

Resolution 1981-10

RESOLUTION providing the details of \$2,940,000 Water and Sewer Bonds, Series 1981, of the City of Belle Meade, Tennessee, directing the sale thereof, and levying taxes for the payment thereof.

WHEREAS this Board of Commissioners (the "governing body") did on October 14, 1981, adopt an initial resolution pursuant to the provisions of Sections 7-36-101 to 7-36-132 (formerly Sections 6-1601 to 6-1632), inclusive, Tennessee Code Annotated, authorizing the issuance of \$3,500,000 bonds of the City of Belle Meade (the "municipality") for the purpose of paying the cost of constructing, extending, and improving sewers and a water distribution system in the municipality, including the acquisition of all property, real and personal, appurtenant thereto or connected with such work; and

WHEREAS it is now necessary and advisable at this time to provide for the issuance of said bonds in the principal amount of \$2,940,000, and that proceedings be taken so as to provide the details of said bonds, to authorize the sale of said bonds and to levy taxes to meet the principal and interest thereon as the same fall due:

NOW, THEREFORE, Be It Resolved by the Board of Commissioners of the City of Belle Meade, Davidson County, Tennessee, as follows:

Section 1. The bonds authorized by the initial resolution adopted on October 14, 1981 and referred to in the preamble hereto shall be sold and issued in the principal amount of \$2,940,000 shall be designated "Water and Sewer Bonds, Series 1981," shall be dated November 1, 1981, shall be of \$5,000 denomination each, shall be numbered 1 to 588, inclusive, and shall mature serially on May 1 of each of the years 1982 to 1996, inclusive, as follows:

<u>Year</u>	<u>Amount</u>	<u>Bond Numbers</u>	<u>Year</u>	<u>Amount</u>	<u>Bond Numbers</u>
1982	\$200,000	1-40	1990	\$155,000	278-308
1983	200,000	41-80	1991	175,000	309-343
1984	245,000	81-129	1992	195,000	344-382
1985	275,000	130-184	1993	215,000	383-425
1986	100,000	185-204	1994	245,000	426-474
1987	110,000	205-226	1995	270,000	475-528
1988	120,000	227-250	1996	300,000	529-588
1989	135,000	251-277			

Bonds maturing on and after May 1, 1987 shall be subject to redemption prior to maturity at the option of the municipality as a whole, or in part in inverse order of maturity and within any maturity by lot, on November 1, 1986 and on any interest payment date thereafter, at redemption prices (expressed as percentages of principal amount) in accordance with the following schedule plus accrued interest to the redemption date:

<u>Date of Redemption</u>	<u>Redemption Price</u>
November 1, 1986 to May 1, 1989, inclusive	102%
November 1, 1989 to May 1, 1993 inclusive	101%
November 1, 1993 and thereafter prior to maturity	100%

Notice of intended redemption shall be given through the publication of an appropriate notice at least once in a financial newspaper or journal published in New York, New York, or Chicago, Illinois, and in a newspaper of general circulation in the municipality, and by registered or certified mail to the bank or banks at which the bonds are payable. All such redemption notices shall be given not less than 30 nor more than 180 days prior to the date fixed for redemption.

Each of said bonds shall be signed by the Mayor with his facsimile signature and countersigned by the Recorder with his manual signature, and the corporate seal of the municipality or a facsimile thereof shall be impressed or reproduced thereon. Said bonds shall bear interest at a rate or rates not exceeding fifteen per cent (15%) per annum, such interest being payable semiannually on the first days of May and November of each year, commencing on May 1, 1982. Interest shall be evidenced by coupons attached to each of said bonds bearing the facsimile signatures of said Mayor and Recorder. Said bonds and coupons shall be payable in lawful money of the United States of America at Third National Bank in Nashville, Nashville, Tennessee.

Section 2. Said bonds and coupons shall be in substantially the following form, the omissions to be appropriately completed when the bonds are printed:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF TENNESSEE

COUNTY OF DAVIDSON

CITY OF BELLE MEADE

WATER AND SEWER BOND, SERIES 1981

Number \_\_\_\_\_

\$5,000

KNOW ALL MEN BY THESE PRESENTS: That the City of Belle Meade (the "municipality"), a municipal corporation in Davidson County, organized and existing under the laws of the State of Tennessee, hereby acknowledges itself to owe and for value received promises to pay to bearer the principal sum of Five Thousand Dollars (\$5,000) on the first day of May, 19\_\_, with interest at the rate of \_\_\_\_\_ per cent (\_\_\_\_%) per annum from the date hereof until the principal amount shall have been fully paid, such interest being payable semiannually on the first days of May and November of each year commencing on May 1, 1982, interest to maturity hereof being payable only upon presentation and surrender of the coupons hereto attached as they severally become due. Both principal hereof and interest hereon are hereby made payable in lawful money of the United States of America at Third National Bank in Nashville, Nashville, Tennessee.

