

ORDINANCE 73-3

ORDINANCE SUPPLEMENTING ORDINANCE NO. 73-2

WHEREAS, this Village Board has authorized the issuance and sale of \$ 84,000 " Sewer System Mortgage Revenue Bonds" (the "Bonds") by Ordinance No. 73-2 , entitled, "An Ordinance Providing for the Issuance and Sale of \$84,000 Sewer System Mortgage Revenue Bonds of the Village of Tony, Rusk County, Wisconsin, and Providing for the Payment of said Bonds and Other Details with Respect Thereto" (the "Ordinance"); and

WHEREAS, the Bonds have been offered at public sale pursuant to the terms of the Ordinance and upon due notice; and

WHEREAS, no bids have been received and the Loan Agreement between the Government and the Village provides that in such event the Government will purchase the Bonds at par at a 5 % interest rate; and

WHEREAS, the Government has requested the Bonds be issued as a single bond in registered form:

NOW, THEREFORE, the Village Board of the Village of Tony, Rusk County, Wisconsin do ordain that:

Section 1. The Bonds shall bear interest at the rate of 5 % per annum and be issued as a single Registered Bond pursuant to Section 1 of the Ordinance in substantially the following form:

(Form of Registered Bond)

UNITED STATES OF AMERICA
STATE OF WISCONSIN
COUNTY OF RUSK

SEWER SYSTEM
MORTGAGE REVENUE BOND

No. R1

\$ 84,000

Dated

KNOW ALL MEN BY THESE PRESENTS: That the Village of Tony, Rusk County, Wisconsin, hereby acknowledges itself to owe and for value received promises to pay to the registered holder hereof, from the fund hereinafter specified, the sum of EIGHTY-FOUR THOUSAND / DOLLARS (\$ 84,000). on the first day of January in the years and installments as follows:

Years	Principal Amounts
1976/89	\$1,000
1990/98	2,000
1999/2007	3,000
2008/12	4,000
2013	5,000

with interest on the unpaid principal amount hereof from the date hereof at the rate of five per cent (5%) per annum payable semiannually on the 1st days of January and July of each year until said sum is paid, commencing with the January 1 or the July 1 next succeeding the date of this Bond. Both principal hereof and interest hereon are hereby made payable in lawful money of the United States of America to the registered holder hereof at the address shown on the registration book of the Village. The payment of last installment of principal shall be made only upon presentation and surrender of this Bond to the Village.

So long as the Government shall hold this Bond, installments of principal shall be subject to prepayment at the option of the Village in whole or in part, in inverse order of maturity and in integral multiples of \$1,000, on the third anniversary of the date of this Bond or on any principal payment date thereafter at par plus accrued interest. Otherwise, installments of principal of this Bond shall not be subject to prepayment until January 1, 1984. Not less than thirty (30) days' notice of each prepayment shall be given, stating the principal installments to be prepaid, the date of such prepayment and that said installments shall cease to bear interest after such date, which notice shall be mailed by registered mail to the registered holder of this Bond.

This Bond is issued for the purpose of providing for the payment of the cost of constructing a municipal sewer system of the Village, which shall operate as a public utility under Wisconsin Law, pursuant to Article XI, Section 3, of the Wisconsin Constitution; Section 66.066, Wisconsin Statutes, acts supplementary thereto; and an Ordinance adopted on November 5, 1973, by the Village Board entitled, "An Ordinance Providing for the Issuance and Sale of \$84,000 Sewer System Mortgage Revenue Bonds' of the Village of Tony, Rusk County, Wisconsin, and Providing for the Payment of Said Bonds and Other Details with Respect Thereto," and is payable only from the "Sewer System Mortgage Revenue Bond and Interest Special Redemption Fund" created by said Ordinance. Income and revenues to be derived from the operation of said System have been set aside in said Special Redemption Fund for that purpose. This Bond does not constitute an indebtedness of said Village within the meaning of any constitutional or statutory limitation or provision.

A statutory mortgage lien, which is hereby recognized as valid and binding on said System, together with all extensions and improvements thereto, is created and granted by statute to and in favor

of the registered holder or holders of this Bond and the issue of which it forms a part, and said System and all extensions and improvements thereto shall remain subject to such statutory mortgage lien until the payment in full of the principal and interest on this Bond and the issue of which it forms a part.

This Bond is transferable only upon books kept by the Village Clerk as Bond Registrar by the registered owner hereof in person or by his attorney duly authorized, and similarly noted hereon, or it may be surrendered in exchange for new bonds of the same aggregate principal amount, in coupon form or in serial registered form in such denomination or denominations consistent with the maturity schedule as the holder hereof may select, as provided in, and subject to the conditions in the Ordinance. The holder of this Bond (so long as the Government is such holder) agrees that it will, prior to any transfer or exchange of this Bond, complete the Payment Record and Prepayment Record attached hereto.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law, and that sufficient of the income and revenue to be received by said Village from the operation of said System has been pledged to and will be set aside into a special fund for the payment of principal of and interest on this Bond.

IN WITNESS WHEREOF,

the Village of Tony, Rusk County, Wisconsin, by its Village Board, has caused this Bond to be signed by its President and Village Clerk and its corporate seal to be impressed hereon, all as of the day and year first above written.

VILLAGE OF TONY
 RUSK COUNTY, WISCONSIN

By
 Village Clerk

By
 President

(Form of Blank for Registered Ownership)

Registration Provisions

This Bond shall be registered on books of the Village kept by its Village Clerk, upon presentation hereof to said Village Clerk, such registration to be noted on the registration blank below and upon said books, and this Bond may thereafter be transferred only upon a written assignment duly executed by the registered holder or his attorney, such transfer to be made on such books and endorsed hereon.

Date of Registration	In Whose Name Registered	Signature of Village Clerk
.....	United States of America Farmers Home Administration
.....
.....

(Form of Payment Record)

Due Date	Principal Payment	Principal Balance Due	Interest Payment	Date Paid	Name of Authorized Official and Title
.....
.....

(Form of Prepayment Record)

Principal Due	Installment Amount	Prepayment Date Paid	Prepayment Amount	Balance	Name of Authorized Official and Title
.....
.....

Section 2. The minimum amounts to be deposited to pay principal of and interest on the Bonds into the Special Redemption Fund (defined in the Ordinance) are as follows:

For the Year Ending January 1,	Principal	Interest	Total
1973			
1974		\$4,200	
1975		4,200	
1976	\$1,000	4,200	\$5,200
1977	1,000	4,150	5,150
1978	1,000	4,100	5,100
1979	1,000	4,050	5,050
1980	1,000	4,000	5,000
1981	1,000	3,950	4,950
1982	1,000	3,900	4,900
1983	1,000	3,850	4,850
1984	1,000	3,800	4,800
1985	1,000	3,750	4,750
1986	1,000	3,700	4,700
1987	1,000	3,650	4,650
1988	1,000	3,600	4,600
1989	1,000	3,550	4,550
1990	2,000	3,500	5,500
1991	2,000	3,400	5,400
1992	2,000	3,300	5,300
1993	2,000	3,200	5,200

Section 3. The sale of the Bonds to the Government, in accordance with the terms of the Official Notice of Bond Sale, which results in a net interest rate of 5% to the Village, is hereby confirmed, and the President and Village Clerk of the Village are hereby directed to take all necessary action to close the sale of the Bonds as soon as practicable, in accordance with Government instructions pertaining to loan closing, provided that (a) the issuance of the Bonds shall be anticipated by bond anticipation notes, authorized by resolution adopted this day, and (b) in the event the Village does not need the entire proceeds of the Bonds to complete construction of the System, a principal amount of the Bonds equivalent to the amount not needed for such purpose (to the nearest \$1,000) shall be considered as prepaid.

Section 4. In all other respects the Ordinance is hereby ratified and confirmed.

Passed: December 10 , 1973 .
Recorded: December 10 , 1973 .
Posted: , 19 .

Eugene M. Collier
.....
President

Attest:

Lottie Nelson
.....
Village Clerk

**RESOLUTION AUTHORIZING THE
ISSUANCE AND SALE OF
BOND ANTICIPATION NOTES**

WHEREAS,

the Village of Tony, Rusk County, Wisconsin (the "Village"), is authorized to construct a sewer system to be operated as a public utility (the "System"); and

WHEREAS for the purpose of paying the cost of such construction the Village has authorized the issuance and sale of mortgage revenue bonds of the Village (the "Bonds") payable solely from revenues to be derived from the operation of the System, pursuant to the provisions of Section 66.066, Wisconsin Statutes, by Ordinance adopted on November 5, 1973, as amended and supplemented (the "Ordinance"); and

WHEREAS contracts have been let for such construction and the financial officer of the Village has certified to the Board that proceeds of bond anticipation notes are needed to pay said contracts; and

WHEREAS it is now necessary and desirable to anticipate the issuance of the Bonds and to provide for the payment of the costs of construction of the System by the issuance and sale of bond anticipation notes pursuant to Section 66.066, Wisconsin Statutes;

NOW, THEREFORE, the Village Board of the Village of Tony, Rusk County, Wisconsin, do hereby resolve:

Section 1. The Notes. For the purpose of paying part of the costs of constructing the System of the Village, together with the acquisition of property, equipment and appurtenances thereto used or useful for the public convenience in connection therewith, there shall be borrowed the sum of \$ 84,000 and the negotiable bond anticipation notes of the Village (the "Notes") shall be issued in evidence thereof. The Notes shall be dated the respective dates of issuance thereof, shall be in such denominations (in multiples of \$1,000) as are necessary to evidence the amount of such loan received by the Village on each date of issuance, shall be numbered 1 upward, and shall be issued to the following purchasers:

The Security State Bank, Ladysmith, Wisconsin and
the Pioneer National Bank, Ladysmith, Wisconsin

The Notes shall bear interest at rates not in excess of 5% per annum (which does not exceed the authorized interest on the Bonds), payable semiannually on January 1 and July 1 of each year, and shall

mature on January 1, 197 , subject to call and redemption prior to maturity in whole or in part and from time to time at the option of the Village at any time, upon thirty days' notice to the purchasers of such Notes, at the price of par plus accrued interest.

