

LID 2.1000

ORDINANCE NO. 2602

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AUTHORIZING THE ISSUANCE AND SALE OF LOCAL IMPROVEMENT DISTRICT NO. 334 BONDS IN THE PRINCIPAL AMOUNT OF \$249,664.90; PROVIDING THE FORM, TERMS, RATE, MATURITY, CONDITIONS AND COVENANTS OF SAID BONDS; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF THEIR SALE; AND AUTHORIZING THE SALE OF SUCH BONDS.

WHEREAS, the City Council of the City of Longview, Washington (the "City") created Local Improvement District No. 334 (the "District") by Ordinance No. 2560, and provided for the issuance of local improvement district bonds to pay the cost of improvements in the District and expenses incidental thereto; and

WHEREAS, the assessment roll for the District has been confirmed in the manner required by law in the following amount:

<u>LID No.</u>	<u>Amount of Assessment Roll</u>	<u>Amount Prepaid</u>	<u>Amount of Unpaid Assessments</u>
334	\$308,914.33	\$59,249.43	\$249,664.90

WHEREAS, it is deemed necessary and desirable to issue Local Improvement District No. 334 Bonds in the amount of \$249,664.90 to pay part of the costs of the improvements made in the District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONGVIEW, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. As used in this ordinance the following words shall have the following meanings:

"Assessments" means the assessments levied in Local Improvement District No. 334, which assessments are pledged to be paid into the LID Fund, including installments thereof and any interest and penalties due or which may become due thereon.

"Bonds" means the City of Longview Local Improvement District No. 334 Bonds, 1995 authorized by this ordinance to be issued.

"Bond Register" means the books or records maintained by the Bond Registrar containing the name and mailing address of the owner of each Bond or nominee of such owner and the principal amount and number of Bonds owned by each owner or nominee.

"Bond Registrar" means the fiscal agents of the State of Washington in Seattle, Washington, and New York, New York, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting the transfer of ownership of the Bonds, and paying the principal of and interest on the Bonds as the same become due and payable.

"City" means the City of Longview, Washington, a municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of Washington.

"Council" means the Council of the City as the same shall be duly and regularly constituted from time to time.

"District" means Local Improvement District No. 334 of the City created by Ordinance No. 2560.

"Guaranty Fund" means the Guaranty Fund of the City authorized and maintained pursuant to Ch. 35.54 RCW.

"Improvements" means the improvements made within the District as described in Ordinance No. 2560.

"LID Fund" means the Local Improvement District No. 334 Fund created by Ordinance No. 2560.

Section 2. Authorization of Bonds. After payment in full of all outstanding warrants previously issued and all interfund loans previously made to provide funds for the making of improvements in the District, all money received by the City in payment of, penalties, if any, and interest on the Assessments levied in the District shall be paid into the LID Fund and used to pay the principal of and interest on the Bonds authorized by this ordinance, and as security for such payment the LID Fund is hereby pledged.

For the purpose of paying the costs of the Improvements, the City shall issue its Local Improvement District No. 334 Bonds, 1995 (the "Bonds") in the aggregate principal amount of \$249,664.90. The Bonds shall be dated as of the date of their delivery to the purchasers, shall be numbered in such manner and with any additional designation as the Bond Registrar deems necessary for the purpose of identification and control, shall be in the denomination of \$5,000 each or any integral multiple thereof, except for one Bond in the amount of \$4,664.90 and shall bear interest from their date at the rate of 6.25% per annum. Interest shall be payable annually beginning September 1, 1996, and annually thereafter on the 1st day of September of each year, and shall mature September 1, 2007.

The Bonds shall be obligations only of the LID Fund and the Guaranty Fund of the City and shall not be general obligations of the City.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by check or draft mailed to registered owners or assigns at the addresses appearing on the Bond Register as of fifteen days preceding the interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the registered owners at the principal offices of the Bond Registrar.

Section 3. Bond Register and Exchange of Bonds. The Bond Register shall be maintained by the Bond Registrar, and shall contain the name and mailing address of the owner or owners of each Bond or nominee of such owner or owners and the principal amount and number of Bonds held by each owner or nominee.

Upon surrender thereof to the Bond Registrar, the Bonds are interchangeable for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Such exchange or transfer shall be without cost to the owner or transferee.

Section 4. Redemption. The Bonds shall be redeemed at par in advance of their scheduled maturity, by application of Assessments and prepayments thereof, in whole or in part in

numerical order, on any interest payment date whenever there shall be sufficient money in the LID Fund to pay the same and all Bonds which mature at such time, over and above an amount sufficient for the payment of the interest next accruing on all unpaid Bonds. The Bond Registrar shall maintain a system of numbering which shall permit reissued and/or transferred Bonds to be called in accordance with their original number at the time of issuance.

