

RECORD OF ORDINANCES

THE J. H. SHULTS CO., MANISTEE, MICHIGAN

Passed September 17, 1973

No.

ORDINANCE NO. 91773

AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF EQUAL STANDING WITH OUTSTANDING REVENUE BONDS TO PAY THE COST OF COMPLETION OF THE CONSTRUCTION OF THE TOWNSHIP'S SEWAGE DISPOSAL SYSTEM PROVIDING FOR OTHER MATTERS RELATIVE TO SAID BONDS AND THE SECURITY THEREFOR.

WHEREAS, it is deemed necessary by the Township Board of the Township of Chassell, County of Houghton, Michigan, and for the benefit of the public health and welfare of said Township, to complete the construction of a Sanitary Sewage Disposal System for the Township: consisting of a sanitary sewer collection system, pumping stations, forcemains, waste stabilization pond system, outfall sewer, together with appurtenances, attachments, land and rights-of-way necessary thereto, said described improvements being hereinafter referred to collectively as the "Project";

AND WHEREAS, the total cost of the Project has been estimated by Northern Michigan Engineers, Inc., of Escanaba, Michigan, to be Eight Hundred Thousand (\$800,000.00) Dollars;

AND WHEREAS, the Township of Chassell, by Ordinance No. 62270 duly adopted on June 22, 1970, as amended, by an Ordinance duly adopted October 7, 1971 has heretofore issued and sold Sanitary Sewage Disposal System Revenue Bonds in the aggregate principal sum of Three Hundred Twenty-Nine Thousand (\$329,000.00) Dollars, dated May 18, 1972, having serial maturities on January 1st of each of the years 1973 through 2011, inclusive, for the purpose of paying part of the cost of acquiring and constructing the Sanitary Sewage Disposal System of the Township of Chassell;

AND WHEREAS, Section 12(a) of said Ordinance as amended authorizes the issuance of additional bonds of equal standing with the bonds authorized and issued pursuant to said ordinance, as amended, upon the following conditions;

"To complete construction of the Project according to the plans set forth in Section 1, bonds in the amount necessary may be issued."

AND WHEREAS, it is necessary to issue an additional Seventy Thousand (\$70,000.00) Dollars in bonds to complete construction of the Project according to the plans set forth in Section 1 of the aforesaid Ordinance, as amended;

AND WHEREAS, all things necessary to the authorization and issuance of additional revenue bonds to finance part of the cost of the improvements hereinbefore described under the Constitution and laws of the State of Michigan and ordinances of the Township of Chassell, and particularly Act 94, Public Acts of Michigan, 1933, as amended, and the aforesaid Ordinance have been done, and the Township Board is now empowered and desires to authorize the issuance of said bonds;

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THE TOWNSHIP OF CHASSELL ORDAINS:

SECTION I - DEFINITIONS

Whenever the words "the System" are referred to in this Ordinance, they shall be understood to mean the Township of Chassell Sanitary Sewage Disposal System and all extensions and improvements thereto hereafter made.

Whenever the words "public improvements" are used in this Ordinance, they shall be understood to mean the improvements authorized to be acquired and constructed under the provisions of this ordinance.

Whenever the words "revenues" and "net revenues" are used in this Ordinance, it shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Whenever the word "acquired" is used in this Ordinance it shall be construed to include acquisition by purchase, construction or by any other method.

Whenever the words "Township" and "Township Board" are used in this Ordinance they shall be understood to mean the Township of Chassell, Michigan and the Township Board of said Township.

Whenever the terms "outstanding revenue bonds" and "Ordinance No. 62270, as amended" are used in this Ordinance they shall be understood to mean Ordinance No. 62270 duly adopted by the Township Board on June 22, 1970, as amended by an Ordinance duly adopted October 7, 1971, and the revenue bonds issued pursuant to said Ordinance.

Whenever the word "government" is used in this Ordinance it shall be understood to mean the Government of the United States of America.

SECTION II - NECESSITY

The Township Board hereby determines it to be necessary for the public health and welfare of the Township to complete the Project, all in accordance with proposals and specifications therefor prepared by Northern Michigan Engineers, Inc., of Escanaba, Michigan.

SECTION III - COST; USEFUL LIFE

The cost of said Project as estimated by said engineers in the amount of Eight Hundred Thousand (\$800,000.00) Dollars, including engineering, legal, financing and other incidental expenses in relation thereto, is hereby approved and confirmed. The period of usefulness of the Project has been estimated by said engineers to be not less than forty (40) years, which estimate is hereby approved and confirmed.

SECTION IV - PAYMENT OF COST

To pay the cost of completing the Project, including the payment of engineering, legal financing and other incidental expenses in relation thereto, it is hereby determined that there be borrowed upon the credit of the net revenues of the System the additional sum of Seventy Thousand (\$70,000.00) Dollars and that revenue bonds be issued therefore under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, said bonds to be of equal standing and priority and being equally secured with the outstanding revenue bonds.

SECTION V - BOND DATA

Said bonds shall be designated SANITARY SEWAGE DISPOSAL SYSTEM REVENUE BONDS SERIES B, shall be dated as of the date of delivery, shall be in the denomination of \$1,000.00 each and shall be numbered 1 to 70, both inclusive.

The bonds will bear interest not exceeding five per cent (5%) per annum, all interest to be payable on July 1, 1974, and semi-annually thereafter on January and July 1st of each year until payment of the principal amount of each bond. Provided if said bonds are not delivered prior to July 1, 1974 then such interest will be payable on January 1, 1975 and semi-annually thereafter on July 1st and January 1st of each year. Said bonds will be numbered in direct order of maturity

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from 1 to 70, inclusive and shall mature serially on January 1st of each year as follows:

\$1,000.00 January 1st of each year from 1975 to 1994, inclusive;
\$2,000.00 January 1st of each of the years 1995, 1996 and 1997;
\$3,000.00 January 1st of each year from 1998 to 2009, inclusive;
\$4,000.00 January 1st of each of the years 2010 and 2011.

Said bonds shall be signed by the Township Supervisor and countersigned by the Township Clerk and shall have the corporate seal of the Township impressed thereon, and shall have interest coupons attached bearing the facsimile signatures of the Township Supervisor and the Township Clerk. After execution, the bonds shall be held by the Township Treasurer for delivery to the purchaser.

Both principal and interest shall be payable in lawful money of the United States of America at The Superior National Bank and Trust Company of Hancock, Michigan. Bonds may be registered as to principal only or as to principal and interest (if registered) shall be made to the registered holder at the address shown on the registration books of the Township.

Bonds numbered 1 to 10 inclusive, maturing in the years 1975 to 1984, inclusive, will not be subject to redemption prior to maturity.

Bonds numbered 11 to 70, inclusive, maturing in the years 1985 to 2011, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Township on any interest payment date on or after January 1, 1984, at par and accrued interest to the date fixed for redemption. Provided, any of said bonds of this issue as may be held by the government shall be subject to redemption prior to maturity without premium on any interest date after the date of said bonds issuance.

Thirty days' notice of the call of any bonds for redemption shall be given by publication in a newspaper or publication circulated in the State of Michigan which carries, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty days' notice shall be given by mail to the registered holder at the registered address and no publication shall be necessary. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

The bonds and coupons will be payable to bearer or at the option of the purchaser the bonds may be registered as to principal only or registered as to principal and interest on the books of the Township, kept for that purpose by the Township Treasurer upon presentation thereof which registration shall be noted thereon by the Township Treasurer and the interest coupons attached thereto removed by the Township Treasurer, after which no transfer shall be valid unless made on said book and similarly noted on the bonds.

No charge shall be made for registration.

Transferability by delivery may be restored, at the expense of the holder, by registration to bearer and in the case of registered interest reattachment of unamatured interest coupons or surrender of this bond and issuance of a new coupon bond.

SECTION VI - BOND RESERVE ACCOUNT

All of the provisions of Section 8 subsection (B) (2) of Ordinance No. 62270, as amended, relative to the use of Bond Reserve Account moneys, the maintenance thereof, and other details thereof, shall be as specified in said Ordinance No. 62270; provided that there shall be deposited the additional sum of at least \$50.00 per quarter into said Bond Reserve Account until there is accumulated in such fund the total sum of \$25,000.00. Except as otherwise provided, no further deposits need be made into the Bond and Interest Redemption Fund for the purpose of the Bond Reserve Account once the sum of \$25,000.00 has been deposited therein. Said Bond Reserve Account moneys to be considered as a reserve for the payment of principal of and interest on all bonds payable from the net revenues of the System.

