

ORDINANCE NO. 857

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE  
AUTHORIZING THE ISSUANCE OF A CAPITAL NOTE  
FOR PARK DEVELOPMENT

BE IT ORDAINED AND ENACTED, by the Borough of Monroeville, in Council assembled, as follows:

WHEREAS, the Borough of Monroeville (hereinafter the "Borough") deems it advisable to borrow THREE HUNDRED SEVENTY-FIVE THOUSAND (\$ 375,000) DOLLARS without the issuance of bonds pursuant to Section 409 of the Local Government Unit Debt Act (hereinafter the "Act") for the purpose of continuing Phase I of Park Construction and Development, (hereinafter the "Project");

WHEREAS, The Borough has obtained an estimate of the cost of the Project by taking bids;

WHEREAS, Said cost has been determined to be FOUR HUNDRED TWENTY-FIVE THOUSAND (\$ 425,000) DOLLARS;

WHEREAS, Notice of the following ordinance has been duly advertised in accordance with Section 103 of the Act; and

WHEREAS, Pittsburgh National Bank (hereinafter the "Bank") has presented a written proposal to this meeting to purchase the Note;

NOW, THEREFORE, Be and it hereby is ordained and enacted that:

1. The indebtedness of the Borough be increased in the amount of THREE HUNDRED SEVENTY-FIVE THOUSAND (\$ 375,000) DOLLARS to be evidenced by the issuance of an installment note (herein the "Note") in the form of the Note presented to this meeting and incorporated into the minutes hereof as Exhibit N.
2. The debt to be incurred is non-electoral debt and is to be incurred to pay the costs of the Project, the useful life of which is 40 years.
3. The Note shall be sold at a private sale.
4. The Borough accepts the proposal of the Bank to purchase the Note, at par, dated the date of delivery of the Note, maturing one year from the date thereof, 100% of the principal amount or THREE HUNDRED SEVENTY-FIVE THOUSAND (\$ 375,000) DOLLARS; BEARING INTEREST AT THE RATE OF 5.07% per annum on the unpaid balance payable semi-annually, redeemable at the option of the Borough at any time without premium or penalty.
5. The proposal of the Bank presented to this meeting shall be incorporated into the minutes hereof as Exhibit "B" and the Mayor of the Borough and Secretary are hereby authorized and directed to execute and deliver on behalf of and under the seal of the Borough an acceptance of said proposal.

6. The Mayor and Secretary of the Borough are hereby authorized and directed to prepare, certify and file the debt statement required by Section 410 of the Local Government Unit Debt Act.

7. The Note shall be a general obligation of the Borough and the Borough hereby covenants with the holder, from time to time, of the Note that it will include the amount of the debt service for each fiscal year in which any installment of principal or interest is payable in its budget for that year, shall appropriate such amounts to the payment of such debt service and shall duly and punctually pay or cause to be paid the principal and interest on said Note on the dates and at the places and in the manner stated therein according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Borough hereby pledges its full faith, credit and taxing power.

8. Pittsburgh National Bank is hereby designated as the Sinking Fund Depository for the Note and there is hereby created a Sinking Fund for the payment of the principal and the interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer of the Borough shall deposit into the Sinking Fund sufficient amounts for payment of principal and interest on the Notes no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, without further action by the Borough withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the Note.

9. Upon approval of the Department of Community Affairs of the Commonwealth of Pennsylvania to issue the Note, the Mayor of the Borough shall execute and affix the seal of the Borough to the Note and the Secretary shall attest the same and either or both officers shall deliver the Note to the Bank.

10. The proper officers of the Borough are hereby authorized and directed to do all acts necessary and proper for the issuance and securing the said Note.

ORDAINED AND ENACTED this 13th day of November, 1973.

BOROUGH OF MONROEVILLE

ATTEST:

By S/George C. Dale  
President of Council

S/ Marshall W. Bond  
Secretary

EXAMINED AND APPROVED this 14th day of November, 1973

S/ John J. Duncan  
Mayor

Entered in Legal Book, November 19, 1973.

