

ORDINANCE NO. 7677-82

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF  
\$200,000 MOTOR FUEL TAX REVENUE BONDS SERIES 1977  
OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS,  
FOR THE PURPOSE OF PAYING THE CITY'S SHARE OF MOTOR FUEL TAX  
CONSTRUCTION PROJECT #182-TL-CS, CUNNINGHAM AVENUE, PERKINS  
ROAD INTERSECTION AND MOTOR FUEL TAX CONSTRUCTION PROJECT #70-00162-0ORP,  
VINE STREET CONSTRUCTION, AND PRESCRIBING ALL THE DETAILS OF SAID BONDS  
AND PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF  
THE REVENUES AFORESAID FOR THE PURPOSE OF PAYING THE PRINCIPAL  
OF AND INTEREST UPON SUCH MOTOR FUEL TAX REVENUE BONDS

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WHEREAS, the City of Urbana has incurred liability in the amount of approximately \$200,000, representing the City's share of costs of Motor Fuel Tax Construction Project #182-TL-CS (Cunningham Avenue/Perkins Road Intersection), and Motor Fuel Tax Construction Project #70-00162-0ORP (Vine Street Construction); and

WHEREAS, it is found and determined that the best manner of financing said City's share of MFT Construction Project #182-TL-CS (Cunningham Avenue/Perkins Road Intersection) and MFT Construction Project #70-00162-0ORP (Vine Street Construction) is by the issuance of Motor Fuel Tax Revenue Bonds; and

WHEREAS, it has been determined that the City's share of the cost of the above MFT construction projects is eligible for use of MFT funds.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Urbana, Illinois, as follows:

Section 1. Wherever the words motor fuel tax or MFT revenue are used in this ordinance, it shall be understood to mean the revenues received from the State of Illinois in an Act in relation to a tax upon the privilege of operating motor vehicles upon the public highways and waters, based upon the consumption of motor fuel therein, as amended.

Section 2. That for the purpose of paying the costs of the City's share of the above MFT construction projects described in the preamble to the ordinance or to reimburse the City of Urbana motor fuel tax revenue account for monies expended from said account for, and bonds to be paid out of motor fuel tax revenues are hereby ordered to be issued in the principal amount of \$200,000, which bonds shall be designated "motor fuel tax bonds, series 1977" in the denomination of \$5,000 each and numbered serially 1 through 40, inclusive, and dated the 22nd day of February, 1977, and to mature on the 1st day of July, 1982.

Section 3. The above said bonds shall bear interest at the rate of five percent (5%) per annum, which said interest shall be payable on the 1st day of July, 1977, and annually thereafter on the 1st day of July of each year.

Section 4. Both principal and interest of the said motor fuel tax revenue bonds shall be payable in lawful money of the United States at the Busey First National Bank in the City of Urbana, Illinois. Said bond shall be signed by the Mayor attested to by the City Clerk, and sealed with the corporate seal of the City of Urbana, and the interest coupons attached to said bond shall be executed by the said officials, by the execution of said bonds, shall adopt as and for their own proper signatures their respective facsimile signatures appearing under said coupons. Said bonds, together with the interest therein, shall be payable solely from the revenues derived from the motor fuel tax monies allocated to the City of Urbana by the State of Illinois and such bonds shall not in any event constitute an indebtedness of the City of Urbana within the meaning of any constitutional or statutory limitation.

Section 5. Said bonds and coupons shall be in substantially the following form:

(Form of the Bond)  
 UNITED STATES OF AMERICA  
 STATE OF ILLINOIS, COUNTY OF CHAMPAIGN  
 CITY OF URBANA

MOTOR FUEL TAX REVENUE BOND, SERIES 1977

Number \_\_\_\_\_ Amount \$5,000.00

KNOW ALL MEN BY THESE PRESENTS, that the City of Urbana, Champaign County, Illinois, for value received, hereby promises to pay to bearer hereof, solely from the motor fuel tax revenue funds allocated to the City of Urbana, Illinois, by the State of Illinois, as hereinafter mentioned, and not otherwise, the sum of \$5,000.00 on the 1st day of July, 1982, together with interest on said sum from the date hereof until paid at the rate of five percent (5%) per annum payable the 1st day of July, 1977, and annually thereafter on the 1st day of July each year upon presentation and surrender of the annexed interest coupons as they severally become due.

Bond principal and interest on this bond are hereby made payable in lawful money of the United States of America at the Busey First National Bank in the City of Urbana, Illinois.

