

ORDINANCE NO. 2323
REPLACEMENT BOND ORDINANCE
OF THE CITY OF MESQUITE, TEXAS
WATERWORKS AND SEWER SYSTEM REVENUE BONDS
SERIES 1961
BOND NUMBERS 966, 967, 968, 969, 970,
971, 972, 973, 974 and 975

An ordinance passed by the City Council of the City of Mesquite, Texas authorizing the issuance of ten \$1,000.00 replacement bonds to replace Bond Numbers 966, 967, 968, 969, 970, 971, 972, 973, 974 and 975 of City of Mesquite, Texas Waterworks and Sewer System Revenue Bonds, Series 1961 and ordaining other matters relating to the subject.

WHEREAS, the City Council of the City of Mesquite, Texas by ordinance passed on October 2, 1961 authorized the issuance of and sold its City of Mesquite, Texas Waterworks and Sewer System Revenue Bonds, Series 1961 in the aggregate principal amount of \$1,230,000.00 dated October 1, 1961; and

WHEREAS, ten bonds of the above described Series of bonds, to-wit:

Bond Numbers 966, 967, 968, 969, 970, 971, 972, 973, 974 and 975 in the denomination of \$1,000.00 each, bearing interest at the rate of 4.10% per annum, payable semiannually on each March 1 and September 1 (Interest Coupon No. 49 and subsequent coupons appertaining thereto unpaid), and maturing March 1, 1994 (the "Bonds")

are outstanding and unpaid; and

WHEREAS, an affidavit in due form verified by Beverly J. Carden, an employee of Shearson Lehman/American Express Inc. (the "Owner"), to the effect that on or about January 27, 1986 the bonds were forwarded by the Owner by United States Mail to one Peggy McDowell, and Ms. McDowell has reported the non-delivery of the Bonds, and they have not been returned to Owner, and Owner believes the Bonds to have been lost or destroyed in the mails, has been received and is on file in the offices of the City, and such affidavit has been accepted by the City Council of the City of Mesquite, Texas as sufficient evidence that the Bonds have been lost, within the meaning of Article 715a of the Revised Civil Statutes of Texas and a certified copy of such affidavit is attached hereto as a permanent part hereof; and

ORDINANCE/Page 2

WHEREAS, at the time the loss occurred, Coupon Number 49, coming due on March 1, 1986, and subsequent coupons were attached to each of said Bonds, and therefore neither said coupon nor any subsequent coupons have been presented for payment; and

WHEREAS, the Owner of said Bonds and appurtenant coupons desires that ten replacement bonds be issued to replace the aforesaid lost Bonds and appurtenant coupons; and

WHEREAS, by Acts 1965 of the 59th Legislature of the State of Texas, Chapter 334, commonly known as Article 715a of the Revised Civil Statutes of Texas, the City Council of the City of Mesquite, Texas is authorized to issue without an election, bonds to replace any bonds theretofore lawfully issued which are outstanding and which have been destroyed, lost or stolen, provided that such replacement bonds may be issued only upon indemnification satisfactory to the City establishing proof of ownership and the circumstances of the loss, theft or destruction of the bonds for which replacement bonds are being sought; and

WHEREAS, Bond of Indemnity No. 9269 92738-175 dated May 16, 1986, and executed by an authorized representative of Federal Insurance Company, as obligor, has been received and is on file in the offices of the City and such Bond of Indemnity is acceptable to the City Council of the City of Mesquite, Texas as sufficient indemnity under the provisions of Article 715a of the Revised Civil Statutes of Texas, and a certified copy of such Bond of Indemnity No. 9269 92738-175 is attached hereto as a permanent part hereof.

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

Section 1. That there is hereby authorized to be issued ten replacement bonds to replace the Bonds. Said replacement bonds and the interest coupons appertaining thereto shall be in the same form and in all respects of like tenor and effect as the Bonds, and the interest coupons appertaining thereto, except that such replacement bonds and the interest coupons appertaining thereto shall be signed manually, or in facsimile, as provided by law, by the proper officials holding office at the time of their issuance, and that no interest coupon shall mature prior to March 1, 1986.

Section 2. That said replacement bonds shall be dated October 1, 1961, which is the date of the Bonds.

Section 3. That said replacement bonds and all interest coupons appertaining thereto shall have the letter "R" preceding the Bond Number and following the Interest Coupon Number.

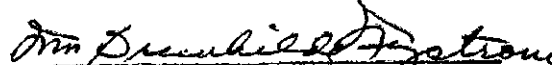
Section 4. That after said replacement bonds have been executed, it shall be the duty of the Mayor or some officer, employee or attorney of the City acting through authority from him, to deliver the replacement bonds to the Attorney General of Texas for examination and approval. After approval by the Attorney General of Texas, the replacement bonds shall be delivered to the Comptroller of Public Accounts of the State of Texas for registration. The replacement bonds thus registered shall remain in custody of the Mayor, or subject to his order, until the delivery thereof to the Owner of the original Bonds being replaced thereby.

Section 5. That the Comptroller of Public Accounts of the State of Texas is hereby authorized and directed to register the replacement bonds in the same manner as the original Bonds were registered, giving them the same registration number as the original Bonds except that such number shall be preceded by the Letter "R". The Comptroller shall date his registration certificate as of the date of registration of the replacement bonds.

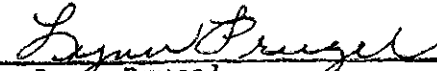
Section 6. That all provisions of the ordinance passed by the City Council of the City of Mesquite, Texas on October 2, 1961 authorizing the series of bonds of which the Bonds were a part and which are not in conflict with this ordinance are hereby adopted by reference and shall be a part of this ordinance.

Section 7. That the preparation and passage of this ordinance by the City Council of the City of Mesquite, Texas and the performance of each and every, all and singular, the acts ordered hereby and all acts or expenditures incidental thereto shall be at no cost to the City of Mesquite, Texas and shall be borne entirely by and be the sole liability of the Owner of the lost Bonds which has requested the issuance of the replacement securities as provided herein.

DULY PASSED AND APPROVED by the City Council of the
City of Mesquite, Texas on the 21st day of July
A.D., 1986.


Mrs. Brunhilde Nystrom
Mayor

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney