

RESOLUTION NO. 8283-R27

A RESOLUTION  
CONCERNING THE GUARANTEE OF DEBT INCURRED  
BY THE CHAMPAIGN-URBANA SOLID WASTE DISPOSAL SYSTEM

WHEREAS, the City of Champaign, Illinois ("Champaign"), pursuant to Council Bill No. 75-170, passed and approved November 4, 1975 and the City of Urbana, Illinois ("Urbana"), pursuant to Ordinance No. 7576-47, passed by its City Council on December 1, 1975 and approved by its Mayor December 5, 1975, have entered into the Champaign-Urbana Solid Waste Disposal System Agreement (the "System Agreement"); and

WHEREAS, pursuant to the System Agreement, Champaign and Urbana have created and established the Champaign-Urbana Solid Waste Disposal System (the "System"), a contractual and associational entity under Section 10 of Article VII of the 1970 Illinois Constitution and the Illinois Intergovernmental Cooperation Act (Section 741, et seq. of Chapter 127 of the Illinois Revised Statutes), as an agency of the cities; and

WHEREAS, the System has entered into or is about to enter into an agreement for development as a sanitary landfill of an approximate seventeen-acre site (the "new site") adjacent to the present System landfill site in Urbana, Illinois (the design, engineering and other work in connection with such agreement hereinafter referred to as the "Project"); and

WHEREAS, the System and Busey First National Bank, Urbana, Illinois (the "Bank") are about to enter into a Loan Agreement, to be dated as of the date of the hereinafter described Note (the "Loan Agreement"), in connection with a loan in the principal amount of \$190,000, evidenced by the Promissory Note of the System in that amount (the "Note"); and

WHEREAS, the System anticipates that the fees and other available revenues from the System's operations will be sufficient to pay the principal of and interest on the Note as the same mature and come due and that no other funds shall be required for such purposes; however, to induce the Bank to purchase the Note and to achieve cost savings for the System and the two cities, Champaign and Urbana will enter into a Guaranty Agreement, to be dated as of the date of the Note (the "Guaranty Agreement"), to guaranty the payment of the principal of and interest on the Note as the same mature and come due, such guaranty by each city to be as to a prorata amount based upon the population of each city and the total population of each city, as more fully described in the Guaranty Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, AS FOLLOWS:

1. That the following documents, in substantially the forms thereof which the System has caused to be prepared and presented at the meeting at which this resolution is being considered, are in all respects ratified, confirmed and approved:

- (1) The form of the Loan Agreement
- (2) The form of the Note, as an exhibit to the Loan Agreement
- (3) The form of Guaranty Agreement

(The above-listed documents hereinafter sometimes referred to collectively as the Loan Documents).

2. The completion of the Project and the borrowing by the System of \$190,000 pursuant to the Loan Agreement and the Note to pay the costs of the Project are hereby expressly authorized and determined to be in the public interest and for a public purpose, namely, to provide facilities for the disposition of solid waste in the Champaign-Urbana community.

3. The form, terms and provisions of the proposed Guaranty Agreement be, and they hereby are, in all respects approved, and the Mayor and City Clerk be, and they are hereby authorized, empowered and directed to execute and deliver the Guaranty Agreement in the name and on behalf of this City, and thereupon to cause the Guaranty Agreement to be executed.

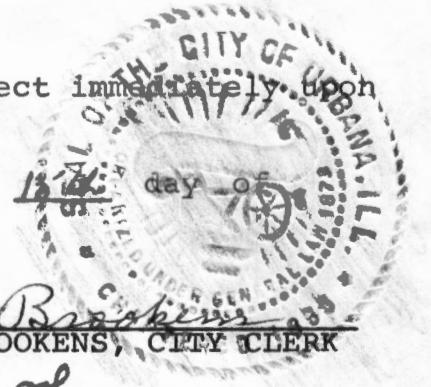
4. The Mayor and City Clerk, for and on behalf of this City, be and they are hereby authorized and directed to do any and all things necessary to effect the due execution and delivery of the Loan Agreement and the acceptance of the Note and the Guaranty Agreement by the Bank; and the performance of all other acts of whatever nature necessary to effect and carry out the authority conferred by the System Agreement, this resolution, the Note, and the Loan Agreement. The Mayor and City Clerk be, and they are hereby, further authorized and directed, for and on behalf of this City to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by the System Agreement, this resolution, the Note and the Loan Agreement, or to evidence such authority and its exercise.

5. The provisions of this resolution are hereby declared to be separable and if any section, phrase or provision 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.

6. All resolutions and ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

7. This resolution shall take effect immediately upon its adoption.

PASSED by the City Council this 13<sup>th</sup> day of November, 1982.



Ruth S. Brookens  
RUTH S. BROOKENS, CITY CLERK

APPROVED by the Mayor this 22<sup>nd</sup> day of November, 1982.

Jeffrey T. Markland  
JEFFREY T. MARKLAND, MAYOR