

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A REVISED MATURITY DATE FOR THE OUTSTANDING CITY OF TONTITOWN, ARKANSAS WATER AND SEWER REVENUE BONDS, DATED NOVEMBER 29, 2018; AND PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tontitown, Arkansas (the "City") has issued its Water and Sewer Revenue Bond, dated November 29, 2018, in the original principal amount of \$1,280,000 (the "2018A Bond") and its Water and Sewer Revenue Bond, dated November 29, 2018, in the original principal amount of \$700,000 (the "2018B Bond"); and

WHEREAS, the 2018A Bond and the 2018B Bond (collectively, the "Bonds") are owned by The Bank of Fayetteville (the "Owner"); and

WHEREAS, the Bonds mature on November 29, 2019; and

WHEREAS, the City anticipated issuing permanent water and sewer bonds to the United States Department of Agriculture ("USDA") prior to the maturity of the Bonds for the purpose of retiring the Bonds; and

WHEREAS, the water improvements financed by the Bonds (the "Improvements") are not yet complete due to circumstances beyond the City's control; and

WHEREAS, USDA will not authorize the issuance of the permanent bonds until the Improvements have been completed; and

WHEREAS, the Owner has agreed to extend the maturity date of the Bonds to November 29, 2020;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tontitown, Arkansas:

Section 1. The maturity date of the Bonds shall be extended to November 29, 2020.

Section 2. The Mayor and City Recorder, for and on behalf of the City, are hereby authorized to enter into such documents as deemed necessary to accomplish the intent of this Ordinance.

Section 3. The provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of this Ordinance.

Section 4. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. It is hereby ascertained and declared that the Improvements are immediately needed for the preservation of the public peace, health and safety and to remove existing hazards thereto, and therefore, it is declared that an emergency exists and this Ordinance being necessary for the preservation of the public, health and safety shall be in full force and take effect immediately upon and after its passage.

PASSED: _____, 2019.

APPROVED:

ATTEST:

Mayor

City Recorder

(SEAL)

CERTIFICATE

The undersigned, City Recorder of the City of Tontitown, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, adopted at a _____ session of the City Council of the City, held at the regular meeting place in the City at _____ o'clock p.m., on the _____ day of _____, 2019, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal on this _____ day of _____, 2019.

City Recorder

(SEAL)