

ORDINANCE NO. 230

PROVIDING FOR THE ISSUANCE OF \$320,000.00 OF CITY OF MESQUITE WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 1959; PLEDGING REVENUES FROM SAID SYSTEMS TO PAY AND TO SECURE PAYMENT OF THE BONDS HEREIN AUTHORIZED; ADOPTING CERTAIN PROVISIONS OF THE WATERWORKS AND SEWER SYSTEM REVENUE BOND ORDINANCE PASSED ON MARCH 5, 1957; MAKING ADDITIONAL PROVISIONS WITH REFERENCE TO THE INTEREST AND REDEMPTION FUND AND RESERVE FUND; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT.

WHEREAS, on the 29th day of January, 1957, an election was held in the City of Mesquite, Texas, authorizing the issuance of bonds payable from and secured by a pledge of the net revenues of the Waterworks and Sewer System of said City as follows:

Refunding outstanding Waterworks and Sewer System Revenue Bonds - - - - -	\$ 653,000.00;
Improving and extending the City's Sanitary Sewer System - - - - -	\$ 1,900,000.00;
Improving and extending the City's Waterworks System - - - - -	\$ 1,200,000.00;

and

WHEREAS, by ordinance passed on March 5, 1957, this City directed the issuance of \$1,453,000.00 of Bonds as follows:

Refunding outstanding Waterworks and Sewer System Revenue Bonds - - - - -	\$ 653,000.00;
Improving and extending the City's Waterworks System - - - - -	\$ 300,000.00;
Improving and extending the City's Sewer System - - - - -	\$ 500,000.00'

and

WHEREAS, said Bonds were sold and delivered to the purchaser thereof;

and

WHEREAS, in the issuance of said Bonds, the City reserved the right under certain conditions, to issue additional parity revenue bonds heretofore and hereafter voted, payable from and secured by the net revenues from said Systems; and

WHEREAS, the conditions under which such remaining voted bonds may be issued now exist;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

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1. AUTHORIZATION OF BONDS. That to provide Two Hundred Seventy Thousand (\$270,000.00) Dollars, for the purpose of improving and extending the Waterworks System and providing Fifty Thousand (\$50,000.00) Dollars, for the purpose of improving and extending the Sewer System, pursuant to the Constitution and Statutes of the State of Texas, including particularly Articles 1111-1118, both inclusive, of the 1925 Revised Civil Statutes of Texas, as amended, Chapter 250, Acts of the Regular Session of the Fifty-First Legislature, as amended by Chapter 23, Acts of the Fifty-Second Legislature, there shall be issued "City of Mesquite Waterworks and Sewer System Revenue Bonds, Series 1959", aggregating Three Hundred Twenty Thousand (\$320,000.00) Dollars.

2. DATE, DENOMINATION AND PLACE OF PAYMENT. That said Bonds shall be dated March 1, 1959; shall be of the denomination of One Thousand (\$1,000.00) Dollars each; shall be numbered consecutively from One (1) to Three Hundred Twenty (320), both inclusive; and the principal thereof and interest thereon shall be payable in lawful money of the United States of American at the Mercantile National Bank at Dallas, Dallas, Texas, without exchange or collection charges to the owner or holder thereof.

3. MATURITY. That said Bonds shall mature serially as follows:

<u>BONDS NUMBERS</u>	<u>MATURITY DATES</u>	<u>AMOUNTS</u>
1 to 5, both incl.,	March 1, 1960	\$ 5,000.00
6 to 10, " "	March 1, 1961	5,000.00
11 to 15, " "	March 1, 1962	5,000.00
16 to 20, " "	March 1, 1963	5,000.00
21 to 25, " "	March 1, 1964	5,000.00
26 to 30, " "	March 1, 1965	5,000.00
31 to 35, " "	March 1, 1966	5,000.00
36 to 40, " "	March 1, 1967	5,000.00
41 to 45, " "	March 1, 1968	5,000.00
46 to 55, " "	March 1, 1969	10,000.00
56 to 65, " "	March 1, 1970	10,000.00
66 to 75, " "	March 1, 1971	10,000.00
76 to 85, " "	March 1, 1972	10,000.00
86 to 95, " "	March 1, 1973	10,000.00
96 to 105, " "	March 1, 1974	10,000.00
106 to 115, " "	March 1, 1975	10,000.00
116 to 130, " "	March 1, 1976	15,000.00
131 to 145, " "	March 1, 1977	15,000.00
146 to 160, " "	March 1, 1978	15,000.00
161 to 175, " "	March 1, 1979	15,000.00
176 to 190, " "	March 1, 1980	15,000.00
191 to 205, " "	March 1, 1981	15,000.00
206 to 220, " "	March 1, 1982	15,000.00
221 to 240, " "	March 1, 1983	20,000.00
241 to 260, " "	March 1, 1984	20,000.00
261 to 280, " "	March 1, 1985	20,000.00
281 to 300, " "	March 1, 1986	20,000.00
301 to 320, " "	March 1, 1987	20,000.00

