

ORDINANCE NO. 8384-63

AN ORDINANCE
AUTHORIZING AND APPROVING A LOAN IN THE
PRINCIPAL AMOUNT OF \$100,000 FOR SPECIAL
ASSESSMENT, CITY SECTION 83-00234-LI-SR

WHEREAS, the City of Urbana, Champaign County, Illinois (the "City"), has heretofore provided, by Ordinance No. 8384-20, passed October 3, 1983, and approved October 13, 1983, as amended by Ordinance No. 8384-62, heretofore passed and approved on dates of even dates herewith, for the making of a local improvement which consists of the installation of sanitary sewers including approximately 2,600 feet of 8-inch and approximately 550 feet of 6-inch clay pipe, all manholes, and other related items for portions of West Anthony Drive and North Lincoln Avenue in the City of Urbana, Champaign County, Illinois ("Anthony Street Sanitary Sewer Project, City Section 83-00234-LI-SR") and prescribed that such improvement shall be made by special assessment; and

WHEREAS, the City Council has determined that it is necessary and in the best interests of the City to borrow and issue the Promissory Note of the City in the principal amount of \$100,000, which such borrowing and Promissory Note shall be secured by the full faith and credit of the City, for the purpose of anticipating the collection of the installments for said special assessment; and

WHEREAS, the City is a home rule unit under Article VII, Section 6 of the 1970 Constitution of the State of Illinois, with full power and authority to exercise any power and perform any function pertaining to its government and affairs, including the power to enter into the transactions contemplated by this Ordinance; and

WHEREAS, the City and Busey First National Bank, Urbana, Illinois (the "Bank") are about to make provision for a loan in the principal amount of \$100,000, evidenced by the Promissory Note of the City in such amount (the "Note"), a copy of the form of which such Note is attached hereto and hereby incorporated by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Findings. That the City Council of the City hereby finds that it is necessary and in the best interests of the City to borrow \$100,000 pursuant to the Note in order to pay the cost of the Anthony Street Sewer Project, City Section

83-00234-LI-SR, which such local improvement is further hereby authorized and determined to be in the public interest and for a public purpose.

Section 2. The Loan. For the purpose of anticipating the collection of the installments of the said special assessment for such local improvement, including necessary expenses incidental thereto, there is hereby authorized to be borrowed, and there is hereby authorized to be issued, the Note of the City in the principal amount of \$100,000. The Note shall be substantially in the form as that attached hereto, shall be dated as of the date of its issuance and delivery to the Bank, and shall bear interest on the principal amount outstanding and unpaid from time to time at the rate per annum equal to nine percent (9%). Said principal and interest on the Note shall be payable as follows:

Accrued interest shall be payable from and after the date of such issuance and delivery on January 31, 1985, and on January 31st of each and every year thereafter until the total amount, both principal and interest, is paid in full. A principal payment in the amount of \$10,000 shall likewise be payable on January 31, 1985, and a like principal amount shall be payable annually thereafter on each succeeding January 31st thereafter until the total principal amount is paid in full.

Both principal and interest shall be payable at the Bank, Race and Main Streets, Urbana, Illinois, or at such other place as may from time to time be designated in writing by the Bank, all in accordance with the terms of the Note.

Section 3. Pledge. In addition to the anticipation of the collection of the installments of the said special assessment for such local improvement, which installments are hereby found by the City to be sufficient to pay the principal and interest on the Note when due, the Note shall be a general obligation of the City, secured by the full faith and credit of the City, and shall be issued in compliance with and under the authority of the provisions of this Ordinance.

Section 4. Execution. The Mayor and the City Clerk, for and on behalf of the City, be and the same are hereby authorized and directed to do any and all things necessary to effect the due execution and delivery of the Note and the acceptance thereof by the Bank, and the performance of all other acts of whatever nature necessary to effect and carry out the authorization conferred by this Ordinance.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision hereof shall for any reason be

declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 6. Prior Inconsistent Proceedings. All ordinances, resolutions, and parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict, hereby repealed.

Section 7. This Ordinance shall take effect immediately upon its passage and approval, the borrowing and the Note approved and issued hereunder being approved and issued under home rule powers provided by Article VII, Section 6 of the 1970 Constitution of the State of Illinois.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

1984. PASSED by the City Council this 18th day of June


Ruth S. Brookens
Ruth S. Brookens, City Clerk

1984. APPROVED by the Mayor this 26th day of June

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8384-63 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

June 21, 1984
Date



\$100,000

Urbana, Illinois

_____, 1984

PROMISSORY NOTE

FOR VALUE RECEIVED, the undersigned, **CITY OF URBANA**, a Municipal Corporation of the State of Illinois, promises to pay to the order of **BUSEY FIRST NATIONAL BANK**, Urbana, Illinois, the principal sum of ONE HUNDRED THOUSAND and no/100 Dollars (\$100,000.00), together with interest from the date hereof at the rate of nine percent (9%) per annum on the unpaid balance, until paid, the said principal and interest to be payable as follows:

Accrued interest shall be payable from and after the date of such issuance and delivery on January 31, 1985, and on January 31st of each and every year thereafter until the total amount, both principal and interest, is paid in full. A principal payment in the amount of \$10,000 shall likewise be payable on January 31, 1985, and a like principal amount shall be payable annually thereafter on each succeeding January 31st thereafter until the total principal amount is paid in full.

Both principal and interest shall be payable at the Bank, Race and Main Streets, Urbana, Illinois, or at such other place as may from time to time be designated in writing by the Bank.

Upon any default under this obligation and the continuance of said default for a period of thirty (30) days, at the option of the holder of this note, the unpaid balance hereunder, both principal and interest, shall become immediately due and payable in full, time being of the essence hereof. Any waiver of any payment hereunder at any time shall not at any other time be taken to be a waiver of the terms of this note.

The undersigned City of Urbana represents that the execution of this instrument by the Mayor and the City Clerk, and the obtaining of the loan represented hereby, has been duly authorized by all necessary corporate action.

IN WITNESS WHEREOF, this promissory note has been executed this _____ day of _____, 1984.

CITY OF URBANA, a Municipal Corporation of the State of Illinois

ATTEST:

By: _____
Jeffrey T. Markland, Mayor

Ruth S. Brookens, City Clerk