

**RESOLUTION 743**

**A RESOLUTION OF THE BOROUGH OF MALVERN IN THE  
COUNTY OF CHESTER, COMMONWEALTH OF  
PENNSYLVANIA, TO AUTHORIZE EXECUTION OF A  
SETTLEMENT AGREEMENT TO RESOLVE  
RESPONSIBILITIES FOR THE REHABILITATION OF THE  
WILSON ROAD FORCE MAIN OF THE VALLEY CREEK  
TRUNK SEWER; TO PROVIDE FOR A PROCESS FOR THE  
SALE OF THE VALLEY CREEK TRUNK SEWER AND WIND-UP  
OF THE VALLEY CREEK TRUNK SEWER AGREEMENT; TO  
RESOLVE LITIGATION; AND TO AUTHORIZE ALL  
NECESSARY ACTIONS THERETO**

**WHEREAS**, Tredyffrin Township Municipal Authority; Tredyffrin Township; East Whiteland Township; East Whiteland Municipal Authority; Easttown Township; Easttown Township Municipal Authority; Willistown Township; Willistown Township Municipal Authority; Malvern Borough; Malvern Municipal Authority; Charlestown Township; East Pikeland Township; Schuylkill Township; and Valley Forge Sewer Authority (altogether “the Parties”), have worked cooperatively over time to address the safety and welfare of the public and ensure safe and effective sewer infrastructure shared or used by the Parties; and

**WHEREAS**, the Parties wish to resolve responsibilities for the rehabilitation of the Wilson Road Force Main of the Valley Creek Trunk Sewer, a major project which will safely convey sewage flows from, to, or among the Parties; and

**WHEREAS**, the Parties wish to provide for a process, through public bidding procedures, to sell the rehabilitated Valley Creek Trunk Sewer, and to effectuate the wind-up of the Valley Creek Trunk Sewer Agreement of 1970 if such sale is consummated; and

**WHEREAS**, the Parties wish to resolve litigation related to these matters at Docket No 2016-01966-MJ in the Court of Common Pleas of Chester County, Pennsylvania; and

**WHEREAS**, the Parties have worked diligently to structure a global settlement addressing all related issues necessary to move forward.

**NOW THEREFORE, BE IT RESOLVED AND ENACTED** by the Borough Council as follows:

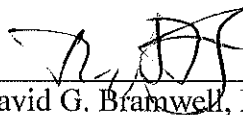
1. The Parties, each of them acting by and through adoption of this Resolution at a duly authorized public meeting, hereby authorize execution of the Settlement Agreement (“Agreement”) attached hereto and incorporated as though fully set forth herein.
2. This Resolution shall be executed in counterparts as each of the Parties acts and approves the Resolution. Each signature affixed shall be considered to be as fully binding as if all Parties had executed it together.

3. The Parties execute this Agreement by the signatures of the duly authorized representatives set forth below.

4. Each of the Parties authorizes its officials, staff and agents to execute all additional documentation necessary under the terms of the Agreement and this Resolution.

Passed by Borough Council,

this 5 day of September, 2017.



David G. Bramwell, President

Approved by the Mayor,

this 5 day of September, 2017.



David B. Burton, Mayor

Enacted,

this 5 day of September, 2017.



Christopher Bashore, Secretary