



## Legislation Text

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**File #:** ORD-87:1540, **Version:** 1

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AN ORDINANCE AUTHORIZING A FIRST SUPPLEMENTAL INDENTURE OF TRUST RELATING TO INDUSTRIAL DEVELOPMENT REVENUE BONDS PREVIOUSLY ISSUED; AUTHORIZING A FIRST SUPPLEMENTAL LOAN AGREEMENT BETWEEN THE CITY OF JONESBORO, ARKANSAS AND FARR COMPANY; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Jonesboro, Arkansas (the “City”), has theretofore executed and delivered an Indenture of Trust dated as of December 1, 1985 (the “Original Indenture”), between the City and First Commercial Bank, National Association, Little Rock, Arkansas, as Trustee (the “Trustee”), securing the City’s Variable Rate Demand Industrial Development Revenue Bonds (Farr Company Project), in the principal amount of \$8,000,000 (the “Bonds”); and

WHEREAS, the City has also heretofore executed and delivered, in connection with the issuance of the Bonds, a Loan Agreement dated as of December 1, 1985 (the “Original Loan Agreement”), between the City and Farr Company, a California corporation (the “Company”); and

WHEREAS, it is proposed that the City enter into a First Supplemental Indenture of Trust between the City and the Trustee (the “First Supplemental Indenture”), and a First Supplemental Loan Agreement between the City and the Company (the “First Supplemental Loan Agreement”), for the purpose of amending the Original Indenture and the Original Loan Agreement, respectively, to conform the provisions thereof to the Reimbursement Agreement dated as of December 1, 1985, as amended and supplemented between the Company and Security Pacific National Bank, Los Angeles, California, relating to the Bonds; and

WHEREAS, copies of the First Supplemental Indenture and the First Supplemental Loan Agreement have been presented to and are before this meeting;

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

Section 1: That there be, and there is hereby authorized the execution and delivery for the First Supplemental Indenture and the First Supplemental Loan Agreement, and the Mayor and City Clerk be, and they are hereby, authorized to execute, acknowledge and deliver such documents for and on behalf of the City. The First Supplemental Indenture and the First Supplemental Loan Agreement are hereby approved in substantially the forms submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Company and others in order to complete the First Supplemental Indenture and the First Supplemental Loan Agreement in substantially the forms submitted to this meeting, with such changes as shall be approved by such persons executing the documents, their execution to constitute conclusive evidence of such approval.

Section 2: That the Mayor and the City Clerk for and on behalf of the City, be, and they are hereby, authorized and directed to do any and all things necessary to effect the execution and delivery of the First Supplemental Indenture and the First Supplemental Loan Agreement, the performance of all obligations of the City there under, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. That the Mayor and City Clerk be, and they are hereby, further authorized and

directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 3: That the City Clerk is hereby authorized and directed to file in the office of the City Clerk, as a part of the minutes of the meeting at which this Ordinance is adopted, for inspection by any interested person a copy of the First Supplemental Indenture and First Supplemental Loan Agreement, and such documents shall be on file for inspection by any interested person.

Section 4: That the provisions of this Ordinance 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 for any reason be declared to be invalid, such declaration shall not effects the validity of the remainder of the sections, phrases and provisions.

Section 5: All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: There is hereby found and declared to be an immediate need for the amendment of the Original Indenture and the Original Loan Agreement as approved by this Ordinance in order to accomplish the industrial project financed by the Bonds. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in force and effect immediately upon and after its passage.

PASSED and APPROVED this 16<sup>th</sup> day of March, 1987.