

ORDINANCE NO. 243 AC CMS

TO PROVIDE FOR AN ISSUE OF \$75,000 PRINCIPAL AMOUNT OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL WATERWORKS SYSTEM, AND TO RETIRE NOTES PREVIOUSLY ISSUED AND MATURED, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has heretofore determined to undertake improvements to the municipal waterworks system recommended by its consulting engineer; and

WHEREAS, to provide part of such financing Council caused to be issued \$75,000 of notes dated May 29, 1959; and thereafter by Ordinance No. 161 AC CMS authorized and caused to be issued a new note dated May 29, 1960 to retire and pay off such initial note, which renewal note matured on May 29, 1961, and was acquired as an investment in the Treasury Investment Fund; and

WHEREAS, the funds so invested are now needed in the Treasury Investment Fund and, the contemplated waterworks improvements thereby financed being as yet incomplete, Council has determined it to be advisable to issue new notes in a like amount to pay off and retire such matured note;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, Ohio, five-sevenths of said members elected thereto concurring:

Section 1. That it is hereby declared necessary to issue the bonds of the City in the principal sum of \$75,000 for the purpose of the construction of improvements to the municipal waterworks system.

Section 2. That said bonds shall be dated approximately the first day of November, 1962, shall bear interest now estimated at four per centum (4%) per annum, payable semiannually, and shall mature in fifteen annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the issuance of bonds for the aforesaid improvement and to pay off and retire the principal on the outstanding matured notes hereinabove recited, it is hereby declared necessary to issue and there shall be issued notes of said City in the amount of \$75,000.

Section 4. That such anticipatory notes in the amount aforesaid shall be issued bearing interest at the rate of two and one-half per centum (2½%) per annum, payable at maturity, and at the rate of three and one-half per centum (3½%) per annum after maturity and until paid. Said notes shall be dated their date of issuance and shall mature on or before one year from their date. Such notes shall be executed and delivered in such number and such denominations as may be requested by the purchaser thereof.

Section 5. Such notes shall be executed by the City Manager and Auditor and bear the seal of the corporation. They shall be payable at the office of the legal depository of the City, presently The Peoples Office of The Lorain County Savings & Trust Company, Oberlin, Ohio; they shall express upon their

face the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 6. Said notes shall be first offered to the officer in charge of the Bond Retirement Fund, and so many of the same as shall not be taken by that officer shall be and are hereby awarded and sold to The National City Bank of Cleveland, Cleveland, Ohio, at their par value; and the proceeds from such sale shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is hereby appropriated.

Section 7. Said notes shall be the full general obligation of the City and the full faith, credit and revenue of said City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes and any excess fund resulting from the issuance of said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 8. During the period while such notes run there shall be levied on all the taxable property in the City of Oberlin, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issue of such notes.

Section 9. It is hereby determined that all acts, conditions and things required to be done precedent to and in the issuance of said notes, in order to make the same legal, valid and binding obligations of the City of Oberlin, have happened, been done and performed in regular and due form as required by law; and that the amount of indebtedness to be incurred by the issuance of said notes does not exceed any limitation of indebtedness now fixed by law.

Section 10. That Ordinance No. 228 AC CMS passed September 18, 1961, be and it is hereby repealed.

Section 11. The Clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor.

Section 12. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of such City by reason of the fact that immediate issuance of said notes is necessary to meet maturing note obligations and thereby to preserve the credit of the City; wherefore, said ordinance shall go into immediate effect upon its passage.

PASSED: Emergency

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: 11/22/61 to 12/6/61