

RESOLUTION NO. R 027 75

RESOLUTION PROVIDING FOR THE SALE OF \$9,600,000 WATER AND SEWER BONDS OF SUSSEX COUNTY, DELAWARE

WHEREAS, the County Council desires to make provision for the sale of the \$9,600,000 Water and Sewer Bonds of Sussex County, dated September 1, 1975, heretofore authorized by said Council,

NOW, THEREFORE,

BE IT RESOLVED by the County Council of Sussex County, as follows:

Section 1. The County shall sell \$9,600,000 Water and Sewer Bonds of the County, dated September 1, 1975, pursuant to and in accordance with a notice of sale in substantially the following form:

NOTICE OF SALE
SUSSEX COUNTY, DELAWARE
\$9,600,000 GENERAL OBLIGATION WATER AND SEWER BONDS

Sealed bids will be received by the County Council of Sussex County, Delaware for the purchase of \$9,600,000 Water and Sewer Bonds, hereinafter described, at the Council's Chambers, County Courthouse, Georgetown, Delaware, until 11:30 o'clock, A. M., (EDST), on September 4, 1975, at which time and place the sealed bids will be publicly opened.

The bonds are coupon bonds registrable as to both principal and interest, are in the denomination of \$5,000 each, are dated September 1, 1975 and are payable in annual installments on September 1 in years and amounts as follows:

<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>
1976	100,000	1986	200,000	1996	400,000
1977	100,000	1987	200,000	1997	400,000
1978	110,000	1988	225,000	1998	450,000
1979	115,000	1989	250,000	1999	500,000
1980	125,000	1990	250,000	2000	525,000
1981	135,000	1991	275,000	2001	575,000
1982	150,000	1992	300,000	2002	600,000
1983	150,000	1993	300,000	2003	650,000
1984	165,000	1994	350,000	2004	700,000
1985	175,000	1995	375,000	2005	750,000

The bonds bear interest from September 1, 1975 payable semi-annually

on March 1 and September 1 in each year. Both principal of and interest on the bonds will be payable at the principal office of Farmers Bank of the State of Delaware, Georgetown, Delaware, or, at the option of the holder or registered owner, at the principal office of Farmers Bank of the State of Delaware, Wilmington, Delaware.

The bonds are to finance the cost of water and sanitary sewer improvements in water and sanitary sewer districts in Sussex County. The full faith and credit of Sussex County are pledged to the payment of the bonds and the interest thereon.

Bidders are invited to name the rate or rates of interest which the bonds are to bear, which rate or rates must be a multiple or multiples of one-eighth ($1/8$) or one-twentieth ($1/20$) of one percentum (1%). No more than four rates may be named; a repeated rate will constitute one of the permitted rates. The difference between the lowest and the highest rates named in the bid shall not exceed two percentage points. No rate may exceed 9% per annum. The interest payable on any bond on any interest payment date shall be represented by a single coupon and the interest rate on such bond shall be the same throughout its life. All bonds maturing on the same date must bear interest at the same rate. Any premium must be paid in funds as part of the purchase price at the time of delivery of the bonds. Each bid submitted must offer a price which is not less than par and accrued interest and must offer to purchase all of the bonds. The bonds will be awarded to the bidder offering to purchase the bonds at the lowest net interest cost to the County, such cost to be determined by deducting the total amount of any premium bid from the aggregate amount of interest upon all of the bonds until their respective maturities.

Each bid should be enclosed in a sealed envelope, marked on the outside "Bid for Sussex County Bonds", should be addressed to the County Council of Sussex County, Delaware, Council Chambers, Courthouse, Georgetown, Delaware, 19947, and must be accompanied by

a certified or cashier's check for \$192,000 drawn upon an incorporated bank or trust company and payable unconditionally to the order of Sussex County, Delaware, to secure the County against any loss resulting from the failure of the bidder to comply with the terms of his proposal. The check of the successful bidder will be deposited and credited on the purchase price and no interest will be allowed thereon. The proceeds of the check will be retained by the County as liquidated damages in case the bidder fails to accept delivery of and pay for the bonds. Checks of unsuccessful bidders will be returned promptly upon award of the bonds.

The County will furnish without cost to the purchaser, at the time the bonds are delivered (1) the approving opinion of Messrs. Reed, McCarthy & Giordano, Attorneys of New York City, that the bonds are valid and legally binding obligations of the County and the County is authorized and required by law to levy on all real property taxable by the County such ad valorem taxes as may be necessary to pay the bonds and the interest thereon without limitation as to rate or amount, and (2) certificates in form satisfactory to said Attorneys evidencing the proper execution and delivery of the bonds and receipt of payment therefor, and (3) a certificate, dated as of the date of delivery of the bonds, and signed by the officers who signed the bonds, stating that no litigation is then pending or, to the knowledge of such officers, threatened to restrain or enjoin the issuance or delivery of the bonds or the levy or collection of taxes to pay the bonds or the interest thereon, or questioning the validity of the statutes or the proceedings under which the bonds are issued.

The bonds will be delivered on September 25, 1975, or as soon thereafter as the bonds are ready for delivery, upon payment of the purchase price therefor. The bonds will be delivered at a place in the City and State of New York to be determined by the Finance Director of Sussex County. The purchaser will be given seven days' notice of the time and place fixed for the delivery of the bonds.

Bidders are requested to use the bid form which, together with information concerning Sussex County, may be obtained from the Municipal Finance Department of Farmers Bank of the State of Delaware, Wilmington, Delaware, or from the undersigned.

The right to reject any or all bids and to waive irregularities in any bid is hereby reserved.

SUSSEX COUNTY, DELAWARE

Laurence E. Carey
Finance Director

Section 2. The Finance Director shall cause the foregoing notice of sale to be published at least once, ten or more days before the date of sale, in at least one newspaper published in the County and in The Daily Bond Buyer. Sealed bids for the purchase of the bonds described in said notice shall be received and considered pursuant to and in accordance with said notice.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 027 75 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 12TH DAY OF AUGUST, 1975.

Emogene P. Ellis
EMOGENE P. ELLIS
CLERK OF THE COUNTY COUNCIL