

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION OF THE COST OF CONSTRUCTING THE EXTENSION OF SOUTHWEST BOULEVARD FROM NORTH BROADWAY TO DEMOREST ROAD, BY GRADING, DRAINING, PAVING AND CONSTRUCTING STORM AND SANITARY SEWERS, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, INCLUDING THE ACQUISITION OF NECESSARY REAL ESTATE AND INTERESTS IN REAL ESTATE.

WHEREAS, pursuant to Ordinance No. C-71-88 passed October 16, 1978, as amended by Ordinance No. C-89-78 passed January 2, 1979, notes in the principal amount of \$840,000 were issued for the purpose hereinafter stated, such notes being dated February 1, 1979 and having a maturity date of February 1, 1980; and

WHEREAS, Council has determined to issue new notes in the amount of \$840,000 to provide the funds necessary to retire said outstanding notes; and

WHEREAS, this Council has previously authorized the issuance of bonds and notes in anticipation thereof in the amount of \$150,000 to pay part of the City's portion of the cost of the aforesaid improvement; and

WHEREAS, the Director of Finance has certified to this Council the maximum maturity of the bonds hereinafter referred to and of the notes to be issued in anticipation of said bonds;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Grove City, State of Ohio:

SECTION 1. That it is deemed necessary to issue the bonds of the City of Grove City in the principal amount of \$840,000 for the purpose of paying the property owners' portion, in anticipation of the levy and collection of special assessments, and the City's portion of the cost of constructing the extension of Southwest Boulevard between North Broadway and Demorest Road by grading, draining, paving and constructing storm and sanitary sewers, together with the necessary appurtenances thereto, including the acquisition of the necessary real estate and interests in real estate in the manner provided in Resolution No. CR-41-77 adopted August 1, 1977. The property owners' portion is \$675,100 and the City's portion is \$164,900. Said bonds will be dated approximately February 1, 1981, will bear interest at the estimated rate of six and one-half per centum (6 1/2%) per annum, payable semi-annually, and will mature in twenty substantially equal annual installments after their issuance.

SECTION 2. That in order to provide funds for the purpose hereinabove set forth and to pay and retire said outstanding notes, it is necessary and this Council hereby determines that notes in the principal amount of \$840,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That said notes shall be dated February 1, 1980 and shall mature on January 30, 1981; shall bear interest at a rate not exceeding ten and one-half per centum (10 1/2%) per annum, such interest to be payable at maturity, and may bear interest after maturity at a rate not exceeding ten and one-half per centum (10 1/2%) per annum, all as may be fixed by the Director of Finance in his award of said notes at private sale as hereinafter provided; and shall be of such denominations as the purchaser may request.

SECTION 4. Such notes shall be executed by the Mayor and Director of Finance; shall bear the corporate seal of the City; shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance; and may be payable in Federal Reserve funds of the United States of America if requested by the purchaser. Such notes, if sold originally to a banking institution, shall be payable at the principal office of such banking institution, and if not originally sold to a banking institution, they shall be payable at a bank in Franklin County, Ohio, designated by the purchaser and approved by the Director of Finance.

SECTION 5. Subject to the rejection of said notes by the Director of Finance for investment in the Bond Retirement Fund, said notes shall be sold by the Director of Finance at a rate of interest not exceeding that specified in Section 3 hereof. The proceeds of such sale, except premium and accrued interest, if any, shall be paid into the proper fund and used for the purpose for which said notes are being issued under the provisions of this ordinance. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

SECTION 6. The City hereby covenants that it will restrict the use of the proceeds of the notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the delivery of and payment for such notes, so that the notes will not constitute arbitrage bonds under Section 103(c) of the Internal Revenue Code and the applicable income regulations under that Section. The fiscal officer or any other officer, including the Clerk of Council, having responsibility for issuing the notes is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, or consultant of the City, to give an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of all such proceeds and the facts and estimates on which they are based, all as of the date of delivery and payment for such notes.

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 funds 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. All assessments collected for the improvement aforesaid, and any unexpended balance remaining in the improvement fund after the cost and expenses of such improvement have been paid, shall be applied to the payment of such notes and the interest thereon until both are fully provided for. In the event that such assessments are not levied or bonds are not issued to provide a fund for the payment of such notes at maturity, a general tax shall be levied against all of the property in the City for the payment of such notes and the interest thereon, provided, however, that during the year or years while such notes run there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually not less than that which would have been levied for the City's portion of said notes, if bonds had been issued therefor without the prior issue of said notes. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purpose 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 amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with the interest

collected on the same, shall be irrevocably pledged for the payment of the principal and interest of such notes or the bonds in anticipation of which they are issued when and as the same falls due.

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 Grove City, 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. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 11. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

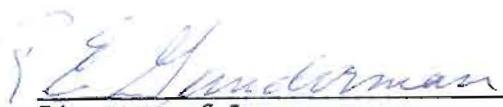
SECTION 12. This ordinance shall take effect and be in force at the earliest time permitted by law.

Submitted: 1/7/80

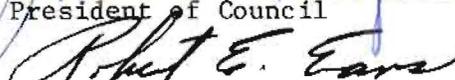
Passed: 1/21/80

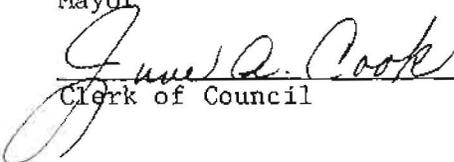
Effective: 2/20/80

I hereby certify that this Ordinance is correct as to Form:


Director of Law


President of Council


Mayor


Clerk of Council

FISCAL OFFICER'S CERTIFICATE

Grove City, Ohio

January 7, 1980

TO THE COUNCIL OF THE CITY OF GROVE CITY, OHIO:

The undersigned, as fiscal officer of the City of Grove City, Ohio as defined by Revised Code Section 133.01, hereby certifies in connection with your proposed issue of bonds and notes in anticipation of the issuance of bonds for the purpose of paying the property owners' portion, in anticipation of the levy and collection of special assessments, and the City's portion of the cost of constructing the extension of Southwest Boulevard between North Broadway and Demorest Road by grading, draining, paving and constructing storm and sanitary sewers, together with the necessary appurtenances thereto, including the acquisition of the necessary real estate and interests in real estate, as follows:

1. That the estimated life of the property and improvements to be acquired and constructed from the proceeds of such bonds is hereby certified to be at least twenty years.

2. That the maximum maturity of such bonds, calculated in accordance with provisions of Section 133.20, Revised Code, is twenty years.

3. The maximum maturity of notes issued in anticipation of such bonds is February 1, 1987 if sold at public sale, or one year if such notes are sold at private sale.


Director of Finance

The undersigned, County Auditor in and for the County of Franklin, State of Ohio, hereby acknowledges receipt of certified copy of ORDINANCE NO. C-2-80 passed by the Council of the City of Grove City, January 21, 1980 providing for the issuance of Notes in the principal amount of \$840,000.00.



Roger W. Tracy, Jr.
Franklin County Auditor

REE/lw