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ORDINANCE NO. 471

ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE  
BONDS

WHEREAS, the bonds hereinafter authorized were duly and favorably voted, as required by the Constitution and laws of the State of Texas, at an election held in said City on the 16th day of December, 1961; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to Vernon's Articles 1111 through 1118; and

WHEREAS, it is hereby found and determined that the improvements and extensions of the City's Waterworks and Sewer System, to be made with the proceeds from the sale of the bonds hereinafter authorized, are necessary and economically feasible.

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

Section 1. That said City's coupon bonds to be designated the "City of Mesquite Waterworks and Sewer System Revenue Bonds, Series 1963", are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas in the principal amount of \$1,075,000 for the purpose of providing \$325,000 for improving and extending the City's Waterworks System, and providing \$750,000 for improving and extending the City's Sewer System.

Section 2. That said bonds shall be dated March 1, 1963, shall be numbered consecutively from 1 through 215, shall be in the denomination of \$5,000 each, and shall mature and become due and payable serially on March 1 in each of the years, and in the amounts, respectively, as set forth in the following schedule:

<u>YEARS</u>	<u>AMOUNTS</u>	<u>YEARS</u>	<u>AMOUNTS</u>
1964	\$15,000	1980	\$25,000
1965	15,000	1981	30,000
1966	15,000	1982	30,000
1967	15,000	1983	30,000
1968	15,000	1984	30,000
1969	15,000	1985	35,000
1970	15,000	1986	35,000
1971	20,000	1987	35,000
1972	20,000	1988	40,000
1973	20,000	1989	40,000
1974	20,000	1990	40,000
1975	20,000	1991	45,000
1976	20,000	1992	45,000
1977	20,000	1993	45,000
1978	25,000	1994	45,000
1979	25,000	1995	50,000
		1996	180,000

Section 3. That as to said bonds scheduled to mature on and after March 1, 1984, said City shall have the right and option to redeem such bonds prior to their scheduled maturities, in whole, or in part in inverse numerical order, on March 1, 1983, or on any interest payment date thereafter, for the principal amount thereof plus accrued interest to the date fixed for redemption.

At least thirty days before the date fixed for any such redemption the City shall cause a written notice of such redemption to be published at least once in a financial publication printed in the City of New York, New York. By the date fixed for any such redemption, due provision shall be made with the paying agent for the payment of the principal amount of the bonds to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If the written notice of redemption is published, and if due provision for payment is made, all as provided above, the bonds, which are to be so redeemed, thereby automatically shall be redeemed prior to maturity, and they shall not bear interest after the date fixed for redemption, and shall not be regarded as being outstanding except for the purpose of receiving the funds so provided for such payment.

Section 4. That said bonds shall bear interest, from their date, until maturity or redemption, at the following rates:

- All bonds scheduled to mature during the years 1964 through 1978.....5% per annum;
- All bonds scheduled to mature during the years 1979 through 1984.....3.30% per annum;
- All bonds scheduled to mature during the years 1985 through 1990.....3-1/2% per annum;
- All bonds scheduled to mature during the years 1991 through 1995.....3.60% per annum;
- All bonds scheduled to mature during the years 1996.. 3% per annum

with said interest to be evidenced by interest coupons payable September 1, 1963, and semi-annually thereafter on each March 1 and September 1.

Section 5. That the principal of and interest on said bonds shall be payable to bearer, in lawful money of the United States of America, without exchange or collection charges to the bearer, upon presentation and surrender of proper bond or interest coupon, at the Mercantile National Bank at Dallas, Dallas, Texas, which place shall be the paying agent for said bonds.

Section 6. That each of said bonds and interest coupons shall be signed by the imprinted or lithographed facsimile signature of the Mayor of said City and countersigned by the imprinted or lithographed facsimile signature of the City Secretary of said City, and the official seal of said City shall be impressed, or printed, or lithographed on each of said bonds.

