

Ordinance No. 1975-2
An Ordinance to amend Ordinance No. 1974-1 entitled:

“Ordinance authorizing the issuance of water supply system revenue bonds by the Township of Ely, County of Marquette, Michigan, for the purpose of constructing improvements to the water supply system for said Township, prescribing the form of bonds, providing for the collection of revenue from said system sufficient for the purpose of paying the costs of operation and maintenance thereof, and providing an adequate reserve fund therefore, and providing for the payment of said bonds and further providing for the segregation and distribution of said revenues: and, providing for the rights of the holders of said bonds in enforcement thereof and providing for other matters relative to said bonds and said system.”

The Township of Ely ordains:

Sections 2, 5, 6 and 8 (B) (2) of Ordinance No. 1974-1 be and hereby amended to read as follows:

Section 2. Cost; Useful Life. The cost of said public improvements has been estimated by said engineer to be Two Hundred Twelve Thousand (\$212,000.00) Dollars including the payment of incidental expenses as specified in Section 3 of this Ordinance which estimate of cost is hereby approved and confirmed and the period of usefulness of said public improvements is estimated to be not less than forty (40) years.

Section 5. Bond Date. Said bonds shall be designated WATER SUPPLY SYSTEM REVENUE BONDS, shall be dated as the date of delivery, shall be in the denomination of \$1,000.00 each and shall be numbered 1 to 140, inclusive.

The bonds will bear interest not exceeding five percent (5%) per annum, all interest to be payable on July 1, 1976, and semi-annually thereafter on January 1 and July 1 of each year until payment of the principal amount of such bond. Said bonds shall be numbered in direct order of maturity from 1 to 140, inclusive, and shall mature serially on January 1st of each year as follows:

\$1,000.00	1977 to 1980, inclusive;
\$2,000.00	1981 to 1991, inclusive;
\$3,000.00	1992 to 1997, inclusive;
\$4,000.00	1998 to 2003, inclusive;
\$5,000.00	2004 to 2007, inclusive;
\$6,000.00	2008 to 2015, inclusive;
\$4,000.00	2016.

Said bonds shall be signed by the Supervisor and countersigned by the Township Clerk and shall have the corporate seal of the Township impressed thereon, and shall have interest coupons

attached bearing the facsimile signature of the Supervisor and Township Clerk. After execution, the bonds shall be held by the Township Treasurer for delivery to the purchaser.

Both principal and interest shall be payable in lawful money of the United States of America at the Peninsula Bank, Ishpeming, Michigan or at the option of the holder at a bank or Trust company located in the City of Marquette, Michigan, to be designated by the original purchaser of the bonds with approval of the Township. Bonds may be registered as to principal only or as to principal and interest. In case of registered bonds payment of principal and interest (if registered) shall be made to the registered holder at the address shown on the registration books of the Township.

Bonds numbered 1 to 16, inclusive, maturing in the years 1977 to 1986, will not be subject to redemption prior to maturity.

Bonds numbered 17 to 140, inclusive, maturing in the years 1987 to 2016, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Township on any interest payment date on or after January 1, 1986 at par and accrued interest to the date fixed for redemption.

Thirty-day notice of the call of any bonds for redemption shall be given by publication in a newspaper or publication circulated in the State of Michigan which carried, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty-day notice shall be given by mail to the registered holder at the registered address and no publication shall be necessary. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

The bonds and coupons will be payable to bearer or at the option of the purchaser the bonds may be registered as to principal only or registered as to principal and interest on the books of the Township, kept for that purpose by the Township Treasurer upon presentation thereof which registration shall be noted thereon by the Township Treasurer and the interest coupons attached thereto removed by the Township Treasurer, after which no transfer shall be valid unless made on said books and similarly noted on the bonds.

Transferability by delivery may be restored, at the expense of the holder, by registration to bearer and in the case of registered interest reattachment of unmatured interest coupons or surrender of this bond and issuance of a new coupon bond.

Section 6. Bond Form. The form and tenor of said bonds shall be substantially as follows:

United States of America
State of Michigan
County of Marquette
Township of Ely
Water Supply System
Revenue Bond
No. R \$1,000.00

KNOW ALL MEN BY THESE PRESENT that the Township of Ely, County of Marquette, State of Michigan, for value received, hereby promise to pay to the bearer hereof, or, if registered, to the registered holder, but only out of the revenues of the Water Supply System of the Township of Ely; including all appurtenances, additions, extensions and improvements thereto, the sum of

ONE THOUSAND DOLLARS

On the first day of January A.D., _____ with interest thereon from the date hereof until paid at the rate of _____ per cent per annum, payable on July 1, 1976, and semiannually thereafter on the first day of July and January of each year. Both principal of and interest on this bond are payable in lawful money of the United States of America at the Peninsula Bank, Ishpeming, Michigan or at the option of the holder at _____ or if registered, to the registered holder at the address shown on the registration books of the Township and for the prompt payment thereof, the gross revenues of the Water Supply System of the Township, including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This bond is one of a series of one hundred forty (140) bonds of even date and like tenor, except as to date of maturity, aggregating the principal sum of \$140,000.00 numbered consecutively in direct order of maturity from one upwards, issued pursuant to Ordinance No. 1974-1, as amended, duly adopted by the Township on June 21, 1974, as amended, and under and in substantial compliance with the constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying part of the cost of acquiring and constructing additions, extensions and improvements to the Water Supply System of the Township consisting of a well, pump and pump control system, together with the necessary appurtenances, attachments and equipment related thereto. For a complete statement of the revenues from which, and the conditions under which this bond is payable, a statement of the conditions, under which the additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinance.

