

ORDINANCE No. C 11-62

TO PROVIDE FOR THE RENEWAL OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING A MUNICIPAL SEWERAGE SYSTEM INCLUDING A SEWERAGE TREATMENT AND DISPOSAL PLANT AND ALL LAND, INTERESTS IN LAND AND NECESSARY APPURTENANCES THERETO, AND ENLARGING, EXTENDING AND IMPROVING THE SAME, AND DECLARING THE NECESSITY OF ISSUING BONDS FOR SUCH PURPOSE AND THE EXISTENCE OF AN EMERGENCY.

Whereas, at an election held on the 8th day of November, 1960, on the proposition of issuing bonds of the City of Grove City, Ohio, for the purpose hereinafter stated, in the sum of Six Hundred Thousand Dollars (\$600,000.00) and a levy of taxes outside the ten mill limitations to pay the interest and principal of such bonds, over 55% of those voting upon such proposition voted in favor thereof, and this Council now proposes to proceed with the issuance of said bonds; and

Whereas, this Council by Ordinance No. C-11A-61, passed the 20th day of February, 1961, duly authorized and did cause to be issued and sold notes in the aggregate principal sum of \$400,000 in anticipation of the issuance of said bonds, which said notes are dated February 15, 1961, bear interest at the rate of 2 1/4% per annum, and mature on February 15, 1962; and

Whereas, this Council by Ordinance No. C-28-61, passed the 5th day of June, 1961, duly authorized and did cause to be issued and sold Series 2 of aid notes, in the aggregate principal sum of \$200,000.00 in anticipation of the issuance of said bonds, which said Series 2 notes are dated June 15, 1961, bear interest at the rate of 2 1/4% per annum, and mature on February 15, 1962; and

Whereas, the improvements for which said notes were issued have not been completed in time to issue bonds to retire said notes maturing February 15, 1962, and this Council desires to authorize the renewal and sale of said notes, which renewal notes will mature February 15, 1963; and

Whereas, it is now necessary to authorize the renewal of said notes maturing February 15, 1962; and

Whereas, the City Finance Director has certified to this Council the estimated life of said improvements as at least five years, and has further certified the maximum maturity of such bonds as twenty-five years, and of such notes as five years;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grove City, Ohio, three-fourths of the members elected thereto concurring:

Section 1. That it is hereby declared to be necessary to issue bonds of the City of Grove City, Ohio, in the principal sum of \$600,000.00 in order to provide a fund for the purpose of acquiring a municipal sewerage system, including a sewage treatment and disposal plant and all land, interests in land, and necessary appurtenances thereto, and enlarging, extending and improving the same.

Section 3. That for the purpose of raising money in anticipation of the issuance of said bonds, in accordance with the various legislation heretofore passed by this Council with respect thereto, it is hereby declared necessary to issue, and there shall be issued, notes of said City of Grove City, Ohio, in the sum of \$600,000.00, which said sum does not exceed the amount of said bonds which shall be placed to the credit of this improvement fund.

Section 4. That such anticipatory notes in the amount aforesaid shall be renewed and reissued bearing interest at the rate of 2 $\frac{1}{2}$  per centum per annum, payable at maturity. Such notes shall be dated the 15th day of February, 1962, and shall mature on the 15th day of February, 1963. Such notes shall be executed by the Mayor and by the City Finance Director and shall bear the seal of the corporation. They shall be payable in lawful money of the United States of America at The First National Bank in the City of Grove City, Ohio, and shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance. Such notes shall be executed and delivered in such numbers and denominations as may be requested by the purchaser thereof.

Section 5. Said notes shall be first offered to the officer having charge of the bond payment fund of the City, and so many of the same as shall not be purchased by said officer shall be sold at private sale by the City Finance Director to The City National Bank & Trust Company of Columbus, Columbus, Ohio, in accordance with the terms of said Bank's offer to purchase said notes upon their bearing interest at the rate of 2  $\frac{1}{2}$ % per annum, but for not less than par and accrued interest to date of delivery, which said offer of purchase is hereby accepted and confirmed. The proceeds from such sale, except any accrued interest and any premium shall be paid into the proper fund and used for the purposes aforesaid and for no other purpose. Any premium and accrued interest shall be transferred to the bond payment fund, to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 6. Said notes shall be the full general obligations 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 received from the sale of 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 7. During the year or years while such notes run, there shall be levied on all the taxable property in the City of Grove City, Ohio, 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 issuance of such notes, which said tax shall be outside the limitations imposed by Article XII, Section 2 of the Ohio Constitution; provided, however, that in each of such years said tax shall be reduced to the extent that the revenues derived from said sewerage system are sufficient to pay the principal of and interest on such notes and are applied for such purpose.

Said tax shall be and is hereby ordered computed, certified and levied and extended upon the tax duplicates and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full

notes, in order to make them legal, valid and binding general obligations of said City, have happened, have been done and have been performed in regular and due form as required by law, that the full faith, credit and revenue of said City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity and that no limitation of indebtedness or taxation, either statutory or constitutional has been exceeded in issuing these notes.

Section 9. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Auditor of Franklin County, Ohio.

Section 10. That this Ordinance is hereby declared an emergency measure, the immediate passage of which is necessary for the health, peace, safety and welfare of said City, in that Council must proceed immediately to enact this legislation in order to preserve the credit standing of the City, and to prevent the default of notes of the City heretofore issued. This Ordinance shall, therefore, go into immediate effect upon its passage and approval by the Mayor.

Passed: February 5, 1962

Paul F. Powell  
President of Council

ATTEST:

R. F. Thompson  
City Clerk

Approved: February 5, 1962

Anton C. Kofner  
Mayor

CERTIFICATE

I, Richard F. Thompson, Clerk of the City of Grove City, Franklin County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. C. 11-62 which was duly adopted by the Council of said City and approved by its Mayor on the 5 day of February, 1962.

R. F. Thompson  
Clerk, City of Grove City, Ohio