



Legislation Text

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GONotesAssessedSidewalks
Finance
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Providing for the issuance and sale of \$1,625,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of constructing, reconstructing and rehabilitating sidewalks, including, where necessary, driveway approaches and curbs, in certain locations on designated streets; and declaring an emergency.

SUMMARY & BACKGROUND:

This Ordinance authorizes the issuance and sale of \$1,625,000 of notes in anticipation of the issuance of bonds that the City plans to sell in October 2024. The amount received from the sale of the notes authorized by this Ordinance will be used, together with other funds, to retire the City's outstanding \$1,960,000 Sidewalk Improvement Notes, Series 2023, maturing on October 11, 2024. With the issuance of the notes authorized by this Ordinance and the retirement of the Series 2023 Notes, the City's outstanding debt will be decreased by \$335,000. Because the amount of debt is being reduced, there will be no negative impact on debt limits.

Pursuant to Ordinance No. 394-23, passed by this Council on August 15, 2023, the City issued its \$1,960,000 Sidewalk Improvement Notes, Series 2023, dated October 13, 2023 (the Outstanding Notes), for the purpose described in Section 1 and other purposes, which Outstanding Notes mature on October 11, 2024.

This Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City and provide an additional \$19,000 for the purpose stated in Section 1.

The Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, less the period in excess of 20 years during which notes are outstanding in anticipation thereof, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is October 17, 2039;

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. That it is necessary to issue bonds of the City in the aggregate principal amount of \$1,625,000 (the Bonds) for the purpose of paying costs of (a) improving 116th Street, 285th Street, 287th Street, 288th Street, Abbott Avenue, Airport Highway, Auburn Avenue, Barrington Drive, Beaufort Avenue, Beaumont Drive, Belmont Avenue, Brame Place, Bowen Road, Broadway Street, Broer Avenue, Brookley Boulevard, Burnham Avenue, California Boulevard, Calumet Avenue, Camden Street, Camp Street, Carroll Place, Cecelia Avenue, Charleston Avenue, Christie Street, Cone