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Section 7. That the form of said bonds, including the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be printed and endorsed on each bond, and the form of the interest coupons to be attached to said bonds, shall be, respectively, substantially as follows:

(FORM OF BOND)

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

\$5,000

UNITED STATE OF AMERICA  
STATE OF TEXAS  
COUNTY OF DALLAS  
CITY OF MESQUITE WATERWORKS AND SEWER SYSTEM REVENUE BOND  
SERIES 1963

On March 1, 19\_\_\_\_, the City of Mesquite, in the County of Dallas, State of Texas, promises to pay to bearer the principal amount of

FIVE THOUSAND DOLLARS

and to pay interest thereon from the date hereof, at the rate of \_\_\_\_% per annum, evidenced by interest coupons payable September 1, 1963, and semi-annually thereafter on each March 1 and September 1 while this bond is outstanding. The principal of this bond and the interest coupons attached hereto shall be payable to bearer, in lawful money of the United States of America, without exchange or collection charges to the bearer, upon presentation and surrender of this bond or proper interest coupon, at the Mercantile National Bank at Dallas, Dallas, Texas, which place shall be the paying agent for this Series of Bonds.

This bond is one of a Series of coupon bonds dated March 1, 1963, issued in the principal amount of \$1,075,000 for the purpose of providing \$325,000 for improving and extending the City's Waterworks System, and providing \$750,000 for improving and extending the City's Sewer System.

The bonds of this Series scheduled to mature on and after March 1, 1984, may be redeemed prior to their scheduled maturities, in whole or in part in inverse numerical order, at the option of said City, on March 1, 1983, or on any interest payment date thereafter, for the principal amount thereof plus accrued interest to the date fixed for redemption. At least thirty days before the date fixed for any such redemption the City shall cause a written notice of such redemption to be published at least once in a financial publication printed in the City of New York, New York. By the date fixed for any such redemption, due provision shall be made with the paying agent for the payment of the principal amount of the bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption. If the written notice of redemption is published, and if due provision for such payment is made, all as provided above, the bonds, which are to be so redeemed, thereby automatically shall be redeemed

prior to maturity, and they shall not bear interest after the date fixed for redemption, and shall not be regarded as being outstanding except for the purpose of receiving the funds so provided for such payment.

It is hereby certified and recited that this bond has been duly and validly voted, authorized, issued, and delivered in accordance with the Constitution and laws of the State of Texas; and that the interest on and principal of this bond, and the Series of which it is a part, together with other outstanding waterworks and sewer system revenue bonds of said City, are secured by and payable from a first lien on and pledge of the Net Revenues of said City's Waterworks and Sewer System.

Said City has reserved the right, subject to the restrictions stated, or adopted by reference, in the Ordinance authorizing this Series of Bonds, to issue additional parity revenue bonds which also may be secured by and made payable from a first lien on and pledge of said City's Waterworks and Sewer System.

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.

In witness whereof, this bond and the interest coupons attached hereto have been signed by the imprinted or lithographed facsimile signature of the Mayor of this City and countersigned by the imprinted or lithographed facsimile signature of the City Secretary of said City, and the official seal of said City has been duly impressed, or printed, or lithographed on this bond.

\_\_\_\_\_  
City Secretary, City of Mesquite

\_\_\_\_\_  
Mayor, City of Mesquite

(FORM OF REGISTRATION CERTIFICATE)  
COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. \_\_\_\_\_

I hereby certify that this bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas; and that this bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts of  
the State of Texas.