Notice of any such intended redemption shall be given not less than fifteen days nor more than sixty days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of any Bond to be redeemed at the address appearing on the Bond Register. The requirements of this section shall be deemed to be complied with when notice is mailed as herein provided regardless of whether or not it is actually received by the owner of any Bond.

Interest on any Bond so called for redemption shall cease to accrue on the date fixed for redemption unless such Bond or Bonds so called are not redeemed upon presentation made pursuant to such call.

Section 5. Payment of Assessments and Interest on Assessments. The City has heretofore levied Assessments payable into the LID Fund created for the District in the total amount listed below, of which the following amount was prepaid prior to the passage of this ordinance and the remaining amounts are payable in ten equal annual installments together with interest and penalties thereon in the manner and at the times specified in the ordinance confirming the assessment roll for the District:

<u>LID No.</u>	<u>Amount of Assessment Roll</u>	<u>Amount Prepaid</u>	<u>Amount of Unpaid Assessments</u>
334	\$309,914.33	\$59,249.43	\$249,664.90

The balance of Assessments remaining unpaid at the end of the thirty-day prepayment period shall bear interest at the rate of 6.75% per annum, which is a rate not less than 1/2% greater than the net effective interest rate on the Bonds. Both principal of and interest on the Bonds are payable solely out of the LID Fund and from the Local Improvement Guaranty Fund of the City.

Section 6. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. _____

\$ _____

STATE OF WASHINGTON

CITY OF LONGVIEW

LOCAL IMPROVEMENT DISTRICT

NO. 334 BONDS, 1995

INTEREST RATE:

MATURITY DATE: September 1, 2007

PRINCIPAL AMOUNT:

REGISTERED OWNER:

Laws of Washington 1965, Chapter 7, § 35.45.070 provides, in part, as follows:

Neither the holder nor owner of any bond, interest coupon, or warrant issued against a local improvement fund shall have any claim therefor against the city or town by which it is issued, except for payment from the special assessments made for the improvement for which the bond or warrant was issued and except also for payment from the local improvement guaranty fund of the city or town as to bonds issued after the creation of a local improvement guaranty fund of the city or town. The city or town shall not be liable to the holder or owner of any bond, interest coupon, or warrant for any loss to the local improvement guaranty fund occurring in the lawful operation thereof.

The City of Longview, Washington, a municipal corporation of the State of Washington, hereby promises to pay to the registered owner hereof solely out of the sources referred to herein, on September 1, 2007, the sum of \$ _____ in lawful money of the United States of America, with interest on the unpaid balance hereof from the date hereof at the rate of 6.25% per annum payable September 1, 1996 and annually thereafter on September 1st of each year until payment of the principal sum has been made or duly provided for. Interest on this Bond is payable by check or draft mailed on the date such interest is due to the registered owner hereof at the address appearing on the bond registration books of the City as of the date 15 days prior to the interest payment date. Principal payments shall be made to the registered owner hereof only upon presentation and surrender of this Bond at the office of the fiscal agent of the State of Washington in Seattle, Washington or New York, New York (the "Bond Register").

This Bond, both principal and interest, is payable only out of the Local Improvement District No. 334 Fund (the "LID Fund") created by Ordinance No. 2560 of the City, and from the local improvement guaranty fund of the City created pursuant to Chapter 209, Session Laws, 1927, and acts amendatory thereof. The City has irrevocably obligated and bound itself to pay

into the LID Fund all assessments levied within LID No. 334. The owner of this Bond shall have no claim therefor against the City of Longview except for payment from the special assessments made for the improvements for which this Bond was issued, and except as against the local improvement guaranty fund of the City, and the City shall not be liable to any owner of such Bond for any loss to the guaranty fund occurring in the lawful operation thereof by the City. The remedy of the owner of this Bond in case of nonpayment of either principal or interest shall be confined to the enforcement of the assessments and to the guaranty fund. The Bonds are not general obligations of the City.

This Bond is one of an issue aggregating the principal sum of \$249,664.90 issued to pay for improvements in Local Improvement District No. 334 authorized by Ordinance No. ____ of the City. The Bonds of this issue are subject to redemption in advance of their scheduled maturity, in whole or in part, in numerical order, at par plus accrued interest to the date of redemption, on any interest payment date whenever there shall be sufficient money in the LID Fund to pay the same and all Bonds of Local Improvement District No. 334 prior in number to the last Bond to be redeemed over and above an amount sufficient for the payment of the interest next accruing on the unpaid Bonds of Local Improvement District No. 334. Notice of any such intended redemption shall be given by mail to the registered owners of the Bonds to be redeemed at the addresses appearing on the bond registration books maintained by the Bond Registrar not more than 60 nor fewer than 15 days prior to such redemption date.

This Bond is transferable only upon the bond registration books of the Bond Registrar maintained for that purpose, upon the surrender of this Bond by the registered owner hereof or his or her agent duly authorized in writing, together with a written instrument of assignment in form, attached hereto, duly executed by the registered owner or his or her duly authorized agent, for re-registration on the bond registration books and on the registration certificate on this Bond. The Bond Registrar and City may deem the person in whose name this Bond is registered to be the absolute owner hereof for the purpose of receiving payment of the principal of and interest on this Bond and for any and all other purposes whatsoever.

