

ORDINANCE NO. 327 AS CMS

TO PROVIDE FOR AN ISSUE OF \$50,000 PRINCIPAL AMOUNT OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF COMPLETING THE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL WATERWORKS SYSTEM, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 300 AC CMS, passed April 24, 1963, a note in the principal amount of \$50,000, dated May 9, 1963, which will mature November 6, 1963, was issued for the purpose hereinafter set forth; and

WHEREAS, Council deems it not advisable to issue presently the bonds anticipated thereby, and to preserve the credit of the City, it is essential to issue a new note to retire such outstanding note, and in anticipation of the issue of bonds; and

WHEREAS, the fiscal officer has certified to the maximum maturity of the bonds anticipated and to the note herein authorized;

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

Section 1. That it is hereby declared necessary to issue bonds to the City of Oberlin in the principal sum of \$50,000 for the purpose of completing the construction of improvements to the municipal waterworks system.

Section 2. That said bonds shall be dated approximately the first day of November, 1964, shall bear interest at the estimated rate of four per centum (4%) per annum, payable semiannually, and shall mature in thirty-five annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the issuance of the aforesaid bonds for the above described improvement, it is hereby declared necessary to issue and there shall be issued a note of said City in the amount of \$50,000.

Section 4. That such anticipatory note in the amount aforesaid shall bear interest at the rate of two and one-half per centum (2-1/2%) per annum, payable at maturity and at the rate of three and one-half per centum (3-1/2%) per annum after maturity and until paid. Said note shall be dated November 6, 1963, and shall mature on or before one year from such date.

Section 5. Such note shall be executed by the City Manager and Auditor and bear the seal of the corporation. It shall be payable at the office of the City's legal depository, presently the Peoples Oberlin Office of The Lorain County Savings & Trust Company, Oberlin, Ohio; it shall express upon its face the purpose for which it is issued and that it is issued pursuant to this ordinance.

Section 6. That said note shall first be offered to the officer in charge of the Bond Retirement Fund, and if not taken by said officer shall be and is hereby awarded and sold to The National City Bank of Cleveland at the par value thereof; 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 note 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 note and any excess fund resulting from the issuance of said note shall, to the extent necessary, be used only for the retirement of said note at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 8. During the period while such note runs 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 note; provided, that the amount of such tax shall be reduced to the extent that surplus earnings of the waterworks system shall be available and appropriated for the payment of interest and principal of such note or of the bonds anticipated thereby.

Section 9. It is hereby determined that all acts, conditions and things required to be done precedent to and in the issuance of said note, in order to make it a legal, valid and binding obligation 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 note does not exceed any limitation of indebtedness now fixed by law.

Section 10. The Clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor.

Section 11. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City and by reason of the fact that the immediate issuance and sale of the note herein authorized is necessary to provide funds to enable the City to retire its existing indebtedness and thereby preserve its credit; wherefore, this ordinance shall go into immediate effect upon its passage.

Passed: October 21, 1963 Emergency

Attest:



Clerk of Council



Chairman of Council

Posted: October 23, 1963 thru
November 6, 1963

I hereby certify that the posting and/or publication of this ordinance is in full compliance with the provisions of the Ohio Revised Code.



Clerk of Council