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## (FORM OF INTEREST COUPON)

NO. \_\_\_\_\_ \$ \_\_\_\_\_  
On \_\_\_\_\_, 19\_\_\_\_, the City of Mesquite, in the County of Dallas, State of Texas; promises to pay to bearer, unless due provision has been made for the redemption prior to maturity of the bond to which this interest coupon is attached, the amount of \_\_\_\_\_ Dollars, in lawful money of the United States of America, without exchange or collection charges to the bearer, upon presentation and surrender of this interest coupon, at the Mercantile National Bank at Dallas, Dallas, Texas, said amount being interest due that day on the bond, bearing the number hereinafter designated, of that issue of City of Mesquite Waterworks and Sewer System Revenue Bonds, Series 1963, dated March 1, 1963. 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. Bond No. \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

Section 8. That the term "Outstanding Bonds", as used herein, shall mean the outstanding bonds of the following issues of said City:

- Waterworks and Sewer Refunding and Improvement Revenue Bonds, Series 1957, authorized by ordinance dated March 5, 1957;
- Waterworks and Sewer System Revenue Bonds, Series 1959, authorized by ordinance dated March 3, 1959;
- Waterworks and Sewer System Revenue Bonds, Series 1960, authorized by ordinance dated February 10, 1960;
- Waterworks and Sewer System Revenue Bonds, Series 1961, authorized by ordinance dated October 2, 1961.

The Series 1963 Bonds authorized hereby are parity "Additional Bonds" as defined and permitted in the aforesaid ordinance dated March 5, 1957, and Sections 12 through 29 of said ordinance are adopted by reference and shall be applicable to said Series 1963 Bonds for all purposes, except to the extent hereinafter specifically modified and supplemented. The Series 1963 Bonds and the Outstanding Bonds are and shall be secured by and payable from a first lien on and pledge of the Net Revenues of said City's Waterworks and Sewer System, and all of said obligations shall be on a parity and of equal dignity in all respects.

Section 9. That, in addition to all other amounts required by the ordinances, respectively, authorizing the Outstanding Bonds, there shall be deposited into the Interest and Redemption Fund, created for the benefit of said Outstanding Bonds and all Additional Bonds, the following:

- (a) such amounts, in equal monthly installments, made on or before the 10th day of each month hereafter, as will be sufficient to pay the interest scheduled to come due on said Series 1963 Bonds on the next interest payment date; and

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(b) such amounts, in equal monthly installments, made on or before the 10th day of each month hereafter, as will be sufficient to pay the next maturing principal of said Series 1963 Bonds.

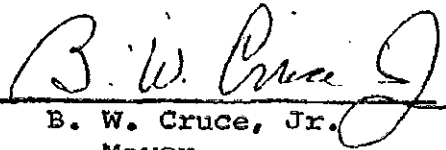
Section 10. That, in addition to all other amounts required by the ordinances, respectively, authorizing the Outstanding Bonds, there shall be deposited into the Reserve Fund, created for the benefit of said Outstanding Bonds and all Additional Bonds, on or before the 10th day of each month hereafter, the sum of at least \$760 until the aggregate amount of \$256,400 shall have been accumulated in said Reserve Fund. Thereafter said aggregate amount shall be maintained therein, for the benefit of the Outstanding Bonds, the Series 1963 Bonds, and all Additional Bonds, in accordance with the procedures, as herein modified and supplemented, set forth in the ordinances authorizing the Outstanding Bonds.


Section 11. That said bonds are and shall be special obligations of said City, and the holder or holders thereof shall never have the right to demand payment of said obligations out of any funds raised or to be raised by taxation.

Section 12. That the Mayor of said City is hereby authorized to have control of said bonds and all necessary records and proceedings pertaining to said bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of said bonds, said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate prescribed herein to be printed and endorsed on each bond, and the seal of said Comptroller shall be impressed, or printed, or lithographed on each of said bonds.

Section 13. That said bonds are hereby sold and shall be delivered to a syndicate managed by Rowles, Winston & Co., and White, Weld & Co., being the highest and best bidder, for the principal amount thereof and accrued interest to the date of delivery, plus a premium of \$0.

DULY PASSED BY THE CITY COUNCIL of the City of Mesquite, Texas,  
on the 18th day of March, 1963.

  
B. W. Cruce, Jr.  
Mayor

ATTEST:  
  
Norma G. McGaughy  
City Secretary