

Newspaper

ORDINANCE NO. 0-77-13

AN ORDINANCE AUTHORIZING A FIRST SUPPLEMENTAL LEASE AND AGREEMENT (IN THE FORM AND WITH THE CONTENTS SET FORTH IN THE ORDINANCE) AND AUTHORIZING A FIRST SUPPLEMENTAL TRUST INDENTURE (IN THE FORM AND WITH THE CONTENTS SET FORTH IN THE ORDINANCE), BOTH IN CONNECTION WITH THE VALLEY STEEL PRODUCTS COMPANY INDUSTRIAL PROJECT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the City Council of the City of Conway, Arkansas (the "City"):

Section 1. That the Mayor and City Clerk be, and they are hereby, authorized and directed for and on behalf of the City to execute, acknowledge and deliver a First Supplemental Lease and Agreement (the "First Supplemental Lease and Agreement") to that Lease and Agreement wherein the City, is Lessor, and Valley Steel Products Company, a Missouri corporation ("Valley"), is Lessee, dated as of December 1, 1976, in substantially the form and with substantially the contents hereinafter set forth, and which form of First Supplemental Lease and Agreement is hereby made a part hereof:

(Advice is hereby given that a copy of the form of First Supplemental Lease and Agreement is on file in the office of the City Clerk, and reference may be had thereto by any interested person.)

Section 2. That there is hereby authorized the sale and delivery of \$500,000 in principal amount of City of Conway, Arkansas Industrial Development Revenue Bonds - Valley Project, Series 1977, dated as of May 1, 1977 (the "Series 1977 Bonds"), being interest and subject to such terms and conditions as shall be recommended by Valley. The issuance of the Series 1977 Bonds has been heretofore authorized by the Trust Indenture dated as of December 1, 1976, by and between the City and First National Bank, Conway, Arkansas (Section 202 B thereof) and in connection therewith there is hereby authorized a First Supplemental Trust Indenture (the "First Supplemental Trust Indenture"), in substantially the form and with substantially the contents hereinafter set forth, which shall be executed and acknowledged by the Mayor and City Clerk for and on behalf of the City, with the seal of the City affixed thereto, and which form of First Supplemental Trust Indenture is hereby made a part hereof:

(Advice is hereby given that a copy of the form of First Supplemental Trust Indenture is on file in the office of the City Clerk, and reference may be had thereto by any interested person.)

Section 3. That there be, and there is hereby authorized and directed the following:

- (a) The sale of the Series 1977 Bonds to Jon R. Brittenum & Associates, Inc., Little Rock, Arkansas, and the execution by the Mayor and City Clerk of a Bond Purchase Agreement with such purchaser for the price and pursuant to the terms recommended by Valley (a copy of which shall be filed in the office of the City Clerk); and
- (b) The acquiring, constructing and equipping of the Project being financed by the Series 1977 Bonds in accordance with the provisions of the Lease Agreement, as supplemented by the First Supplemental Lease and Agreement.

Section 4. That the Mayor and City Clerk be, and they are hereby, authorized and directed for and on behalf of the City to do all things, take all action and execute all documents necessary to carry out the authority, enforce the rights and discharge the obligations of the City set forth in this Ordinance and in the First Supplemental Lease and Agreement and in the First Supplemental Trust Indenture authorized hereby, to execute and deliver a preliminary Official Statement and a final Official Statement and to execute such writings and take such other action as may be appropriate to carry out or to evidence the authority conferred hereby.

Section 5. That the City is here involved the acquiring, constructing and equipping of industrial facilities, and pursuant to applicable laws of the State of Arkansas, including particularly Act No. 9, competitive bidding is therefore waived.

Section 6. 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 or provisions.

Section 7. That all ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. That it is hereby found and declared that the action authorized by this Ordinance is necessary in connection with the acquiring, constructing and equipping of the Project to be financed by the Series 1977 Bonds, which should be accomplished as expeditiously as possible in order that the City and its inhabitants may derive the public benefits flowing therefrom in the form of payrolls, employment, alleviation of unemployment and realization of other benefits flowing from the operation of the substantial industrial project. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public health, safety and welfare shall be in force and take effect immediately upon and after its passage.

PASSED: April 26, 1977.

ATTEST:

APPROVED:

City Clerk

Mayor

(SEAL)