

The Village Board of the Village of Chatham, Sangamon County, Illinois, met in SPECIAL public session at its regular meeting place in the Village Hall Board Chambers in the Village of Chatham at 7:30 o'clock P.M. on August 30, 1973, with JERRY A. PURCELL, President, JAMES CHASTEEN, Village Clerk, and the following named Board Members present:

HAROLD E. GIBSON
LEONARD E. ARCHER
ROBERT WILSON JR.
ROBERT E. WILLIAMS
EUGENE K. SCOTT
TROY R. MENUTT
Absent:

NONE

(Other Business)

The following resolution was thereupon introduced and read in full:

RESOLUTION NO. 1-73

A RESOLUTION providing for the acquisition by the Village of Chatham, Illinois, of an industrial project within or near said Village consisting of a manufacturing plant and appurtenant facilities, including the site thereof, and the leasing of the same to an industrial concern in accordance with the form of Lease Agreement approved by this Resolution, in order to relieve conditions of unemployment, aid in the rehabilitation of returning veterans, and encourage the

increase of industry within the State of Illinois, thereby reducing the evils attendant upon unemployment; authorizing the issuance and confirming the sale of \$550,000 principal amount of Industrial Project Revenue Bonds (AC & R Project) of said Village for the purpose of financing the cost of acquiring, improving and equipping such industrial project and necessary expenses incidental thereto, which bonds will be payable solely out of the income and revenues derived from the leasing of such industrial project; authorizing the execution and delivery of a Mortgage and Indenture of Trust securing said bonds and providing for the application of the proceeds thereof; and prescribing other matters pertaining thereto.

WHEREAS the Village of Chatham, Illinois (hereinafter referred to as the "Village") is authorized by The Industrial Project Revenue Bond Act, appearing as Division 74 of Article 11 of the Illinois Municipal Code, approved May 29, 1961, as added by Public Act 77-1453, approved September 7, 1971 (hereinafter referred to as the "Act"), to acquire lands not more than ten miles from its territorial boundaries and to acquire and construct buildings and improvements thereon for the public purpose expressed in Section 11-74-3 of the Act, and to lease the same as an industrial project to an industrial concern; and

WHEREAS the Village is further authorized by the Act to issue revenue bonds secured by a mortgage on the industrial project acquired or constructed through the issuance of such

revenue bonds and payable solely out of the income and revenues to be derived from the leasing of such industrial project; and

WHEREAS the Village has made the necessary arrangements with AC & R Components, Inc., an Illinois corporation duly qualified and authorized to do business in the State of Illinois (hereinafter referred to as "AC & R"), for the location of a manufacturing plant and appurtenant facilities within or near (but in no event further than ten miles from the territorial boundaries of) the Village (hereinafter referred to as the "Industrial Project"), which will employ substantial numbers of residents of the Village and the surrounding area with a resulting alleviation of unemployment, and a substantial increase in payrolls and other public benefits flowing from the conducting of industrial operations; and

WHEREAS the issuance of revenue bonds by the Village as hereinafter authorized and provided will serve the intended accomplishments and will in all respects conform to the provisions and requirements of the Act; and

WHEREAS at or before the time of the issuance of any of said revenue bonds the Village will enter into a Lease Agreement (hereinafter referred to as the "Lease Agreement") with AC & R as hereinafter authorized and which, after execution thereof, will be duly recorded in the office of the County Clerk and ex-officio Recorder of Deeds of Sangamon County, Illinois and to which ref-

erence is hereby made for the rental, terms, conditions and obligations of the respective parties therein set forth; and

WHEREAS it has now been determined that the estimated amount necessary to finance the cost of acquiring, improving and equipping the Industrial Project, including necessary expenses incidental thereto, requires that revenue bonds of the Village in the principal amount of \$550,000 should be authorized as hereinafter provided; and

WHEREAS the Village has made the necessary arrangements for the issuance and sale of such revenue bonds; and

WHEREAS it is necessary, in connection with the issuance and sale of said revenue bonds, that the Village execute and deliver a Mortgage and Indenture of Trust dated as of September 1, 1973 (hereinafter referred to as the "Indenture") to a banking corporation or national banking association, as Trustee for the bondholders (hereinafter referred to as the "Trustee"):

NOW, THEREFORE, Be It Resolved by the Village Board of the Village of Chatham, Sangamon County as follows:

Section 1. The acquisition, improving and equipping of the Industrial Project and the leasing of the same to AC & R as hereinafter provided is hereby authorized and determined to be in the public interest and for a public purpose, to relieve conditions of unemployment, to aid in the rehabilitation of returning veterans, and to encourage the increase of industry within

the State of Illinois, thereby reducing the evils attendant upon unemployment.

