

TOWN OF GEORGETOWN, INDIANA
ORDINANCE G-1992-06

**AN ORDINANCE CONCERNING THE FINANCING
OF IMPROVEMENTS TO THE SEWAGE WORKS OF THE
TOWN OF GEORGETOWN, AUTHORIZING THE
ISSUANCE OF THE GRANT ANTICIPATION NOTE
OF THE TOWN TO BE APPLIED TO THE COST THEREOF,
AND OTHER MATTERS CONNECTED THEREWITH.**

WHEREAS, the Town Council of the Town of Georgetown, Floyd County, Indiana (hereinafter referred to as the "Town") is establishing a municipal sewage works system in accordance with I.C. 36-9-23, and all laws supplemental thereto; and

WHEREAS, the Town has received notification from the U.S. Environmental Protection Agency of an award of grant and has entered into an EPA Assistance Agreement with the U.S. Environmental Protection Agency for 55% of all approved costs incurred up to and not exceeding \$4,051,620 (hereinafter referred to as the "Grant"), in order to provide for an allowance and the construction of a small diameter gravity sewer system and an 8.8 mile long force main to the City of New Albany, all as described in the Facilities Plan approved by the Indiana Department of Environmental Management on September 25, 1989 (the "Project") to be operated as part of the Town's municipal sewage works systems; and

WHEREAS, the Town has previously issued a Grant Anticipation Note dated June 12, 1990 (the "Grant Anticipation Note of 1990") to provide funds to be applied to the costs of improvements and additions to the Project; and

WHEREAS, the Grant Anticipation Note of 1990 matures on June 11, 1992 and sufficient funds are not available for repayment of the Grant Anticipation Note of 1990; and

WHEREAS, the Town Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of its Grant Anticipation Note of 1992 to provide the necessary funds to be applied on the costs of the improvements and additions to the planned sewage works Project and the repayment of the principal and interest of the Grant Anticipation Note of 1990 have been complied with in accordance with the provisions of the governing ordinances and statutes;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Georgetown, Floyd County, Indiana;

Section 1. That the Town now provide for payment of certain costs of improvements and additions to the planned sewage works Project and the repayment of the principal and interest of the Grant Anticipation Note of 1990 and the financing thereof by the issuance of a grant anticipation note under and pursuant to I.C. 5-19-1.5.

Section 2. The Town shall issue its Grant Anticipation Note of 1992 in the amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) (the "Note") for the purpose of procuring funds to apply on the cost of said Project, including the payment of interest thereon and the repayment of the principal and interest of the Grant Anticipation Note of 1990. The Note shall be registered in the name of the owner in a book maintained for that purpose by the Clerk-Treasurer of the Town, and such registration shall be noted thereon by the Clerk-Treasurer as bond registrar, after which no transfers shall be valid except by the transfer duly acknowledged by the registered owner or his attorney, such transfer to be made in said book and similarly noted on the Note. No charge shall be made for registration.

Section 3. The Town hereby pledges for payment of the principal of and interest on the Note, the proceeds of the Grant and any revenue which may be derived from the Project being constructed or improved by the proceeds of the Note.

Section 4. The President of the Town Council, on behalf of the Town, is hereby authorized to borrow an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000), to be advanced as needed, from INB Banking Company, New Albany, Indiana, pursuant to the Note.

Section 5. The Town Council hereby authorizes and directs the President of the Town Council to execute and deliver the following documents for and on behalf of the Town, in the form presented with such changes or additions as the President shall deem necessary, together with any other documents, certificate, or papers, the President deems proper or necessary:

- a) Grant Anticipation Note of 1992
- b) Loan Agreement
- c) Security Agreement
- d) Certificate of the Issuer Re: Non-Arbitrage
- e) Tax Matter Certificate
- f) Signature and No-Litigation Certificate
- g) Form 8038G - Information Return for Tax Exempt Governmental Bond Issues

Section 6. The Town Council hereby designates the Note to be executed and delivered in accordance with this Ordinance as a Qualified Tax-Exempt Obligation pursuant to Section 265(b) (3) (B) (i) of the Internal Revenue Code of 1986.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall be effective immediately upon passage and adoption and execution by the Town Council.

PASSED and ADOPTED by the Town Council of the Town of Georgetown, Floyd County, Indiana, on this 21 day of May, 1992.

TOWN COUNCIL

Shawn Worden
Shawn Worden, Presiding Officer

Jerol Miller
Jerol Miller, Member

Janet Timberlake
Janet Timberlake, Member

Kenneth Frederick
Kenneth Frederick, Member

Gary P. Smith
Gary Smith, Member

ATTEST:

Linda Sanders
Linda Sanders, Clerk-Treasurer