

ORDINANCE NO. 667 AC CMS

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A NOTE OF THE CITY OF OBERLIN IN ANTICIPATION OF THE LEVY OF SPECIAL ASSESSMENTS AND IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS' PORTION OF THE COST OF IMPROVING IN STORM SEWER DISTRICT NO. 12 OF THE CITY OF OBERLIN NORTH PLEASANT STREET, MAPLE STREET, AND AN EASEMENT OF THE CITY BY CONSTRUCTING A STORM SEWER AND NECESSARY APPURTENANCES THERETO AND EASEMENTS OF THE CITY BETWEEN CERTAIN TERMINI BY CHANGING THE CHANNEL OF, DREDGING, DEEPENING AND OTHERWISE IMPROVING A WATERCOURSE, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 618 AC CMS, passed January 6, 1969, a note in the amount of \$32,662 was issued for the purpose hereinafter stated, to mature on or before January 14, 1970; and

WHEREAS, to preserve the credit of the City it is essential to issue a new note in the amount of \$32,662, to retire such outstanding note, and in anticipation of the issuance of bonds and the collection of special assessments; and

WHEREAS, the Auditor of the City has certified to this Council that the estimated life of the improvement hereinafter mentioned is at least five years, and that the maximum maturity of the bonds hereinafter referred to is ten years, and that the maximum maturity of the note to be issued in anticipation of said bonds is January 14, 1974, or January 14, 1971 if sold privately;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, Lorain County, Ohio:

Section 1. That it is hereby declared necessary to issue bonds of the City of Oberlin in the principal sum of \$32,662 for the purpose of paying the property owners' portion, in anticipation of the collection of special assessments, of the cost of improving in Storm Sewer District No. 12 of the City of Oberlin North Pleasant Street, Maple Street, and an easement of the City by constructing a storm sewer and necessary appurtenances thereto and easements of the City between certain termini by changing the channel of, dredging, deepening and otherwise improving a watercourse, between the termini and in the manner provided in Resolution No. 590 CMS, adopted May 20, 1968.

Section 2. That said bonds shall be dated approximately January 1, 1971, shall bear interest at the estimated rate of six and one-half per centum (6-1/2%) per annum, payable semi-annually, until the principal sum is paid, and shall mature in ten substantially equal annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the levy and collection of special assessments and 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 principal sum of \$32,662.

Section 4. That such anticipatory note in the amount aforesaid shall bear interest at the rate of four and one-half per centum (4-1/2%) per annum, such interest to be payable at maturity. Such note shall be dated January 14, 1970 and shall mature on or before January 14, 1971.

Section 5. Such note shall be executed by the City Manager and Auditor and bear the seal of the City Manager, shall be payable at the office of the Lorain County Savings and Trust Co., Elyria, Ohio, without deduction for its services as the City's paying agent, and shall express on its face the purpose for which it is issued and that it is issued pursuant to this ordinance.

Section 6. All assessments collected for the improvement aforesaid, and any unexpended balance remaining in the improvement fund after the costs and expenses of said improvement have been paid, shall be applied to the payment of said note and the interest thereon until both are fully provided for.

Section 7. Subject to the rejection of said note by the Auditor for investment in the Bond Retirement Fund, said note shall be and hereby is awarded and sold to the Lorain County Savings and Trust Co., Elyria, Ohio at the par value thereof; and the Auditor is hereby authorized and directed to deliver said note, when executed, to said purchaser upon payment of such purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which said note is being issued under the provisions of this ordinance.

Section 8. 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 funds 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 9. In the event that such assessments are not levied or bonds are not issued to provide a fund for the payment of said note at maturity, a general tax shall be levied against all of the property in said City for the payment of such note and the interest thereon.


Section 10. The Clerk of Council 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 for the further reason 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 be in full force and effect from and immediately after its passage.

Passed: December 15, 1969

  
Clerk of Council

Attest:

  
Chairman of Council

Posted: Dec. 16 to Dec. 31, 1969