

OFFICIAL

BOROUGH OF AVALON

RESOLUTION NO. 845

RESOLUTION AUTHORIZING THE EXECUTION OF A NOTE PURSUANT TO ORDINANCE NO. 1215 ADOPTED THE 15th DAY OF NOVEMBER, 1994.

WHEREAS, the Borough of Avalon (hereinafter called "Municipality") deems it advisable to borrow the amount of Fifty Thousand Dollars (\$50,000.00) without issuance of bonds pursuant to Section 409 of the Local Government Unit Debt Act, as amended, (hereinafter called the "Act") for the purpose of constructing a Soldier Beam and Lagging Wall at the N. Birmingham Avenue landslide (hereinafter called "Project"; and

WHEREAS, Notice of Ordinance No. 1215 has been duly advertised in accordance with Section 103 of the Act and the Authority for Improvements in Municipalities (hereinafter called "AIM") has approved a Loan to help finance the Project.

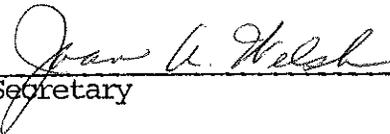
NOW, THEREFORE, be it resolved that:

1. The indebtedness of the Municipality be increased in the amount of Fifty Thousand Dollars (\$50,000.00) to be payable in 5 years with interest of 3% evidenced by the issuance of an Installment Note (hereinafter called the "Note") in the form approved by AIM and incorporated herein by reference thereto.
2. The debt to be incurred is nonelectoral debt and is to be incurred to pay a portion of the costs of the Project, the useful life of which is 50 years.
3. The Note shall be executed by the proper officers of the Municipality in accordance with Ordinance No. 1215 adopted on the 15th day of November, 1994.
4. The officers of the Municipality are hereby authorized and directed to execute and deliver on behalf of and under the seal of the Municipality, an Agreement between the Municipality and AIM in the form requested by AIM and approved by the AIM Solicitor.
5. The officers of the Municipality are hereby authorized and directed to prepare, certify and file any documents required by the Local Government Unit Debt Act.

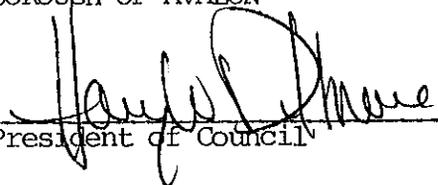
6. The Note shall be a general obligation of the Municipality, and the Municipality hereby covenants with AIM that it will include the amount of the debt service for each fiscal year in which any installment of principal and interest or penalty interest is payable in its budget for that year, and shall duly and punctually pay or cause to be paid the principal and interest or penalty 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 payment, the Municipality hereby pledges its full faith, credit and taxing power.
7. It is further acknowledged that the Loan Agreement has a litigation clause which the Municipality acknowledges and which clause calls for payment by the Municipality of the AIM Solicitor in the event of any litigation caused by the borrower's delinquencies.
8. The proper officers of the Municipality are hereby authorized and directed to do all acts necessary and proper for the issuance and securing said Note.
9. All Resolutions or parts of Resolutions not in accordance with this Resolution are hereby repealed insofar as they conflict herewith.

ADOPTED this 15th day of November, 1994.

ATTEST:

  
Secretary

BOROUGH OF AVALON

  
President of Council

APPROVED BY THE MAYOR this 15th  
day of November, 1994.

  
Mayor