The Bonds have been designated as "qualified tax-exempt obligations."

It is hereby certified and declared that this Bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and ordinances of the City, and that acts, conditions, and things required to be done precedent to and in the issuance of this Bond have happened, been done, and performed.

IN WITNESS WHEREOF, the City of Longview, Washington, has caused this Bond to be signed on behalf of the City with the manual or facsimile signature of its Mayor, to be attested by the manual or facsimile signature of its Clerk, and the official seal of the City to be impressed or imprinted hereon this _____ day of August, 1995.

CITY OF LONGVIEW, WASHINGTON

[SEAL]

By _____
Mayor

ATTEST:

City Clerk

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This Bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Local Improvement District No. 334 Bonds, 1995 of the City of Longview.

Washington State Fiscal Agency, Bond Registrar

By _____
Authorized Officer

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

[Empty rectangular box for Social Security or Taxpayer Identification Number]

(Please print or typewrite name and address, including zip code, of Transferee)

the within bond and does hereby irrevocably constitute and appoint _____ of

_____, or its successor, as Bond Registrar to transfer said bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____, ____.

SIGNATURE GUARANTEED:

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Section 7. Execution of Bonds. The Bonds shall be signed on behalf of the City by the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the City Clerk, and shall have the corporate seal of the City impressed or imprinted.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be such officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons as at

the actual date of execution of such Bond shall be the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Section 8. Bond Registrar. The Bond Registrar shall be the fiscal agencies of the State of Washington. The Bond Registrar shall keep, or cause to be kept, sufficient books or records for the registration and transfer of the Bonds. The Bond Registrar is authorized to authenticate and deliver the Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

Section 9. Defeasance. In the event that money and/or "Government Obligations" (as now or hereafter defined in RCW Ch. 39.53 or its successor statute, if any) maturing at such time or times and bearing interest to be earned thereon in amounts (together with such money if necessary) sufficient to redeem and retire the Bonds or any of them in accordance with their terms are set aside in a special account to effect such redemption or retirement and such money and/or the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the LID Fund for the payment of the principal of and interest on the Bonds so provided for, and the owners of such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the funds so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder.

Section 10. Bonds to Remain Tax Exempt; Nonarbitrage. The City covenants with the owners of the Bonds that it will not use or invest the proceeds of the Bonds or any other funds of the City for any purpose or in any manner or take any other action that would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder, or would result in interest on the Bonds becoming taxable income to the owners thereof under Section 103 of the Internal Revenue Code of 1986, as amended, or any other federal tax legislation that may be enacted into law.

Section 11. Bonds Designated "Qualified Tax-Exempt Obligations." The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

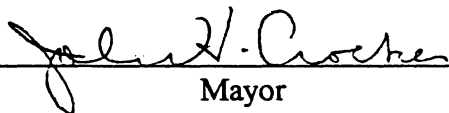
Section 12. Lost or Destroyed Bonds. In case the Bonds or any of them shall be lost, stolen or destroyed, the Bond Registrar may execute and deliver a new Bond or Bonds of like amount, date, and tenor to the registered owner thereof upon the owner paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon his/her filing with the Bond Registrar evidence satisfactory to said Bond Registrar that such Bond or Bonds were actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the Bond Registrar with indemnity satisfactory to such Bond Registrar.

Section 13. Sale of Bonds. The Finance Director of the City is authorized to sell the Bonds by negotiated sale, at the price and pursuant to the terms and conditions set forth herein. Upon the sale of the Bonds, the appropriate City officials are hereby authorized to do everything necessary for the prompt printing, issuance and delivery of the Bonds and the proper application of the proceeds thereof.

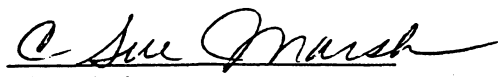
Section 14. Effective Date. This ordinance shall take effect five days from its passage and publication as provided by law.

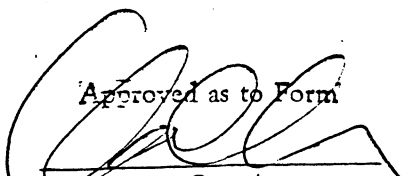
PASSED by the City Council this 27th day of July, 1995.

CITY OF LONGVIEW, WASHINGTON

By 
Mayor

ATTEST:


City Clerk


Approved as to Form
Longview City Attorney

CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Longview, Washington (the "City"), and keeper of the records of the City Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance No. 2602 (herein called the "Ordinance") is a true and correct copy of an ordinance of the City, as finally passed at a regular meeting of the Council held on the 27th day of July, 1995, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 1st day of August, 1995.

A Sue Marsh
City Clerk
City of Longview, Washington

(S E A L)