Street, Darlington Road, Decatur Street, Dianne Court, Division Street, Drexel Drive, East Broadway Street, East Manhattan Boulevard, East Park Street, Eastern Avenue, Evansdale Avenue, Evanston Court, Escott Avenue, Evesham Avenue, Fairview Drive, Fern Drive, Fernwood Avenue, Foxchapel Road, Frederick Street, Garfield Place, Geneva Avenue, Georgetown Avenue, Gibbons Street, Glendale Avenue, Glenview Road, Glenwood Avenue, Goodwood Avenue, Grantwood Drive, Hearthstone Place, Heathshire Drive, Hill Avenue, Hinsdale Road, Hoag Street, Howland Avenue, Idaho Street, Irma Place, Jackson Street, Kalida Drive, Joffre Street, Kensington Road, Kenwood Boulevard, Kershaw Avenue, Lambert Drive, Langdon Street, Lawrence Avenue, Lewis Avenue, Lincoln Avenue, Macomber Street, Mansfield Road, Mapleway Drive, Marlow Road, Marmion Avenue, Mayport Drive, Meadowbrook Court, Monroe Street, Moore Street, Nebraska Avenue, Nevada Street, North Cove Boulevard, North Michigan Street, North Ontario Street, North Richardson Drive, North Superior Street, Norwood Avenue, Oakmont Street, Orchard Street, Overland Parkway, Ottawa River Road, Palmwood Avenue, Perth Street, Pinewood Avenue, Pool Street, Prouty Avenue, River Road, Robinwood Avenue, Rushland Avenue, Schiley Street, Segur Avenue, Shea Street, Shenandoah Road, Sherbrooke Road, South Avenue, South Byrne Road, Stannard Drive, Strathmoor Avenue, Tecumseh Street, Third Street, Thurston Street, Turner Avenue, Turret Green Drive, Upton Avenue, Vance Street, Vinal Street, Walbridge Avenue, Walsh Street, Warren Street, Watson Avenue, West Capistrano Avenue, West Crawford Avenue, West Delaware Avenue, West Laskey Road, Whitegate Drive, Whiting Avenue, Wildwood Boulevard, Wildwood Road, Willard Street, Winston Boulevard, Winthrop Street and Woodville Road by rehabilitating concrete sidewalks and driveway approaches, where necessary, together with necessary appurtenances and work incidental thereto, in the locations and in the manner provided in Resolution No. 107-19, adopted on March 5, 2019, (b) improving 111th Street, 113th Street, 119th Street, 286th Street, Annabelle Drive, Austin Street, Avondale Avenue, Balkan Place, Beaumont Drive, Berdan Avenue, Blackstone Drive, Brame Place, Branbury Road, Bricker Avenue, Brown Avenue, Buckingham Street, Burger Street, Burke Glen Road, Burnham Avenue, Camp Street, Carver Boulevard, Cecelia Avenue, Charlestown Avenue, Cheltenham Road, Cherrylawn Drive, Christie Boulevard, Clifton Boulevard, Clymena Street, Colburn Street, Cone Street, Dartmouth Drive, Dellwood Drive, Douglas Road, Drummond Road, Dunderry Lane, East Lake Street, East Manhattan Boulevard, East Oakland Street, Eleanor Avenue, Evansdale Avenue, Evesham Avenue, Fernwood Avenue, Francis Avenue, Fredonia Street, Gilbert Road, Glendale Avenue, Gloucester Drive, Goddard Road, Greystone Parkway, Gribbin Lane, Hagley Road, Hamilton Street, Hargrave Road, Harley Road, Hilltop Boulevard, Hilltop Lane, Homewood Avenue, Independence Road, Ivy Place, Kenilworth Avenue, Kenwood Boulevard, Kingswood Trail, Lawrence Avenue, Lawton Avenue, Lockwood Avenue, Macomber Street, Maple Street, McDonald Street, Mettler Street, Middlesex Drive, Monroe Street, North Byrne Road, North Hawley Street, North Huron Street, North Lockwood Avenue, North Ontario Street, Northtowne Drive, Oakdale Avenue, Orchard Street, Ottawa River Road, Otto Street, Parker Avenue, Pasadena Boulevard, Perth Street, Peru Street, Pinewood Avenue, Pool Street, Potomac Drive, Prouty Avenue, Putnam Street, Redondo Avenue, Regina Parkway, Rivard Road, River Road, Robinwood Avenue, Rockcross Drive, Ruthanne Drive, San Joaquin Drive, San Paulo Drive, Schley Street, Scottwood Avenue, Sheila Drive, Stannard Drive, Sunset Boulevard, Thatcher Drive, Truxton Place, Valleywood Drive, Victoria Place, West Alexis Road, West Capistrano Avenue, West Delaware Avenue, West Poinsetta Avenue, Westway Street, Wildwood Road, Willard Street, Willowhill Lane, Woodsdale Avenue and Woodward Avenue, Worley Place, by rehabilitating concrete sidewalk and driveway approaches, where necessary, together with necessary appurtenances and work incidental thereto, in the locations and in the manner provided in locations provided in Resolution No. 280-19, adopted on June 11, 2019, (c) improving 5th Street, 115th Street, 116th Street, Airport Highway, Albert Street, Alvison Road, Arden Place, Arlington Avenue, Atlantic Avenue, Balfie Street, Bancroft Street, Bateman Street, Beechway Boulevard, Bellevue Road, Bennett Road, Berdan Avenue, Berkeley Drive, Berry Street, Beverly Drive, Blackstone Drive, Bobolink Lane, Boody Street, Boston Place, Bradford Drive, Bronson Boulevard, Buckingham Street, Burnham Avenue, California Boulevard, Calumet Avenue, Canal Avenue, Carroll Place, Cherrylawn Drive, Collingwood Boulevard, Collins Street, Coney Court, Continental Boulevard, Coventry Avenue, Craigwood Road,

