be signed by the proper officers of the respective school districts and other municipalities if any and under their respective municipal seals and shall set forth the following:

(1) The name of the surviving or new Authority.

(2) The location of the registered office of the surviving or new Authority.

(3) The names and addresses and term of office of the members of the board of the surviving or new Authority as specified in the plan of merger or consolidation and the initial terms of office shall be staggered as provided in this act with respect to the incorporation of an Authority.

(4) A statement indicating the date on which each existing Authority was formed and the purpose for which it was formed, taken from the Articles of Incorporation, the name of the original incorporating school district or districts or other incorporating municipality or municipalities and the name of any successor to any thereof.

(5) The time and place of the meetings of the governing bodies of the school district and other municipalities parties to the plan of merger or consolidation.

(6) A statement of the plan of merger.

(7) Any changes in the Articles of Incorporation of the surviving Authority in the case of a merger, and a statement of the Articles of Incorporation in full in the case of the new Authority to be formed, in each case in conformity with the provisions of the act relating to the Incorporation of Authorities, except that any item required to be stated which is covered elsewhere in the Articles of Merger or Consolidation need not be repeated.

C. The reorganized school district and each other municipality party to the plan of merger or consolidation shall cause a notice of the resolution setting forth the merger or consolidation to be published at least one time in the legal periodical of the county or counties in which such surviving Authority is to be organized and at least one time in a newspaper published and of general circulation in such county or counties. Said notice shall contain a brief statement of the substance of the resolution including the substance of the Articles

of Merger making reference to this act and shall state that on a day certain not less than three days after publication of such notice Articles of Merger or Consolidation shall be filed with the Secretary of the Commonwealth of Pennsylvania. The aforesaid publication of such notice shall be sufficient compliance with the laws of the Commonwealth of Pennsylvania or any existing laws dealing with publication for municipalities.

D. The Articles of Merger or Consolidation shall be filed on or before the day specified in the advertisement and shall be filed with the Secretary of the Commonwealth, together with the proof of publication of the notice required by the preceding subsection C.

E. The Secretary of the Commonwealth shall file the Articles of Merger or Consolidation and the proof of advertisement heretofore required forthwith but not prior to the day specified in the advertisement, certify thereon the date of such filing when all fees and charges have been paid, and shall ¹ issue to the surviving or new Authority or its representative a Certificate of Merger or Consolidation to which shall be attached a copy of the filed Articles of Merger or Consolidation.

F. Upon the filing of the Articles of Merger or the Articles of Consolidation by the Secretary of the Commonwealth, the merger or consolidation shall be effective, and in the case of a consolidation the new Authority shall come into existence, and, in either case the Articles of Merger and Consolidation shall constitute the Articles of Incorporation of the surviving or new Authority, and the reorganized school district, lessee of the projects, shall be deemed to be the incorporating municipality of the Authority.

G. Upon the merger or consolidation becoming effective the several existing Authorities to the plan of merger or consolidation shall be

¹ "issuse" in original.

come a single Authority which in the case of a merger shall be that Authority designated in the Articles of Merger as the surviving Authority, and, in the case of a consolidation shall be a new Authority as provided in the Articles of Consolidation. The separate existence of all existing Authorities named in the Articles of Merger or Consolidation shall cease except that of the surviving Authority in the case of a merger.

H. All of the property, real, personal and mixed and all interests therein of each of the existing Authorities named in the plan of merger or consolidation, all debts due and whatever amount due to any of them, including their respective right, title and interest in and to all lease rentals, sinking funds on deposit, all funds deposited under lease or trust instruments shall be taken and deemed to be transferred to and vested in the surviving or new Authority, as the case may be, without further act or deed.

I. The surviving Authority or the new Authority shall thenceforth be responsible for the liabilities and obligations of each of the existing Authorities so merged or consolidated, but subject to the same limitations, pledges, assignments, liens, charges, terms and conditions as to revenues, and restrictions as to, and leases of, properties as were applicable to each existing Authority and the liabilities of the merging or consolidating Authorities of the members of their boards or officers shall not be affected nor shall the rights of creditors thereof or any persons dealing with such Authorities or any liens upon the property of such Authorities or any outstanding bonds be impaired by said merger or consolidation and any claim existing or action or proceeding pending by or against any such Authorities shall be prosecuted to judgment as if such merger or consolidation had not taken place, or the surviving Authority or the new Authority may be proceeded against or substituted in its place.

APPROVED—The 18th day of January, A. D. 1968.

RAYMOND P. SHAFER

No. 435

AN ACT

SB 298

Authorizing the Department of Property and Supplies, with the approval of the Governor, to acquire certain tracts of land in the Townships of Sandy Lake and Lake, Mercer County, for the use of Clarion State College; and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania, for use of Clarion State College, any or all of such right, title or estate as may be available in and to the following tracts of land in the Townships of Sandy Lake and Lake, County of Mercer and Commonwealth of Pennsylvania, bounded and described as follows:

Tract No. 1. All that certain piece or parcel of land situate partly in Sandy Lake Township, Mercer County, Pennsylvania, and partly in Lake Township, Mercer County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center line of a public road known as Route 358 the southeast corner of the land herein conveyed; thence north 60 degrees 28 minutes west a distance of 912.2 feet to a point; thence north 29 degrees 32 minutes east along land of James E. Amon 350 feet to a point; thence by lands of James E. Amon north 60 degrees 28 minutes west a distance of 175 feet to a point; thence south 29 degrees 32 minutes west by land of James E. Amon 117 feet to a point; thence north 60 degrees 28 minutes west by land of John A. Amon 133 feet to a point; thence south 29 degrees 32 minutes west by land of John A. Amon 233 feet to a point in the center line of said Route 358; thence north 60 degrees 28 minutes west a distance of 1,237.2 feet to a point in the center line of said Route 358; thence north 41 degrees 45 minutes east a distance of 1,022 feet to a point; thence north 60 degrees 28 minutes west a distance of 2,300 feet to an iron pin in the center line of a Township road; thence south 85 degrees 44 minutes east by land formerly of Turner now Elmer Silata a distance of 1,410.9 feet to a point; thence