SECTION VII - RATES, BILLING AND ENFORCEMENT

The rates charged for the use of the System, the billing and enforcement of collection thereof and the general management of the System shall be the same as is presently utilized by the System.

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SECTION VIII- APPLICABILITY OF ORDINANCE NO. 62270, AS AMENDED

Except as otherwise provided by this Ordinance, all the provisions and covenants of Ordinance No. 62270, as amended, shall apply to the bonds issued pursuant to this Ordinance the same as though each of said provisions and covenants were repeated in this Ordinance in detail, the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of equal standing with the outstanding bonds to pay the cost of completing the System; bonds for such purpose being authorized by the provisions of Section 12 (a) of Ordinance No. 62270, as amended, upon compliance with the conditions precedent to their issue as therein specified.

SECTION IX - BOND PROCEEDS

The proceeds of the bonds, as they are renewed, hereby authorized shall be deposited in the Construction Account in The Superior National Bank and Trust Company of Hancock, Hancock, Michigan (hereinafter called the "depository bank"), a bank insured by the Federal Deposit Insurance Corporation. In the event the government is a holder of any of the bonds herein authorized, then said account shall be established as a supervised bank account and such proceeds shall be withdrawn on the orders of the Township of Chassell only on checks signed by the Treasurer of the Township and countersigned by the County Supervisor of the Farmers Home Administration. Said monies shall be used solely for the purposes for which the bonds were issued.

SECTION X - BOND FORM

The form and tenor of said bonds shall be substantially as follows:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF HOUGHTON
TOWNSHIP OF CHASSELL
SANITARY SEWAGE DISPOSAL SYSTEM
REVENUE BOND, SERIES B

No. R

\$1,000.00

KNOW ALL MEN BY THESE PRESENTS that the TOWNSHIP OF CHASSELL, County of Houghton, State of Michigan, for value received, hereby promises to pay to the bearer hereof, or, if registered, to the registered holder hereof, but only out of the revenues of the Sanitary Sewage Disposal System of the Township of Chassell; including all appurtenances, additions, extensions and improvements thereto, the sum of

ONE THOUSAND DOLLARS

on the first day of January, A.D. _____, with interest thereon from the date hereof until paid at the rate of _____ per cent (%) per annum, payable on July 1, 1974, and semi-annually thereafter on the first day of January and July of each year. Both principal of and interest on this bond are payable in lawful money of the United States of America at The Superior National Bank and Trust Company of Hancock, Hancock, Michigan or if registered, to the registered holder at the address shown on the registration books of the Township and for the prompt payment thereof, the gross revenues of the Sanitary Sewage Disposal System of the Township, including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

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This bond is one of a series of seventy (70) bonds of even date and like tenor, except as to date of maturity, aggregating the principal sum of \$70,000.00 numbered consecutively in direct order of maturity from one (1) to seventy (70), inclusive, issued pursuant to Ordinance No. 91773, duly adopted by the Township on September 17, 1973, and Ordinance No. 62270, duly adopted by the Township on June 22, 1970, as amended, and under and in substantial compliance with the constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying the cost of completing the acquisition and construction of the sanitary sewage disposal system of the Township consisting of a sanitary sewer collection system pumping stations, forcemains, waste stabilization pond system, outfall sewer, together with appurtenances, attachments, land and rights-of-way necessary thereto. The bonds of this issue have equal standing and priority and are equally secured with the Sanitary Sewage Disposal Bonds as the original aggregate principal amount of \$329,000, dated May 18, 1972. For a complete statement of the revenues from which, and the conditions under which this bond is payable, a statement of the conditions, under which the additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances.

Bonds maturing in the years 1975 to 1984, inclusive, shall not be subject to redemption prior to maturity. Bonds maturing in the years 1985 to 2011, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Township on any interest payment date on or after January 1, 1984, at par and accrued interest to the date fixed for redemption.