4. OPTION OF REDEMPTION. In Bonds Numbers One Hundred Six (106) to Three Hundred Twenty (320), both inclusive, the City reserves the option of calling each such bond for redemption prior to maturity on any interest payment date on and after March 1, 1974, at par and accrued interest to date so fixed for redemption. Thirty days' notice of such call shall be given in writing to the place of payment and notice shall be published in a financial publication published in the City of New York, New York. Said notice shall appear in said publication in at least one issue, the date of said issue being not less than thirty days prior to the date so fixed for redemption. If any such bond is called for redemption in said manner and if funds sufficient to pay the redemption price shall have been duly placed in the bank of payment by the date fixed for redemption, it shall not thereafter bear interest. If fewer than all the optional bonds are called for redemption, they shall be called in their inverse numerical order.

5. INTEREST RATE. That said Bonds shall bear interest at the following rates:

Bonds Numbers 1 to 25, both incl.,	- - - - -	6% per annum;
Bonds Numbers 26 to 160, " "	- - - - -	3-7/8% per annum;
Bonds Numbers 161 to 320, " "	- - - - -	4% per annum;

evidenced by coupons payable September 1, 1959, and semi-annually thereafter on March 1 and September 1 of each year.

6. EXECUTION OF BONDS AND COUPONS. Each of said bonds and coupons shall be executed by the imprinted facsimile signature of the Mayor and countersigned by the imprinted facsimile signature of the City Secretary, and such facsimile signatures shall have the same effect as manual signatures, and the corporate seal of the City shall be impressed upon each of the bonds.

7. FORM OF BOND. The form of the said bonds shall be substantially as follows:

NO. _____ \$ 1,000.00

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF DALLAS
CITY OF MESQUITE
WATERWORKS AND SEWER SYSTEM
REVENUE BOND
SERIES 1959

The City of Mesquite, in the County of Dallas, State of Texas, a municipal corporation duly incorporated under the laws of the State of Texas, for value received, hereby promises to pay to bearer hereof on the 1st day of March, 19 _____, the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, with interest thereon from date hereof at the rate of _____ (%)

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percent per annum, evidenced by coupons payable September 1, 1959, and semi-annually thereafter on March 1 and September 1 of each year, both principal and interest payable upon presentation and surrender of bond or proper coupon at the Mercantile National Bank at Dallas, Texas, without exchange or collection charges to the owner or holder hereof.

This bond is one of a series of bonds of like tenor and effect, except as to number, interest rate, maturity and right of prior redemption, numbered One (1) to Three Hundred Twenty (320), both inclusive, of the denomination of One Thousand (\$1,000.00) Dollars each, aggregating Three Hundred Twenty Thousand (\$320,000.00) Dollars, issued by the City of Mesquite, Texas, for the purpose of providing Two Hundred Seventy Thousand (\$270,000.00) Dollars for improving and extending the Waterworks System and providing Fifty Thousand (\$50,000.00) Dollars for improving and extending the Sewer System, in accordance with the Constitution and laws of the State of Texas, including Articles 1111 to 1118, both inclusive, Revised Civil Statutes, as amended, Chapter 250, Acts of the Regular Session of the Fifty-First Legislature, as amended by Chapter 23, Acts of the Fifty-Second Legislature, and pursuant to an ordinance passed by the City Council of the City of Mesquite, Texas, duly recorded in the minutes of said City Council.

The date of this bond, in conformity with the ordinance above mentioned is March 1, 1959.

*(The City reserves the right to redeem this bond prior to maturity while it is outstanding, on any interest payment date, on and after March 1, 1974, at par and accrued interest to date fixed for redemption, provided thirty (30) days' notice is given before the date so fixed for prior payment, and provided that, by the date fixed for redemption, funds are placed in the place of payment sufficient to pay this bond and accrued interest thereon to date fixed for payment. Said notice shall be in writing mailed to the place of payment, and a copy of said notice shall be published in a financial publication published in the City of New York, New York, the date of said publication to be not less than thirty (30) days prior to the date fixed for said prior redemption. If this bond is called for payment in said manner and money is placed in the place of payment by the date so fixed for redemption sufficient to pay the principal and interest to said date it shall not thereafter bear interest. If fewer than all the optional bonds are called for redemption, they shall be called in their inverse numerical order.)

The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation. Each successive holder of this bond and each successive holder of each of the coupons hereto attached, is conclusively presumed to forego and renounce his equities in favor of subsequent holders for value without notice, and to agree that this bond and each of the coupons attached hereto may be negotiated by delivery by any person having possession hereof, howsoever such possession may have been acquired and that any holder who shall have taken this bond or any of the coupons from any person for value and without notice, thereby has acquired absolute title thereto, free from any defenses enforceable against any prior holder and free from all equities and claims of ownership of any

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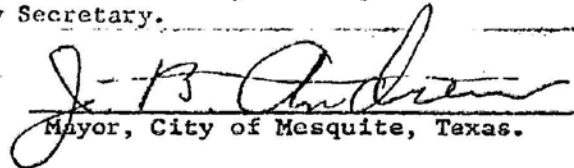
such prior holder. The City of Mesquite, and its officials and the paying agent hereinabove named shall not be affected by any notice to the contrary.

This bond and the series of which it is a part constitute special obligations of the City of Mesquite, Texas, payable both as to principal and interest from and secured by a first lien on and pledge of the revenues of the Waterworks and Sewer System of said City, after deduction of reasonable operation and maintenance expenses, including all salaries, labor, materials, repairs and extensions necessary to render efficient service and are on a parity with City of Mesquite, Texas, Waterworks and Sewer Refunding and Improvement Revenue Bonds, Series 1957, dated March 1, 1957, which issue is payable from and secured by the net revenues of the Waterworks and Sewer System of said City.

AND IT IS HEREBY CERTIFIED AND RECITED that the issuance of this bond and the series of which it is a part is duly authorized by law and by a majority of the resident, qualified electors owning taxable property in said City, and who have duly rendered the same for taxation, voting at an election held for that purpose within said City; that all acts, conditions and things required to exist precedent to and in the issuance of this bond to render the same lawful and valid have been properly done, have happened and been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the ordinance herein-after mentioned, and that this series of revenue bonds does not exceed any constitutional or statutory limitations, and that provision has been made for the payment of the principal of and interest on this bond and the series of which it is a part by irrevocably pledging to the payment thereof the net revenues of the Waterworks and Sewer System of said City.

The City reserves the right, subject to the conditions set forth in the ordinance authorizing the Series 1957 Bonds, to issue additional parity revenue bonds hereofore and hereafter voted, which will be payable from the net revenues from said Waterworks and Sewer System and which will be on a parity in all respects with this issue of Bonds and with City of Mesquite, Texas, Waterworks and Sewer Refunding and Improvement Revenue Bonds, Series 1957, dated March 1, 1957.

IN TESTIMONY WHEREOF, the City Council of the City of Mesquite, Texas, has caused the seal of said City to be impressed hereon and this bond and the interest coupons hereto attached to be executed by the imprinted facsimile signatures of the Mayor and City Secretary.


Mayor, City of Mesquite, Texas.

COUNTERSIGNED:

City Secretary, City of Mesquite, Texas.

*(This paragraph shall appear only in Bonds Nos. 106 to 320, both inclusive.)