This bond is payable solely from the revenues to be derived from the motor fuel tax revenues allocated to the City of Urbana, Illinois, by the State of Illinois as described and provided for in the ordinance authorizing this bond and the series of which it forms a part, and not otherwise, and is issued under the authority of the State of Illinois Constitution of 1970 and the Illinois Municipal

Code as amended, and all laws amendatory thereof and supplemental thereto, for the purpose of paying that portion of the City's share of certain MFT construction projects described in the ordinance authorizing the issuance of this bond, and this bond does not constitute an indebtedness of said City within any constitutional or statutory limitation.

This bond is one of an authorized issue of \$200,000 of the denomination of \$5,000.00 each, numbered 1 through 40, inclusive.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to and in the issuance of this bond have been done, and have happened and have been performed in regular and due form of law, and that provision is made for the depositing of the revenues received from the State of Illinois as the allocated share of said funds to the City of Urbana, Illinois to be applied in the manner hereinabove set forth.

IN WITNESS WHEREOF, the City of Urbana, Champaign County, Illinois, by its City Council, has caused this bond to be signed by its Mayor, attested to by the City Clerk, its corporate seal to be hereunder affixed, and the coupons here- to attached to be signed by the facsimile signatures of the said Mayor and City Clerk which officials by the execution of this bond to adopt as and for their own proper signatures their respective facsimile signatures appearing on said coupons, and this bond to be dated the 22nd day of February, 1977.

\_\_\_\_\_  
Mayor  
City of Urbana  
Champaign County, Illinois

Attest:

\_\_\_\_\_  
City Clerk

(Form of Coupon)

Number \_\_\_\_\_ \$ \_\_\_\_\_

On the first day of July, 19\_\_\_\_, the City of Urbana, Champaign County, Illinois, will pay to bearer out of the motor fuel tax revenues allocated to the City of Urbana, Illinois, by the State of Illinois, \$\_\_\_\_\_ in lawful money of the United States of America at the Busey First National Bank, Urbana, Illinois, being interest then due on its motor fuel tax revenue bonds, Series

1977, dated the 22nd day of February, 1977.

\_\_\_\_\_  
Mayor  
City of Urbana  
Champaign County, Illinois

Attest:

\_\_\_\_\_  
City Clerk

Section 6. Following passage of this ordinance, there shall be budgeted annually an amount sufficient to retire one-fifth (1/5) of the principal amount of the bonds herein authorized to be issued, and, additionally, that sum needed to pay the interest annually due on said bonds herein authorized. For this purpose, a special account shall be created.

Section 7. It is hereby covenant and agreed that while any of the bonds issued hereunder are outstanding, the City will not issue any other bonds or obligations of any kind or nature having a lien or pledge on the revenues of the motor fuel tax monies allocated the City of Urbana by the State of Illinois which is prior to the lien on such revenues and the bonds hereinafter authorized.

Section 8. The provisions of this ordinance shall constitute a contract between the City of Urbana and the holders of the bonds herein authorized to be issued, and after issuance of the bonds, no changes, additions or alterations of any kind should be made to this ordinance in any manner except in accordance with the provisions of this ordinance or until such time as all of the said bonds issued hereunder and the interest thereon shall have been paid in full or unless until the provisions shall have been made for the payment of all said bonds and interest therein in full.

Section 9. That the City hereby covenants and agrees with the holders of said bonds and coupons hereby authorized that so long as the bonds or any of them remain outstanding and unpaid, either as to principal or interest, that proper books and records and accounts will be kept and maintained by said City separate and apart from all other records and accounts of said City, showing correct and complete entries of all transactions relating to the system, and that the holders of any of said bonds or any duly authorized agent or agents of such holders shall have the right to any and all reasonable times to inspect the records,

accounts and audits relating thereto, and to inspect the system and all property comprising the system. Said City further covenants and agrees that it will, within not more than sixty days following the close of each fiscal year, cause an audit of such books and accounts to be made by a certified public accountant, and that such audit will be available for inspection by the holders of any of the bonds.

Section 10. That as soon as possible after this ordinance becomes effective, said bonds shall be executed by the Mayor and City Clerk with the seal of the City affixed and shall be deposited with the City Treasurer and by the said Treasurer, and delivered to Busey First National Bank as bond agent.

Section 11. Upon receipt of the proceeds of the sale of the said bonds herein authorized, the said proceeds shall be held separate and apart from all other proceeds and monies of the City and shall be placed in an account entitled, "Bond Proceeds for MFT Construction Projects #182-TL-CS and #70-00162-OORP in one or more qualified banks in the State of Illinois, which shall be designated from time to time by the City Council as depositories for funds. Said funds shall be used solely to pay the City of Urbana's share of the construction costs of MFT Construction Projects #182-TL-CS and #70-00162-OORP, and said funds shall be withdrawn from the said depository from time to time by the Treasurer of the City of Urbana only upon submission to him/her of the following:

(a) A duplicate copy of the order signed by the Mayor and City Clerk, or such other officers that may from time to time be by law authorized to sign and countersign orders on the Treasurer of the City, stating specifically the purpose for which the order is issued and indicating that the payment for which the order is issued has been approved by the City Council of the said City; and

(b) Each withdrawal of funds by the Treasurer for payment to a contractor or contractors for work done in connection with the construction of said improvements and extensions shall also be accompanied by a certificate executed by the City Engineer, stating the nature of the work completed and the amount due and payable thereon.