Crestwood Road, Cribb Street, Darrow Avenue, Deerwood Lane, Dellwood Drive, Detwilder Drive, Dexter Street, Division Street, Dority Boulevard, Drummond Road, Dundee Avenue, Eleanor Avenue, Elm Street, Elmhurst Road, E. Oakland Street, Elsie Avenue, E. Manhattan Boulevard, Evansdale Avenue, Everett Street, Evesham Avenue, Fairview Drive, Felt Street, Fernwood Avenue, Francis Avenue, Freedom Street, Gill Street, Glendale Avenue, Glenn Street, Glenwood Avenue, Goddard Road, Goodale Avenue, Greene Street, Greenwood Avenue, Hamilton Street, Harley Road, Harvard Boulevard, Helene Court, Hinde Road, Hurley Drive, Imani Circle, Independence Road, Islington Street, Jackman Road, Jeannette Avenue, Jervis Street, Joffre Avenue, Kedron Street, Keygate Drive, Kingston Avenue, Klondike Street, Lafayette Street, Lagrange Street, Lakewood Street, Larchmont Parkway, Lebanon Street, Leonard Street, Lewis Avenue, Lincoln Avenue, Lodge Avenue, Longdale Avenue, Luddington Drive, Luscombe Drive, Machen Street, Maeterlinck Avenue, Magnolia Street, Mapleway Drive, Maplewood Avenue, Marlow Road, Marmion Avenue, Maryland Avenue, Maumee Avenue, McDonald Street, Mellwood Avenue, Middlesex Drive, Milroy Avenue, Mulberry Street, National Avenue, Nebraska Avenue, Nesselwood Avenue, Nevada Street, N. Huron Street, N. Lockwood Avenue, N. May Avenue, N. Michigan Street, N. Ontario Street, Norwood Avenue, N. Summit Street, N. Superior Street, Oak Street, Oakdale Avenue, Oconnell Street, Ottawa River Road, Page Street, Palmwood Avenue, Parkdale Avenue, Parker Avenue, Parkwood Avenue, Pemberton Drive, Pinewood Avenue, Planet Avenue, Pomeroy Street, Pool Street, Princeton Drive, Prospect Avenue, Revere Drive, Rockingham Street, Rugby Drive, Rushland Avenue, Salem Street, San Jose Drive, San Paulo Drive, Schomberg Street, Scottwood Avenue, Segur Avenue, Sheldon Street, Sherbrooke Road, South Avenue, Southmoor Drive, Spring Grove Avenue, Stannard Drive, Starr Avenue, Sunset Boulevard, Talbot Street, Tecumseh Street, Thatcher Drive, Thayer Street, Thoman Place, University Boulevard, Utah Street, Van Buren Avenue, Ventura Drive, Victoria Place, Walbridge Avenue, Waldorf Drive, Walker Avenue, Ward Street, Wardell Street, Waterworks Drive, W. Central Avenue, Wenz Road, Wildwood Road, Wiler Lane, Willow Avenue, Willys Parkway, Winston Boulevard, W. Laskey Road, Woodhaven Drive, Woodland Avenue, Woodmont Road, Woodsdale Avenue, W. Park Street, W. Woodruff Avenue, Wyckliffe Parkway and Wyndale Road by rehabilitating concrete sidewalk and driveway approaches, where necessary, together with necessary appurtenances and work incidental thereto, in the locations and in the manner provided in locations provided in Resolution No. 210-20, adopted on June 16, 2020, (d) 5th Street, 111th Street, 115th Street, 116th Street, 123rd Street, 286th Street, 288th Street, 289th Street, 305th Street, Adelaide Drive, Air Line Avenue, Airport Highway, Algonquin Parkway, Alvison Road, Amara Drive, Andora Drive, Arlington Avenue, Avondale Avenue, Bartley Place, Barrows Street, Beaumont Drive, Beechway Boulevard, Belmont Avenue, Bentley Boulevard, Berdan Avenue, Berkeley Drive, Berkshire Place, Beverly Drive, Blackstone Drive, Bobolink Lane, Bonfield Drive, Boston Place, Bowen Road, Bradford Drive, Brinton Drive, Bryant Court, Buckeye Street, Burbank Drive, Burnham Avenue, Butterfield Drive, Calyx Lane, Campbell Street, Castleton Avenue, Castlewood Drive, Cheltenham Road, Cherrylawn Drive, Cincinnati Street, City Park Avenue, Claredale Road, Clyde Street, Clymena Street, Collingwood Boulevard, Cresthaven Lane, Custer Drive, Darlington Road, Densmore Drive, Detwiler Drive, Dexter Street, Dorr Street, Dover Place, Drexel Drive, Drummond Road, Dundee Avenue, Durango Drive, Eastern Avenue, East Florence Avenue, East Hudson Street, East Manhattan Boulevard, East Pearl Street, East Poinsetta Drive, Edgemont Road, Elaine Drive, Elgin Avenue, Elmhurst Road, Elm Street, Elmway Drive, Everett Street, Everwood Road, Evesham Avenue, Fairfax Road, Foxchapel Road, Freeman Street, Francis Avenue, Front Street, Fulton Street, Garden Park Drive, Glencove Drive, Glendale Avenue, Goddard Road, Goodale Avenue, Gordon Street, Hallgate Avenue, Hamilton Street, Hampton Avenue, Hausman Street, Heatherdowns Boulevard, Hilltop Lane, Hirzel Street, Hollywood Avenue, Holyoke Drive, Homer Avenue, Homewood Avenue, Hurd Street, Hurley Drive, Idaho Street, Independence Road, Islington Street, Jermain Drive, Kenwood Boulevard, Kipling Drive, Klondike Street, Knower Street, Lagrange Street, Langdon Street, Larchmont Parkway, Latonia Boulevard, Lawrence Avenue, Leybourn Avenue, Lincoln Avenue, Linden Lane, Madison Avenue, Main Street, Maple Street, Mapleway Drive, Maplewood Avenue, Maryland Avenue, Mason Street, Maumee Avenue, Maxwell Road, McDonald Street, Meadowbrook Court, Meadowlark Avenue, Meadowwood Drive, McDonald, Street,

