

ORDINANCE NO. 1376

LEXINGTON, NEBRASKA

ORDINANCE NO. 1376

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF BOND ANTICIPATION NOTES FOR PAYMENT OF COSTS IN CONNECTION WITH THE CONSTRUCTION OF IMPROVEMENTS TO THE WATERWORKS PLANT AND WATER SYSTEM, THE SANITARY SEWER SYSTEM AND THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OF THE CITY OF LEXINGTON, NEBRASKA, AGREEING TO ISSUE REVENUE BONDS TO PAY THE NOTES AT MATURITY, AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The Mayor and Council of the City of Lexington, Nebraska, hereby find and determine that it is necessary and in the public interest that the City construct additions and improvements to the waterworks plant and water system, the sanitary sewer system and the electric light and power plant and distribution system owned and operated by the City, which improvements are those contemplated to be constructed in the Notice of Intent to issue \$1,320,000.00 Combined Revenue Bonds of the City ordered to be published by resolution heretofore adopted at

this meeting; that the City will issue Combined Revenue Bonds payable from the revenues and earnings of the waterworks plant and water system, the sanitary sewer system and the electric light and power plant and distribution system of the City after further determination as to the total costs of the improvements and finding an appropriate market for the bonds; and that pending the permanent revenue financing, the City shall issue and sell Notes to be designated Combined Revenue Bond Anticipation Notes to pay the costs of improvements to the said plants and systems which shall not be a debt of the municipality within the meaning of the constitutional, statutory, or other limitation on the creation of general obligation indebtedness, and the municipality shall not be liable for the payment thereof out of any money of the municipality other than the money received by the issuance and sale of bonds as contemplated herein or from the funds of the City available to pay a portion of the cost of the project so as to reduce the required financing. The City hereby agrees that it will establish, maintain, revise, and collect charges and rates throughout the life of the Notes sufficient to provide for all costs associated with the ownership, operation, maintenance, renewal and replacement of the facilities for which the Notes were issued and the payment of the principal and interest on all indebtedness incurred with respect thereto as well as all outstanding indebtedness payable from the earnings of the waterworks plant and water system, the sanitary sewer system and the electric light and power plant and distribution system and to produce earnings sufficient to enable the City to issue and sell bonds in an amount sufficient to pay the principal and interest thereon of all notes issued pursuant hereto and it will issue such Revenue Bonds in an amount sufficient to pay the notes, both principal and interest, and will use the proceeds of the sale of said bonds for such payment at or before maturity.

Section 2. Notes to be designated Combined Revenue Bond Anticipation Notes in an amount not to exceed \$1,320,000.00 are hereby authorized to be issued to such person or persons, corporation or partnership that may be designated from time to time by the Mayor and City Council for a

specified amount to become due and be optional for prepayment at par plus accrued interest on such date as shall be fixed by the Mayor and City Council and which shall bear interest from the date of delivery until paid at the rate and at the time specified by the Mayor and City Council when authorizing the issuance of the notes. If not paid at maturity, the Notes shall bear \_\_\_\_\_ per centum (\_\_\_\_%) per annum. Said interest is payable at the office of the City Treasurer upon presentation and surrender of the notes for notation of interest payment. The notes will all mature and be optional on the same date and will be authorized to be delivered by resolution of the Mayor and City Council for a price of not less than par.

Section 3. The Anticipation Note shall be in substantially the following form:

CITY OF LEXINGTON, NEBRASKA  
COMBINED REVENUE  
BOND ANTICIPATION NOTE

No. \_\_\_\_\_ \$ \_\_\_\_\_

On \_\_\_\_\_, for value received the City of Lexington, Nebraska, hereby promises to pay to \_\_\_\_\_ or assigns, in Lexington, Nebraska, \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) with interest from the date of delivery until paid at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable \_\_\_\_\_, and semiannually thereafter at the office of the City Treasurer upon presentation and surrender of the Notes for notation of interest payment. If not paid at maturity, the Note will bear \_\_\_\_\_ per centum (\_\_\_\_%). This Note shall be payable from funds received by the City from the issuance and sale of Combined Revenue Bonds and is optional for payment \_\_\_\_\_ or at any time thereafter. All of the provisions and agreements of Ordinance No. \_\_\_\_\_ are by reference made a part of this instrument, and all such agreements accrue to the payee, owner or assignee of this Note.

Delivered this \_\_\_\_\_ day of \_\_\_\_\_, 1975.

  
\_\_\_\_\_  
Mayor

Total previously authorized	
Bond Anticipation Notes	\$ _____
Total This Note	\$ _____
Total Issued	\$ _____

ATTEST:


\_\_\_\_\_  
City Clerk

Payment Record \_\_\_\_\_  
\_\_\_\_\_

Section 4. The Treasurer is authorized to pay the interest to the payee of the Notes without notation if the payee is Robert E. Schweser Company Incorporated and the company indemnified the City in writing against any loss of payment of the Note without the payment for the interest on any Note issued to the Company without making appropriate notation of payment.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 11th day of February, 1975.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

(S E A L)