Section 12. If any funds derived from the sale of the bonds herein authorized is not used to pay the City's share of the costs of MFT Construction Project #182-TL-CS and MFT Construction Project #70-00162-OORP, such excess funds shall be deposited to the account created in Section 6 of this ordinance. Any funds in the said account not lawfully required to retire the principal and interest due

on these bonds herein authorized to be issued shall, after such principal and interest are paid in full to the holders thereof, be transferred to the City of Urbana Motor Fuel Tax Fund account.

Section 13. Arbitrage Covenant. That the proceeds of the sale of the bonds herein authorized will be used and devoted with due diligence for the purpose as provided herein, and the City of Urbana covenants and agrees with the purchasers and holders of the bonds herein authorized as follows:

(a) That as soon as reasonably possible after delivery of the bonds, the City of Urbana shall use the proceeds thereof to reimburse to the City of Urbana Motor Fuel Tax Revenue account those monies expended from the said account for and in behalf of the City's share of the aforesaid MFT Construction Project #182-TL-CS (Cunningham Avenue/Perkins Road Intersection) and MFT Construction Project #70-00162-00RB (Vine Street Construction), and said obligation being in an aggregate substantially all of the principal amount of the bonds herein authorized.

(b) That in any event the City of Urbana expects more than 85% of the spendable proceeds of the bonds, including investment proceeds, will be expended on or before three years following the date of issuance of the bonds herein authorized.

(c) The City of Urbana hereby certifies and covenants with the purchasers and holders of the said bonds that so long as any of the bonds remain outstanding, monies on deposit in any fund or account in connection with said bonds, whether or not such monies were derived from proceeds for sale of bonds or from other sources will not be used in any manner which would cause such bonds to be "arbitrage bonds" within the meaning of Section 103(d) of the Internal Revenue Code of 1954, as amended, and any lawful regulations promulgated or proposed thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented or revised. The City of Urbana reserves the right, however, to make any investment of such money as permitted by state law if, when and to the extent that said Section 103(d) or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of the court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation or decision would not, in the opinion of counsel or recognized competence in such matters, result in making the interest in said bond subject to federal income tax.

Section 14. 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 15. 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 16. This Ordinance shall be effective immediately upon its passage and approval.

Section 17. This Ordinance, after its passage, shall be published in a newspaper of general circulation in said City.

PASSED by the City Council of the City of Urbana, Illinois this 21 day of February, 1977.

Duane Eckerty  
Duane Eckerty, City Clerk

APPROVED by the Mayor this 2 day of March, 1977.

Hiram Paley  
Hiram Paley, Mayor

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the Champaign-Urbana Courier on the 21<sup>st</sup> day of March, A.D., 1977, and a Certificate of Publication is attached hereto.

Duane Eckerty  
Duane Eckerty, City Clerk

COPY OF ADVERTISEMENT

20865

# Certificate of Publication

STATE OF ILLINOIS }  
Champaign County } ss.

CHAMPAIGN-URBANA COURIER, Inc., a corporation hereby certifies that it is the publisher of THE COURIER, a daily secular newspaper of general circulation in said County, printed in the City of Urbana, and published in the City of Urbana and in the City of Champaign, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the printed notice hereto annexed and hereby made a part of this certificate has been published in said

newspaper at least once each week for one successive weeks in each and every copy

and impression thereof; that the date of the first newspaper containing said publication was

March 7, A.D. 19 77, and that the date of the last newspaper containing said

publication was \_\_\_\_\_ A.D. 19 \_\_\_\_\_ ; and that \_\_\_\_\_

Barbara A. Rees by resolution of the Board of Directors of said CHAMPAIGN-URBANA COURIER, Inc., has been authorized to make this certificate.

IN TESTIMONY WHEREOF said CHAMPAIGN-URBANA COURIER, Inc., has caused this cer-

tificate to be executed in its name by said Barbara A. Rees

this 7th day of March A.D. 19 77.

CHAMPAIGN-URBANA COURIER, Inc.

Publication Fee, \$ 79.56

By \_\_\_\_\_

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**CERTIFICATE OF PUBLICATION**

in

**THE COURIER**

**CHAMPAIGN AND URBANA, ILLINOIS**

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In the Matter of

**Ordinance No. 7677-82**

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Solicitors or  
Attorneys

**City of Urbana  
City Clerk**

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