



Legislation Text

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AN ORDINANCE CONFIRMING THE AUTHORIZATION TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS; CONFIRMING MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of the City of Jonesboro, Arkansas (the “City”) has heretofore adopted Ordinance No.1772, passed and approved on August 17, 1981 (“Ordinance No.1772”), authorizing the issuance by the City of \$4,00,000 in principal amount of its Industrial Development Revenue Bonds - McNeil Corporation Project, Series 1981 (the “Bonds”); the execution and delivery of a Trust Indenture (the “indenture”) by and between the City and a bank or trust company which will act as Trustee hereunder, securing the Bonds; the execution and delivery of a Loan Agreement (the “Loan Agreement”) by and between the City and McNeil Corporation, an Ohio corporation (the “Company”); the sale of the Bonds to McDonald & Company, Cleveland, Ohio, and T.J. Raney & Sons, Inc., Littler Rock, Arkansas (the “Purchasers”), and the execution and delivery of a Bond Purchase Agreement (the “Bond Purchase Agreement”) in connection therewith; and authorizing and prescribing other matters pertaining thereto; and

WHEREAS, it has been determined, in each case as recommended by the Company, that the Bonds will be serial bonds maturing in each of the years 1984 to 1991, inclusive, will bear interest at a fluctuating rate per annum, will be issued in the form of registered bonds without coupons in denominations of \$5,000 each or any integral multiple thereof, and will be subject to redemption or purchase prior to maturity all as more fully set forth in the Indenture; that the Bonds will be sold to the Purchasers pursuant to the terms and conditions of the Bond Purchase Agreement for a purchase price of 98.5% of the aggregate principal amount thereof, plus accrued interest thereon from the date of the Bonds to the date of Closing (defined in the Bond Purchase Agreement); and that the Trustee under the Indenture will be First Tennessee Bank N.A. Memphis, Memphis, Tennessee.

WHEREAS, the Indenture, Loan Agreement, and Bond Purchase Agreement have been substantially completed pursuant to the provisions of Ordinance No. 1772, and copies thereof 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: All matters pertaining to the issuance of the Bonds, including the details set forth above, are hereby confirmed and ratified in all respects.

Section 2: That the forms of Indenture, Loan Agreement, and Bond Purchase Agreement presented to and before this meeting are hereby approved, and the authorization of the Mayor and City Clerk to execute and deliver such documents on behalf of the City is hereby confirmed and ratified. 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 Indenture, Loan Agreement, and Bond Purchase Agreement, and such documents shall be on file for inspection by any interested person.

Section 3: 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 not affect the validity of the remainder of the sections, phrases and provisions.

Section 4: That Ordinance No.1772, as supplemented hereby, shall continue in full force and effect.

Section 5: That there is hereby found and declared to be an immediate need for the securing and developing of industry in order to provide continued employment and payrolls, alleviate unemployment and otherwise benefit the public health, safety and welfare of the City and the inhabitants thereof, and the issuance of the Bonds authorized hereby and the taking of the other action authorized hereby are immediately necessary for the accomplishing of these public benefits and purposes. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety it shall be in force and effect immediately upon and after its passage.

PASSED and ADOPTED this 21st day of December, 1981.