EXHIBIT "B"

PROPOSAL

Pittsburgh National Bank (hereinafter the "Bank") hereby offers to purchase, at par, \$ 375,000.00, principal amount, Borough of Monroeville, Pennsylvania (hereinafter the "Borough") Capital Note (hereinafter the "Note"), maturing at the following times and in the following amounts, with the right of prepayment without penalty reserved to the Borough:

- (a) One year from the date of said Note, 100 %  
of the principal amount or \$ 375,000.00 ;
- (b) Two years from the date of said Note, %  
of the principal amount or \$ N/A ;
- (c) Three years from the date of said Note, %  
of the principal amount or \$ N/A ;
- (d) Four years from the date of said Note, %  
of the principal amount or \$ N/A ;
- (e) Five years from the date of said Note, %  
of the principal amount or \$ N/A ;

with interest at the rate of 5.07% per annum on the unpaid balance until maturity and thereafter at the highest rate permitted by law but not in excess of 6% per annum, payable semi-annually in the manner and at the place of payment of the principal installments;

subject to receipt of the following, in form and substance satisfactory to the Bank:

1. A duplicate original of the proceedings authorizing the issuance of the Note certified by the Secretary of the Borough to have been filed with and approved by the Department of Community Affairs of the Commonwealth of Pennsylvania;

2. A copy of the Borough's letter transmitting a duplicate original of the proceedings to the Department of Community Affairs, having attached to it the original United States mail receipt for certified mail, showing receipt by the Department of Community Affairs;

3. An opinion of the Borough Solicitor dated the date of delivery of and payment for the Note to the effect that the proceedings for the authorization and issuance of the Note have been duly and properly taken, that the Note will be the valid and binding obligation of the Borough, enforceable in accordance with its terms, and that interest on the Note is exempt from Federal, Commonwealth of Pennsylvania and local taxation;

4. Executed Note.

This proposal is subject to acceptance no later than 12:00 P.M., November 13, 1973.

The average annual debt service on the Note is \$ 394,012.50 .

WITNESS the due execution hereof this 6th day of November , 1973 .

PITTSBURGH NATIONAL BANK

By S/ D. C. Borland  
D. C. Borland, Vice President

ACCEPTANCE

Pursuant to ordinance duly enacted this 13th day of November , 1973 the Borough of Monroeville has accepted the above proposal of Pittsburgh National Bank.

WITNESS the due execution hereof this 13th day November , 1973 .

BOROUGH OF MONROEVILLE

By S/ John J. Duncan  
Mayor

ATTEST:

S/ Marshall W. Bond  
Secretary

EXHIBIT "A"

BOROUGH OF Monroeville

Allegheny County, Pennsylvania

General Obligation  
Installment Note

\$ 375,000.00

December 5, 1973

The Borough of Monroeville  
(hereinafter the "Borough") intending to be legally bound, promises to pay to the order of Pittsburgh National Bank at its office at Miracle Mile, Pennsylvania, in such coin or currency as at the time and place of payment is legal tender for the payment of public and private debts, the sum of Three Hundred Seventy Five Thousand - - - - - DOLLARS at the following times and in the following amounts:

- One year from the date hereof, 100 % of the principal amount or \$ 375,000.00 ;
- Two years from the date hereof, % of the principal amount hereof or \$ NA ;
- Three years from the date hereof, % of the principal amount or \$ NA ;
- Four years from the date hereof, % of the principal amount or \$ NA ;
- Five years from the date hereof, % of the principal amount or \$ NA ;

Interest shall be payable semi-annually on June 5, 1974\* and December 5, 1974\* in each year beginning June 5, 1974\*, until the principal shall have been paid, in the manner and at the place of payment of the principal installments at the rate of 5.07% per annum on the unpaid balance until maturity and thereafter at the highest rate permitted by law but not in excess of 6% per annum.

Payment of the indebtedness evidenced hereby may be anticipated in whole or in part at any time and from time to time without premium or penalty.

The Borough hereby covenants with the holder hereof that it will include the amount of the debt service payable hereunder in its budget for the applicable fiscal year, will appropriate such amounts to the payment of such debt service and will duly and punctually pay or cause to be paid the entire principal hereof and the interest thereon at the places, on the dates and in the manner stated above, according to the true meaning and intent hereof, and for such budgeting, appropriation and payment, the Borough hereby pledges its full faith, credit and taking power.

In the event of a default hereunder, the entire balance shall be and become immediately due and payable without notice or demand.

This Note evidences a borrowing for a project under Section 409 of the Local Government Unit Debt Act, pursuant to an ordinance of the Borough duly and regularly enacted in accordance with the provisions of said Act and pursuant to the approval of the Department of Community Affairs of the Commonwealth of Pennsylvania of the transcript of proceedings and debt statement duly filed with it by the Borough pursuant to said Act.

WITNESS the due execution hereof this 5th day of December, 1973.

BOROUGH OF

Monroeville

By S/ John J. Duncan  
Mayor

(SEAL)

ATTEST:

S/ Marshall W. Bond  
Secretary