

BOROUGH OF ELIZABETHTOWN

Lancaster County, Pennsylvania

RESOLUTION NO. 2020-14

A RESOLUTION OF ELIZABETHTOWN BOROUGH COUNCIL ADOPTING AND APPROVING A CERTAIN AMENDMENT TO THE ARTICLES OF INCORPORATION OF ELIZABETHTOWN INDUSTRIAL DEVELOPMENT AUTHORITY TO CHANGE THE NAME OF THE AUTHORITY TO ELIZABETHTOWN DEVELOPMENT AUTHORITY AND TO EXTEND THE CORPORATE LIFE OF SAID AUTHORITY; SETTING FORTH SAID PROPOSED AMENDMENT; AUTHORIZING SAID AUTHORITY AND THE PROPER OFFICERS THEREOF AND THE PROPER OFFICERS OF THIS BOROUGH TO EXECUTE, VERIFY, AND FILE APPROPRIATE ARTICLES OF AMENDMENT WITH THE SECRETARY OF THE COMMONWEALTH.

WHEREAS, Elizabethtown Industrial Development Authority (the "Authority") is an economic development authority incorporated and organized under the Economic Development Financing Law (the "Law"), Act of August 23, 1967, P.L. 251, as amended by the Act of December 17, 1993, P.L. 490, 73 P.S. §371 et seq., of the Commonwealth of Pennsylvania, having been incorporated pursuant to action by Borough Council of this Borough; and

WHEREAS, Articles of Incorporation of the Authority were duly filed with the Secretary of the Commonwealth of Pennsylvania on April 11, 2001, and the Authority was duly approved by the Secretary of the Commonwealth and assigned Entity No. 2999290; and

WHEREAS, the Authority is presently organized and operating; and

WHEREAS, by Resolution duly adopted on November 13, 2020, pursuant to the Law, the Authority has requested that its Articles of Incorporation be amended to change its name and to increase its term of existence, which amendments are authorized and permitted by said Law; and

WHEREAS, the Authority has submitted to Borough Council a copy of the Resolution adopted November 13, 2020, by the Board of the Authority, duly certified by the Chair or Vice Chair and Secretary or Assistant Secretary of the Authority, which Resolution contains the proposed Articles of Amendment; and

WHEREAS, the Economic Development Financing Law requires that Borough Council, being the governing body of the municipality which incorporated the Authority, shall adopt or reject said proposed articles of amendment by resolution or ordinance.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Borough Council of the

Borough of Elizabethtown, Lancaster County, Pennsylvania, as follows:

Section 1. The foregoing background recitals are incorporated into and made a substantive part of this Resolution.

Section 2. Borough Council, in accordance with Section 5 of the Law, 73 P.S. §375(c), expressly approves the Articles of Amendment attached hereto as Exhibit A and incorporated herein.

Section 3. In accordance with Section 5(c) of the Law, 73 P.S. §375(c), the appropriate officers of this Borough are authorized to execute the Articles of Amendment in the form set forth in Exhibit A attached hereto and incorporated herein.

Section 4. In accordance with Section 5(d) of the Law, 73 P.S. §375(d), the appropriate officers of this Borough are authorized to advertise the intention to file the Articles of Amendment with the Secretary of the Commonwealth in the manner required by said Law.

Section 5. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of Borough Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 6. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 17th day of December, 2020, by Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ELIZABETHTOWN
Lancaster County, Pennsylvania

Attest:

Rebecca S. Denf
(Assistant) Secretary

By:

[Signature]
(Vice) President
Borough Council

[BOROUGH SEAL]

EXHIBIT A

ARTICLES OF AMENDMENT

TO: The Secretary of the Commonwealth of Pennsylvania

In compliance with the requirements of the Economic Development Financing Law, Act of August 23, 1967, P.L. 251, as amended by the Act of December 17, 1993, P.L. 490, 73 P.S. §371 et seq. of the Commonwealth of Pennsylvania (the "Commonwealth") and pursuant to a resolution duly adopted by the Board of Elizabethtown Industrial Development Authority (the "Authority") proposing an amendment to the Articles of Incorporation of the Authority, which proposed amendment was submitted to and approved by Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania (the "Borough"), the governing body of the municipality which incorporated the Authority, by an resolution duly adopted, the Borough hereby files these Articles of Amendment to its Articles of Incorporation and hereby certifies:

1. The name of the Authority is presently "Elizabethtown Industrial Development Authority", and the registered office of the Authority is located at 600 South Hanover Street, Elizabethtown, Pennsylvania 17022.

2. The Authority was duly formed under the provisions of the Pennsylvania Economic Development Financing Law, as amended, pursuant to appropriate action of Borough Council, the original Articles of Incorporation of the Authority having been filed with and approved by the Department of State of the Commonwealth on April 11, 2001, and the Authority was duly approved by the Secretary of the Commonwealth and assigned Entity No. 2999290.

3. A copy of the resolution adopted by Borough Council, said Borough Council being the governing body of the municipality which incorporated the Authority, duly certified by the Secretary or Assistant Secretary of the Borough, adopting and approving the amendment herein

set forth, is attached hereto and thereby is made a part of these Articles of Amendment.

5. The amendment to the Articles of Incorporation, proposed by the Board of the Authority pursuant to Economic Development Financing Law, Act of August 23, 1967, P.L. 251, as amended by the Act of December 17, 1993, P.L. 490, 73 P.S. §371 et seq., and approved by Borough Council revises Paragraph 2 of the Articles of Incorporation to provide as follows:

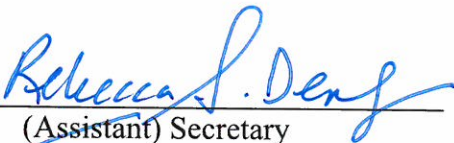
2. The name of the Authority is "Elizabethtown Development Authority"

6. The amendment to the Articles of Incorporation, proposed by the Board of the Authority pursuant to Economic Development Financing Law, Act of August 23, 1967, P.L. 251, as amended by the Act of December 17, 1993, P.L. 490, 73 P.S. §371 et seq., and approved by Borough Council amends Paragraph 7 of the Articles of Incorporation to provide as follows:

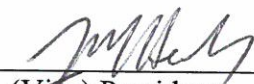
"7. The term of existence of this Authority shall end on November 30, 2070."

BOROUGH OF ELIZABETHTOWN
Lancaster County, Pennsylvania

Attest:


(Assistant) Secretary

By:


(Vice) President
Borough Council

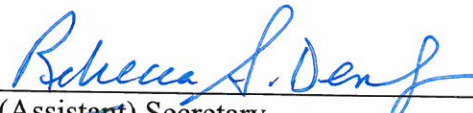
[BOROUGH SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Borough of Elizabethtown, Lancaster County, Pennsylvania ("Borough") certify as follows: The foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of the members of Borough Council at a meeting of said Borough Council duly convened and held according to law on December 17, 2020, at which meeting a quorum was present; that such Resolution duly has been recorded in the minutes of Borough Council of the Borough; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that Borough Council of the Borough of Elizabethtown met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Elizabethtown or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to adopting such Resolution.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of Elizabethtown, this 18th day of December, 2020.


(Assistant) Secretary

[BOROUGH SEAL]