Bonds numbered 1 to 16, inclusive, maturing in the years 1977 to 1986, inclusive, will not be subject to redemption prior to maturity.

Bonds numbered 17 to 140, inclusive, maturing in the years 1987 to 2016, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Township on any interest payment date on or after January 1, 1986, at par and accrued interest to the date fixed for redemption.

Thirty days' notice of the call of any bonds for redemption shall be given by publication in a paper circulated in the State of Michigan which carries, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty days' notice shall be given by mail to the registered holder at the registered address. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

Said bonds may be registered as to principal and interest on the books kept by the Treasurer of the Township as registrar in the name of the holder and unmatured interest coupons detached from said bond after which it shall be transferable only upon presentation to such registrar with a written transfer by the registered holder or his attorney in fact. Such transfer shall be noted upon the books of the Township kept for that purpose. Said bonds once registered are exchangeable at the request of the registered owner hereof and at his sole expense for a negotiable coupon bond payable to bearer, upon surrender of this bond to the borrower at the office of the Treasurer of the Township.

This bond is a self-liquidating bond, and is not a general obligation of the Township and does not constitute an indebtedness of said Township within any constitutional or statutory limitation, but is payable, both as to principal and interest, solely principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Township hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding, such rates for service furnished by said Water Supply System as shall be sufficient to provide for payment of the interest upon and the principal of all such bonds as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefore, to provide for the payment of expenses of administration and operation and such expenses for maintenance of said Water Supply System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said System as expenses of administration and operation and such expenses for maintenance of said Water Supply System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system as are required by said Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Township of Ely, County of Marquette, State of Michigan, by its Township Board has caused this bond to be signed in the name of said Township by its Supervisor and to be countersigned by its Township Clerk, and its corporate seal to be hereunto affixed and as caused the annexed interest coupons to be executed with the facsimile signature of said Supervisor and Township Clerk, all as of _____, 19__.

TOWNSHIP OF ELY
COUNTY OF MARQUETTE

BY _____

Supervisor
(SEAL)

Countersigned:

Township Clerk

REGISTRATION
NOTHING TO BE
WRITTEN HEREON EXCEPT
BY THE TOWNSHIP
TREASURER AS REGISTRAR

Date of Registration
Name of Registered Owner
Registrar

(Form of Coupon)

No. _____ \$ _____

On the first day of _____, A.D., 19__, The Township of Ely, County of Marquette, State of Michigan, will pay to the bearer hereof the sum of _____ Dollars, in the manner and out of the revenues described in said bond at _____ being the semi-annual interest due that date on its Water Supply System Revenue Bond, dated _____.

No. _____

This coupon is not a general obligation of the Township, but is payable out of certain revenues as set for the in the bond to which it pertains.

Supervisor

Township Clerk

Section 8B 2). Water Supply System Revenue Bond – Bond and Interest Redemption Fund. After the transfer required in (1) above, there shall be transferred each quarter from the Water Supply System Receiving Fund Account, before any other expenditures or transfer therefrom, and deposited in the Water Supply System Revenue Bond – Bond and Interest Redemptions Fund Account for payment of principal and interest on the bonds a sum equal to at least 1/2 of the amount equal to the interest due on the next ensuing interest due date and not less than 1/4 of the

principal maturing on January 1, 1977 and January 1st of each year thereafter. If for any reason there is a failure to make such quarterly deposit than an amount equal to the deficiency shall be set aside and deposited in the Redemption Fund Account of the net revenues in the ensuing quarter or quarters, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby established in the Bond and Interest Redemption Fund a separate account to be known as the Bond Reserve Account, into which there shall be paid in equal quarterly installments from the revenues of the System after provision has been made for the Operation and Maintenance Fund and current requirements of the Bond and Interest Redemption Fund, the sum of at least \$150.00 per quarter until there is accumulated in such fund the sum of \$9,000.00 has been deposited therein. Except as hereinafter provided, no further deposits need be made into the Bond and Interest Fund for the purposes of Bond Reserve Account once the sum of \$9,000.00 has been deposited therein. The monies in the said Bond Reserve Account shall be used solely for the payment of the principal and interest on said bonds as to which there would otherwise be default.

If at any time it shall be necessary to use monies in the Bond Reserve Account for such payment, then the monies so used shall be replaced from the net revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements.

No further payments need to be made into the Bond and Interest Redemption Fund after enough of the bonds have been retired so that the amount then held in said Fund (including the Bond Reserve Account), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the bonds then remaining outstanding.

Section 2. Conflict and Severability. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed, and each section of this ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this ordinance.

Section 3. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Section 4. Publication and Recordation. This Ordinance shall be published in full in the Mining Journal, a newspaper of general circulation in the Township of Ely qualified under State Law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

Section 5. Effective Date. This Ordinance is hereby determined by the Township Board to be immediately necessary for the Preservation of the peace, health and safety of the Township and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Township of Ely, Michigan, on August 29, 1975 and approved by me on August 29, 1975.

Kenneth A. Tuominen
Supervisor
Township of Ely

Attest:
Elise Petro
Township Clerk

Yeas: Kenneth A. Tuominen, Elise Petro, Mary Kirker, Robert Laakso, Robert Junak
Nays: None

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Ely, County of Marquette, State of Michigan, at a regular meeting held of August 29, 1975, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least 12 hours prior to the time set for the meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township of Ely and such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Elise Petro
Township Clerk
9/3/75 – one time