Section 2. For the purpose of financing the cost of acquiring, improving and equipping the Industrial Project and acquiring a site therefore, including necessary expenses incidental thereto, there are hereby authorized to be issued the revenue bonds of the Village in the principal sum of \$550,000 which bonds shall be designated "Industrial Project Revenue Bonds (AC & R Project)" (hereinafter referred to as the "Bonds"), denomination \$5000, and shall be payable as to principal and interest in lawful money of the United States of America at the principal office of the Trustee under the provisions of the Indenture.

The Bonds shall be dated September 1, 1973 and shall bear interest from such date payable semiannually on March 1 and September 1 of each year, commencing March 1, 1974, shall be numbered 1 to 110, inclusive, and shall mature on September 1 of each of the years, and shall bear interest at the respective rates, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1974	--	7%
1975	--	7%
1976	\$25,000	7%
1977	30,000	7%
1978	30,000	7%
1979	35,000	7%
1980	35,000	7%
1981	40,000	7%
1982	40,000	7%
1983	45,000	7%
1984	45,000	7%
1985	50,000	7%
1986	55,000	7%
1987	60,000	7%
1988	60,000	7%

The Bonds shall be subject to redemption at the times, under the circumstances, in the manner, at the prices and with the effect prescribed in the Indenture.

Section 3. The Bonds shall be limited obligations of the Village, the principal of and interest on which shall be payable soley out of the income and revenues to be derived from the leasing of the Industrial Project. No holder or holders of any of the Bonds shall ever have the right to compel any exercise of the taxing power of the Village to pay the Bonds or the interest thereon, and the Bonds shall not constitute an indebtedness of the Village or a loan of credit thereof within the meaning of any constitutional or statutory provision. Such limitation shall be plainly stated on the face of each Bond together with a recital that such Bond has been issued under the provisions of this Act.

Additional Bonds on a parity with Bonds authorized under this resolution may be issued as permitted by the provisions of the Indenture.

Nothing in this resolution or the Lease or the Indenture shall be construed as an obligation or commitment by the Village to expend any of its funds other than (i) the proceeds of the sale of the Bonds, (ii) the income and revenues to be received from the Industrial Project, (iii) any proceeds accruing to the Village of insurance on the Industrial Project, (iv) any moneys accruing to the Village on account of any taking or condemnation of title to the whole or any part of the Industrial Project, (v) any other moneys derived by or accruing to the Village from the Industrial Project, and (vi) any moneys arising out of the investment or reinvestment of said proceeds, rents, revenues or moneys.

Section 4. Each of the Bonds shall be executed on behalf of the Village by its President and attested by its Village Clerk, shall have the corporate seal of the Village impressed thereon and shall be authenticated by the endorsement of the Trustee under the Indenture. Interest coupons attached to the Bonds shall be executed with the facsimile signatures of said President and Village Clerk, which facsimile signatures shall have the same force and effect as if said officers had manually signed each of said coupons.

The Bonds shall be fully negotiable but shall be registrable as to principal or as to both principal and interest in

accordance with the provisions specified in the form of Bond set out in the Indenture.

Section 5. The Bonds and the coupons to be attached thereto and the Trustee's endorsement and the registration provision to appear on the reverse side of each Bond shall be in substantially the forms set forth in the Indenture, with necessary or appropriate variations, omissions and insertions as permitted or required by the Indenture.

Section 6. The Bonds shall be issued in compliance with and under authority of the provisions of the Act, this resolution and the Indenture.

Section 7. While any of the Bonds shall remain outstanding and unpaid, the Village hereby covenants and agrees with the holders from time to time of such Bonds that it will not issue any additional Bonds or incur any obligations of any sort secured by a lien prior to or on a parity with the lien of the Bonds, except as expressly permitted under the provisions of the Indenture.

Section 8. It is hereby found, determined and declared by this Village Board that the amounts of the rentals payable under the Lease Agreement are the amounts necessary in each year to pay the principal of and interest on the Bonds and that the rental payment and other monetary obligations undertaken by AC & R in the Lease Agreement are sufficient to satisfy the rental

and other monetary obligations required by the Act to be undertaken by the lessee of an industrial project. No reserve funds or depreciation accounts are deemed advisable to be established by the Village in connection with the retirement of the Bonds and the operation and maintenance of the Industrial Project. The Lease Agreement provides that AC & R shall operate and maintain the Industrial Project and carry all proper insurance with respect thereto.