Melrose Avenue, Monroe Street, Moore Street, Mott Avenue, Muirfield Avenue, Mulberry Street, National Avenue, Nebraska Avenue, Nevada Street, Nicholas Street, North Detroit Avenue, North Haven Avenue, North Huron Street, North Lockwood Avenue, Northgrove Place, North Holland Sylvania Road, North Ontario Street, Northridge Drive, Northville Drive, Northwood Avenue, Norwood Avenue, Oakdale Avenue, Oak Grove Place, Ogden Avenue, Orchard Street, Ottawa River Road, Overland Parkway, Overlook Boulevard, Page Street, Paine Avenue, Parkdale Avenue, Parkside Boulevard, Pemberton Drive, Pershing Drive, Photos Drive, Planet Avenue, Plymouth Street, Pool Street, Powhattan Parkway, Reen Drive, River Road, Roanoke Road, Rockingham Street, Rosedale Avenue, Royalton Road, Rushland Avenue, Schneider Road, Schomberg Street, Scottwood Avenue, Secor Road, Shadowlawn Drive, Sherbrooke Road, Slater Street, South Avenue, South Cove Boulevard, South Detroit Avenue, South Erie Street, South Huron Street, Southmoor Drive, South Westwood Avenue, Spring Grove Avenue, Spring Street, Stannard Drive, Starr Avenue, Steel Street, Stickney Avenue, Stratford Place, Suzanne Drive, Tecumseh Street, Twining Street, Upton Avenue, Utah Street, Valleywood Drive, Vance Street, Ventura Drive, Walbridge Avenue, Wallwerth Drive, Warsaw Street, Waterworks Drive, Watson Avenue, Waybridge Road, West Capistrano Avenue, West Central Avenue, West Crawford Avenue, Western Avenue, West Laskey Road, West Oakland Street, West Plumer Street, West Sylvania Avenue, Westwood Avenue, White Oak Drive, Whitlock Avenue, Williamsdale Drive, Willow Avenue, Willowhill Lane, Willys Parkway, Wilson Place, Winsted Drive, Woodhaven Drive, Woodland Avenue, Woodsdale Avenue, Yates Street and Yondota Street by rehabilitating concrete sidewalk and driveway approaches and curbs, where necessary, together with necessary appurtenances and work incidental thereto, in the locations and in the manner provided in locations provided in Resolution No. 103-21, adopted on March 2, 2021, and (e) 111th Street, 113th Street, 115th Street, 123rd Street, 301st Street, 305th Street, Abbott Avenue, Aberdeen Avenue, Alvin Street, Balkan Place, Blair Court, Bush Street, Cheltenham Road, Chestnut Street, Corry Avenue, Delence Street, Drummond Road, East Oakland Street, East Weber Street, Elm Street, Evansdale Avenue, Gill Street, Glendale Avenue, Goddard Road, Greenwood Avenue, Hampton Avenue, Hurd Street, Idaho Street, Jackman Road, Kingsbury Avenue, Lagrange Street, Laurel Avenue, Locust Street, Loxley Road, Magnolia Street, Maple Street, Mound Avenue, Mulberry Street, Navarre Avenue, Nevada Street, North 109th Street, North Erie Street, Otto Street, Parrakeet Avenue, Peabody Avenue, South 109th Street, Spring Grove Avenue, Starr Avenue, Stickney Avenue, Talbot Street, Toronto Avenue, Upton Avenue, Valleywood Drive and West Bancroft Street by rehabilitating concrete sidewalk and driveway approaches and curbs, where necessary, together with necessary appurtenances and work incidental thereto, in the locations and in the manner provided in locations provided in Resolution No. 622-22, adopted on December 20, 2022.