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8. FORM OF COUPON. The form of said coupons shall be substantially as follows:

NO. _____ ON THE 1ST DAY OF _____, 19____ \$ _____

The City of Mesquite, Texas, out of revenues specified in the bond to which this coupon is attached, will pay to the bearer *(unless the bond to which this coupon is attached shall have been previously called for redemption as therein provided and provision for the redemption thereof made) at the Mercantile National Bank at Dallas, Texas, without exchange or collection charges to the owner or holder hereof, the sum of _____ (\$ _____) Dollars in lawful money of the United States of America, said sum being interest due that day on "City of Mesquite Waterworks and Sewer System Revenue Bond, Series 1959", bearing the number hereinafter specified, dated March 1, 1959. The holder hereof shall never have the right to demand payment of this obligation out of funds raised or to be raised by taxation. Bond No. _____

City Secretary, City of Mesquite,
Texas.

J. B. Anderson

Mayor, City of Mesquite, Texas

*(This parenthetical provision shall be printed only in coupons which are to become due after March 1, 1974, which are attached to the optional bonds.)

9. COMPTROLLER'S CERTIFICATE. The form of Comptroller's Certificate, which shall be printed on the back of each bond shall be substantially as follows:

OFFICE OF COMPTROLLER :

STATE OF TEXAS :

I HEREBY CERTIFY that there is on file and of record in my office a certificate of the Attorney General of the State of Texas, to the effect that this bond has been examined by him as required by law, and that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding special obligation of the City of Mesquite, Texas, payable from the revenues pledged to its payment by and in the ordinance authorizing same, and said bond has this day been registered by me.

WITNESS MY HAND and seal of office at Austin, Texas,

Comptroller of Public Accounts of the
State of Texas

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10. PROVISIONS OF PREVIOUS ORDINANCE. The Bonds authorized by this Ordinance are "Additional Bonds" as defined and permitted by the Ordinance dated March 5, 1957, authorizing that issue of City of Mesquite, Texas, Waterworks and Sewer Refunding and Improvement Revenue Bonds, Series 1957, dated March 1, 1957. Sections 12 to 29, both inclusive of said Ordinance of March 5, 1957, are hereby made applicable to the \$320,000.00 of Bonds authorized by this Ordinance, except as hereinafter provided, and the Bonds authorized by this Ordinance are hereby secured by a first lien on and pledge of the net revenues of the Waterworks and Sewer System of said City to the same extent and in the same manner as City of Mesquite, Texas, Waterworks and Sewer Refunding and Improvement Revenue Bonds, Series 1957, dated March 1, 1957.

11. INTEREST AND REDEMPTION FUND. In addition to the amount required by the Ordinance of March 5, 1957, to be deposited into the Interest and Redemption Fund created by said Ordinance of March 5, 1957, there shall be deposited into said Fund on March 10, 1959, and on the 10th day of each month thereafter, one-sixth (1/6th) of the next maturing interest and one-twelfth (1/12th) of the next maturing principal of this issue of Additional Bonds.

12. RESERVE FUND. In addition to the monthly deposits required by the Ordinance authorizing the Series 1957 Bonds, to be deposited into the Reserve Fund, there shall be deposited on the 10th day of March, 1959, and on the 10th day of each month thereafter, the amount of \$350.00, until the total amount accumulated in said Fund shall be \$108,750.00.

13. APPROVAL BY ATTORNEY GENERAL. This issue of Bonds and the record relating thereto shall be submitted to the Attorney General of Texas, for his approval, and after he shall have approved the same, they shall be deposited with the Comptroller of Public Accounts of the State of Texas. Upon registration of said Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act for the Comptroller) shall manually sign the Comptroller's certificate of registration prescribed herein to be printed on the back of each bond, and the seal of said Comptroller shall be affixed to each of said bonds.

14. SALE OF BONDS. The Three Hundred Twenty Thousand (\$320,000.00) Dollars of Bonds authorized by this Ordinance are hereby awarded to, and shall be sold and delivered to Underwood, Nauhaus & Co., Rotan, Mosle & Co., and Eddleman-Pollok Co., for the price of par and accrued interest to date of delivery.

15. All ordinances and resolutions, and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

PASSED AND APPROVED this the 3rd day of March, 1959.

ATTEST:

Norman G. Gough
City Secretary, City of Mesquite
Texas.

J. B. Anderson
Mayor, City of Mesquite, Texas.