The Notes shall be executed on behalf of the Village by its President and Village Clerk, sealed with the Village seal, and delivered to the purchasers upon receipt of the par value thereof at such times as the proceeds thereof shall be needed to meet construction costs.

Section 2. Form of Note. The Notes shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF WISCONSIN

BOND ANTICIPATION NOTE

No.

\$
Date:

KNOW ALL MEN BY THESE PRESENTS: That

the Village of Tony, Rusk County, Wisconsin,
hereby acknowledges itself to owe and for value received promises to pay to
at its principal office, from the trust funds hereinafter specified,
the sum of _____ DOLLARS (\$) on January 1, 197____, ,
with interest at the rate of _____ per cent (_____ %) per annum, payable semiannually on the first
days of January and July of each year.

This Note is subject to call and redemption prior to maturity in whole or from time to time in
part at the option of the Village at any time at par plus accrued interest upon thirty (30) days' notice
by registered mail to the original purchasers of this Note.

This Note is one of an issue aggregating Eighty-Four Thousand _____ Dollars (\$ 84,000 _____),
issued for the purpose of providing for the payment of the cost of constructing the _____ Sewer
System of said Village pursuant to Section 66.066, Wisconsin Statutes, acts supplementary thereto, and
a Resolution adopted on _____ December 10 _____, 19 73, by the Village Board, and is issued to
anticipate the sale of \$ 84,000 _____ Sewer _____ System Mortgage Revenue Bonds of the Village
which have been authorized by an Ordinance adopted on November 5, 1973 . This Note is payable only
from the funds to be received from the issuance and sale of said Revenue Bonds which have been set
aside as a trust fund for that purpose. This Note constitutes a first pledge of the funds so set aside and
does not constitute an indebtedness of said Village within the meaning of any constitutional or
statutory limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist,
happen and be performed precedent to and in the issuance of this Note have existed, have happened and
have been performed in due time, form and manner as required by law, and the Village has covenanted
to issue and sell the Mortgage Revenue Bonds, the sale of which this Note anticipates, as soon as
practicable, and to set aside the funds received from such sale into a special trust fund for the payment
of the principal and interest on this Note.

IN WITNESS WHEREOF,

the Village of Tony, Rusk County, Wisconsin,
by its Village Board, has caused this Note to be signed by its President and Village Clerk, and its
corporate seal to be affixed hereto, all as of the day and year first above written.

VILLAGE OF TONY
RUSK COUNTY, WISCONSIN

By.....
Village Clerk

By.....
President

Section 3. Security. The Notes shall in no event be a general obligation of the Village and no lien shall be created upon the System as a result of the issuance thereof, but the Notes shall be payable only from (a) proceeds derived from the issuance and sale of the Bonds, which proceeds are hereby declared to constitute a special trust fund to be held by the Treasurer and expended solely for the payment of principal of and interest on the Notes, and (b) a first pledge of a fixed proportion of the income and revenues to be derived from the operation of the System. The Village may appropriate funds out of the tax levy for such payment but such authority does not constitute an obligation of the Village to make such appropriation.

Section 4. Covenants. The Village hereby covenants with the holders of the Notes:

- (a) It shall issue the Bonds as soon as practicable;
- (b) It shall segregate the proceeds derived from the sale of the Bonds into the trust fund herein created and shall permit the trust fund to be used for no purpose other than the payment of the principal of and interest on the Notes. Said trust fund shall first be used for the payment of principal of and interest on the Notes and then for other purposes set forth in the Ordinance;
- (c) It shall keep all of the covenants and agreements required by it to be kept by the provisions of Sections 5 through 8 of the Ordinance;
- (d) It shall pay into the income and revenue funds created by Section 3 of the Ordinance the same amounts and at the same terms as would have been required to be paid therein if the Bonds were issued in an equal principal amount instead of the Notes, and the funds standing in the Special Redemption Fund (defined in the Ordinance) shall be held and be available for and are hereby pledged to the payment of principal of and interest on the Notes until the Notes shall have been paid in full;
- (e) The Notes are issued for the purposes for which the Bonds shall be issued;
- (f) It has duly authorized the issuance and sale of the Bonds by the Ordinance which is now and shall remain in full force and effect, and all conditions precedent to the issuance of the Bonds required by law and by the Ordinance have been complied with.

Section 5. Sale of Notes and Application of Proceeds. The Notes shall be issued and sold to the purchasers thereof in accordance with contracts heretofore entered into, at such times and in such amounts as the Village shall deem necessary to meet costs of construction and other costs incidental to such construction, and the proceeds received therefrom shall be deposited in the “ Sewer System Construction Fund” created by Section 11 of the Ordinance.

Adopted: December 10 , 19 73.
Recorded: December 10 , 1973 .
Posted: , 19 .

Eugene McAllister
.....
President

Attest:

Loretta Nelson
.....
Village Clerk