SECTION 2. Estimated Bond Terms. That the Bonds shall be dated approximately October 1, 2025, shall bear interest at the now estimated rate of 7% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first installment of principal of the Bonds is estimated to be payable on December 1, 2026, and the first installment of interest on the Bonds is estimated to be payable on December 1, 2025.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. That it is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,625,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds, to retire, together with other funds available to the City, the Outstanding Notes and to provide additional money for the purpose stated in Section 1. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes and signed in accordance with Section 6 (the Certificate of Award). The Notes

shall bear interest at a rate not to exceed 8% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment. That the debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A., or at the designated corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City prior to maturity (the Prepayment Date) as provided in this Ordinance and the Certificate of Award. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

SECTION 5. Execution of Notes; Book Entry System. That the Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance in the Certificate of Award, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes deposited and maintained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests

in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and maintained in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes. That the Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance and the Certificate of Award. The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements, paying agent agreement, note purchase agreement, placement agent agreement, term sheet and other commitments, and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

SECTION 7. Application of Note Proceeds. That the proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those

proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. That the par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. That during the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

SECTION 10. Federal Tax Considerations. That the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain

calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

SECTION 11. Interpretation. That as used in this Ordinance, “Director of Finance” shall mean the person at the time performing the duties of the chief fiscal officer of the City; “Mayor” shall mean the person at the time performing the duties of the chief executive officer of the City; and “Director of Law” shall mean the person at the time performing the duties of the chief legal officer of the City.

SECTION 12. Retention of Bond Counsel; Financing Costs. That the legal services of the law firm of Squire Patton Boggs (US) LLP be and are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes, any renewal notes and the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of the City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services.

The expenditure of the amounts necessary to secure those legal services, as well as to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the issuance of the Notes, is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes and otherwise from Account Code 5040-14800-1135001STDSTD (Debt Costs of Issuance).

SECTION 13. Certification and Delivery of Ordinance. That the Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor.

SECTION 14. Satisfaction of Conditions for Note Issuance. That this Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 15. Compliance with Open Meeting Requirements. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 16. Captions and Headings. That the captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 17. Declaration of Emergency; Effective Date. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage or at the earliest time allowed by law.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council