Section 9. There is hereby authorized the execution of a Lease Agreement dated as of September 1, 1973, by and between the Village, as Lessor, and AC & R, as Lessee, in substantially the form attached hereto as Exhibit A which is hereby approved and incorporated by reference and made a part hereof.

The President is hereby authorized and directed to execute, acknowledge and deliver the Lease Agreement for and on behalf of the Village, and the Village Clerk is hereby authorized and directed to deliver to the Trustee an appropriate assignment and pledge of the rights of the Village under and pursuant to the Lease Agreement, including the income, rentals, revenues, receipts and other amounts receivable by the Village thereunder.

Section 10. To provide for the details of and to secure the Bonds under the Act, and to prescribe the terms and conditions upon which the Bonds are to be secured, executed, authenticated, accepted and held, the President is hereby authorized and directed to execute an Indenture dated as of September 1, 1973 by and be-

tween the Village and the Trustee, and the Village Clerk is hereby authorized and directed to affix the corporate seal of the Village thereto and to attest the same; and said President and Village Clerk are hereby authorized and directed to cause the Indenture to be delivered to, accepted, executed and acknowledged by the Trustee, said Indenture, which constitutes and is hereby incorporated by reference and made a part of this authorizing resolution, to be in substantially the form attached hereto as Exhibit B.

Section 11. The sale of the Bonds to Central National Bank in Chicago, Chicago, Illinois, First National Bank of Springfield, Springfield, Illinois, Springfield Marine Bank, Springfield, Illinois, Illinois National Bank, Springfield, Illinois and Chatham Community Bank, Chatham, Illinois, at a purchase price equal to 100% of the principal amount thereof plus accrued interest to the date of delivery, is hereby approved, ratified and confirmed and determined to be most advantageous to the interests of the Village and the form of Bond Purchase Agreement dated as of September 1, 1973 attached hereto as Exhibit C between this village and said banks as purchasers is hereby in all respects approved. The President and Village Clerk are hereby authorized and directed to sign said agreement on behalf of the Village.

Section 12. The President and Village Clerk for and on behalf of the Village are hereby each authorized and directed to do any and all things necessary to effect the execution and

delivery of the Lease Agreement and the Indenture, and acceptance thereof by AC & R and the Trustee, respectively, the performance of all obligations of the Village under and pursuant to the Lease Agreement and the Indenture and the execution and delivery of the Bonds; and the Trustee is hereby authorized to receive and receipt for the proceeds of the Bonds on behalf of the Village and to hold, invest and disburse said proceeds in accordance with the provisions of the Indenture. All provisions of the Indenture, including those with respect to the acquisition, improvement and equipping of the Industrial Project, the issuance, delivery and receipt of the proceeds of the Bonds and the receipt, custody, investment and application of the proceeds of said bonds and the income, rentals and other revenues to be derived from the Industrial Project, are hereby in all respects adopted, ratified and confirmed for and on behalf of the Village.

Section 13. The provisions of this resolution are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the Sections, phrases and provisions hereof.

Section 14. All resolutions and orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 30 day of AUGUST, 1973.

Jerry A. Purcell
President

Attest:

James Chasteen
Village Clerk

It was thereupon moved by Trustee ROBERT E. WILLIAMS
and seconded by Trustee ROBERT WILSON JR. that said resolu-
tion be adopted. Upon roll being called, the following voted:

Aye:

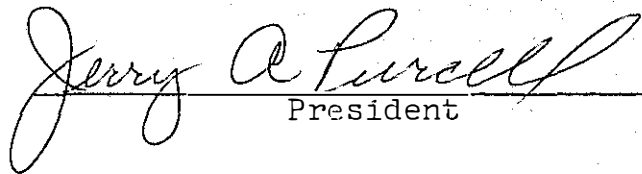
HAROLD E. GIBSON
LEONARD E. ARCHER
ROBERT WILSON JR.
ROBERT E. WILLIAMS
EUGENE K. SCOTT
TROY R. M'NUTT

Nay:

NONE

(Other Business)

Upon motion duly seconded and voted, the Village Board
adjourned.



President

Attest:



Village Clerk

CPC/jt
8/13/73