Thirty Days' notice of the call of any bonds for redemption shall be given by publication in a paper circulated in the State of Michigan which carries as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty days' notice shall be given by mail to the registered holder at the registered address. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

Said bonds may be registered as to principal only, or as to principal and interest on the books kept by the Treasurer of the Township as registrar in the name of the holder and unmatured interest coupons detached from said bond after which it shall be transferable only upon presentation to such registrar with a written transfer by the registered holder or his attorney in fact. Such transfer shall be noted upon the books of the Township kept for that purpose. Said bonds once registered are exchangeable at the request of the registered owner hereof and at his sole expense for a negotiable coupon bond payable to bearer, upon surrender of this bond to the borrower at the office of the Treasurer of the Township.

This bond is a self-liquidating bond, and is not a general obligation of the Township and does not constitute an indebtedness of said Township within any constitutional or statutory limitation, but is payable, both as to principal and interest, solely from the revenues of the Sanitary Sewage Disposal System of the Township. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Township hereby covenants and agrees to fix and maintain at all times while all of such bonds shall be outstanding, such rates for service furnished by said Sewage Disposal System as shall be sufficient to provide for payment of the interest upon and the principal of all such bonds as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of said Sanitary Sewage Disposal System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system, as are required by said Ordinances.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Township of Chassell, County of Houghton, State of Michigan, by its Township Board has caused this bond to be signed in the name of said Township by its Township Supervisor and to be countersigned by its Township Clerk, and its corporate seal to be hereunto affixed and has caused the annexed interest coupon to be executed with the facsimile signatures of said Township Supervisor and Township Clerk, all as of _____, 1973.

(SEAL)

Countersigned:

JACK P. ENGEL, Township Clerk

TOWNSHIP OF CHASSELL
COUNTY OF HOUGHTON
STATE OF MICHIGAN

By HAROLD W. HAAPALA, Supervisor

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REGISTRATION
NOTHING TO BE WRITTEN HEREON EXCEPT
BY THE TOWNSHIP TREASURER AS REGISTRAR

Date of Registration	Name of Registered Owner	Registrar
.....
.....
.....

(Form of Coupon)

No. _____
On the first day of _____, A.D., 19____, the Township of Chassell, County of Houghton, State of Michigan, will pay to the bearer hereof the sum of _____ Dollars, in the manner and out of the revenues described in said bond at _____ being the semi-annual interest due that date on its Sanitary Sewage Disposal System Revenue Bond, Series R to which this coupon pertains.
HAROLD W. HAAPALA, Township Supervisor
JACK P. ENGEL, Township Clerk

SECTION XI - MUNICIPAL FINANCE COMMISSION APPROVAL

The Township Clerk is hereby authorized and directed to make application to the Municipal Finance Commission for authority to issue and sell said bonds and for approval of the form of notice of sale in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

SECTION XII - SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION XIII - PARAGRAPH HEADINGS

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered as a part of this Ordinance.

SECTION XIV - CONFLICT

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION XV - RECORDATION AND PUBLICATION

This Ordinance shall be published in full in The Daily Mining Gazette, a newspaper of general circulation in the Township of Chassell, qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Township Supervisor and Township Clerk.

SECTION XVI - EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the TOWNSHIP OF CHASSELL, MICHIGAN on September 17, 1973 and approved by same on September 17, 1973.

HAROLD W. HAAPALA, Township Supervisor
Township of Chassell

(SEAL)

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ATTEST:

JACK P. ENGEL, Township Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Ghassell, County of Houghton, Michigan, at a Special Meeting held on September 17, 1973.

I further certify that the following Members were present at said Meeting: Harold W. Haapala, Edwin W. Hendrickson, Clayton Frantti, Carl Tuomi, and Jack P. Engel and that the following Members were absent: None.

I further certify that Member Edwin W. Hendrickson moved adoption of said Ordinance and that said motion was supported by Member Carl Tuomi.

I further certify that the following Members voted for adoption of said Ordinance: Harold W. Haapala, Edwin W. Hendrickson, Clayton Frantti, Carl Tuomi, and Jack P. Engle and that the following Members voted against adoption of said Ordinance: None.

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Township Supervisor and Township Clerk.

JACK P. ENGEL, Township Clerk

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