Bonds of the issue of which this bond is one maturing on and after May 1, 1987 are subject to redemption prior to maturity at the option of the municipality as a whole, or in part in inverse order of maturity and within any maturity by lot, on November 1, 1986 and on any interest payment date thereafter, at redemption prices (expressed as percentages of principal amount) in accordance with the following schedule plus accrued interest to the redemption date:

<u>Date of Redemption</u>	<u>Redemption Price</u>
November 1, 1986 to May 1, 1989, inclusive	102%
November 1, 1989 to May 1, 1993, inclusive	101%
November 1, 1993 and thereafter prior to maturity	100%

Notice of intended redemption shall be given through the publication of an appropriate notice at least once in a financial newspaper or journal published in New York, New York, or Chicago, Illinois, and in a newspaper of general circulation in the municipality, and by registered or certified mail to the bank or banks at which the bonds are payable. All such redemption notices shall be given not less than 30 nor more than 180 days prior to the date fixed for redemption.

This bond is one of an issue of bonds aggregating the principal amount of \$2,940,000 issued for the purpose of paying the cost of constructing, extending and improving sewers and a water distribution system in the municipality, including the acquisition of all property, real and personal, appurtenant thereto or connected with such work, pursuant to the provisions of Sections 7-36-101 to 7-36-132, inclusive, Tennessee Code Annotated and a resolution adopted by the Board of Commissioners of the municipality on October 28, 1981.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist, happen and be performed precedent to and in the issuance of this bond have been done, have existed, have happened and have been performed in regular form and manner as required by the constitution and statutes of said state and the charter of the municipality, and that this bond, together with all other indebtedness of the municipality, does not exceed any limitation prescribed by law.

The full faith, credit and resources of the municipality are hereby pledged for the payment of the principal of and interest on this bond and the issue of which it is a part as the same respectively become due and for the levy and collection of sufficient taxes for that purpose.

This bond and the income herefrom are exempt from all state, county and municipal taxation in the State of Tennessee except inheritance, transfer and estate taxes.

IN WITNESS WHEREOF the City of Belle Meade by its Board of Commissioners has caused this bond to be signed by its Mayor with his facsimile signature and countersigned by its Recorder and its corporate seal or a facsimile thereof to be impressed or reproduced hereon, and the coupons attached to this bond to bear the facsimile signatures of said Mayor and Recorder as of the first day of November, 1981.

(facsimile signature)  
\_\_\_\_\_  
Mayor

Countersigned:

\_\_\_\_\_  
Recorder

(Form of Coupon)

Number \_\_\_\_\_

\$ \_\_\_\_\_

On the first day of \_\_\_\_\_, 19\_\_ , unless the bond to which this coupon is appurtenant is subject to prior redemption and shall have been properly called for redemption and provision for the payment thereof duly made, the City of Belle Meade, Tennessee, will pay to bearer the amount shown hereon in lawful money of the United States of America at Third National Bank in Nashville, Nashville, Tennessee, upon presentation and surrender of this coupon, being interest then due on its Water and Sewer Bond, Series 1981, dated November 1, 1981, No. \_\_\_\_\_.

\_\_\_\_\_  
(facsimile signature)

Mayor

Countersigned:

\_\_\_\_\_  
(facsimile signature)

Recorder

Section 3. The municipality shall, through its governing body, annually levy and collect a tax upon all the taxable property within the municipality, in addition to all other taxes authorized by law, sufficient to pay said bonds and coupons at their respective maturities, and for that purpose there is hereby levied a direct annual tax upon such property in such amount as may be found necessary each year to pay the interest on and the principal of such bonds as the same shall become due. Principal and interest falling due at any time when there shall be insufficient funds on hand from such tax levy shall be paid from the current funds of the municipality and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected.

Section 4. Said bonds shall be advertised for public sale by publication of proper notice inviting bids in The Bond Buyer, published in New York, New York, and in a newspaper of general circulation in the municipality and Davidson County. Each of such publications shall be made not less than 14 days prior to the sale date.

Section 5. The proceeds of said bonds shall be deposited in a special fund and used solely for the purpose for which the bonds were authorized, including the payment of interest first coming due on said bonds on May 1, 1982. The municipality recognizes that the purchasers and holders of the bonds will have accepted them on, and paid therefor a price which reflects, the understanding that interest thereon is exempt from federal income taxation under laws in force at the time said bonds shall have been delivered. In this connection the municipality agrees that it shall take no action which may render the interest on any of said bonds subject to federal income taxation and that the principal proceeds of the sale of said bonds shall be devoted to and used with due diligence for the completion of the facilities for which said bonds are hereby authorized to be issued. The Mayor, the Recorder and the Treasurer of the municipality, or any of them, are hereby authorized to execute on behalf of the municipality an Arbitrage Certificate to assure the purchasers and holders of the bonds that the proceeds of the bonds are not expected to be used in a manner which would or might result in the bonds being "arbitrage bonds" under Section 103(c) of the Internal Revenue Code of 1954, as amended, or the regulations of the United States Treasury Department currently in effect or proposed. Such Arbitrage Certificate shall constitute a representation and certification of the municipality and no investment of bond proceeds or of monies accumulated to pay the bonds herein authorized shall be made in violation of the expectations prescribed by said Arbitrage Certificate.


Section 6. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 7. All ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict, and this resolution shall take effect from and after its passage.

  
MAYOR MORTON B. HOWELL

VICE MAYOR MARION G. SMITH

  
COMMISSIONER ROBERT T. COLEMAN

  
CITY MANAGER AND RECORDER  
GARLAND MUSICK

Date of Adoption:  
October 28, 1981

\*\*Original Resolution not found. Copied from minute book July 9, 2009  
By City Recorder Linda Berner.