

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 20-19

INTRODUCED BY: Mayor Antoskiewicz

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF MONEY FROM THE GENERAL FUND OF THE CITY OF NORTH ROYALTON, OHIO FOR THE PURPOSE OF DEFEASING \$8,116 OF THE OUTSTANDING \$7,435,000 VARIOUS PURPOSE GENERAL OBLIGATION (LIMITED TAX), SERIES 2014, DATED MAY 21, 2014 ISSUED BY THE CITY, ESTABLISHING AND CREATING AN ESCROW FUND FOR SAID DEFEASANCE AND AUTHORIZING AND APPROVING THE FORM OF AN AMENDED AND RESTATED ESCROW AGREEMENT IN CONNECTION WITH SUCH DEFEASANCE

WHEREAS: The City of North Royalton (the “City”) has issued general obligation bonds dated May 21, 2014 in the original principal amount of \$7,435,000 (the “Outstanding Bonds”); and

WHEREAS: The City refunded and defeased a portion of the Outstanding Bonds with its \$5,350,000 Various Purpose Refunding Notes, Series 2019 (Federally Taxable), dated November 14, 2019 (the “Series 2019 Notes”); and

WHEREAS: The City Council (the “Council”) of the City desires to amend and restate the Escrow Agreement, dated November 14, 2019 between the City and U.S. Bank National Association to include an additional cash defeasance of \$4,058 of the Outstanding Bonds maturing December 1, 2020 and \$4,058 of the Outstanding Bonds maturing December 1, 2021 (together, the “Defeased Bonds”) with cash from its General Fund for the purpose of maintaining \$5,000 denominations for the defeased and undefeased portions of the Outstanding Bonds.

NOW, THEREFORE, BY THE CITY OF NORTH ROYALTON, COUNTY OF NORTH ROYALTON, CIUYAHOGA COUNTY, STATE OF OHIO, THAT:

Section 1. This Council hereby authorizes the amendment and restatement of the Escrow Agreement with U.S. Bank National Association, dated November 14, and related to the redemption and defeasance of a portion of the Outstanding Bonds in connection with the issuance of the Series 2019 Notes to include the defeasance of the Defeased Bonds with cash from its General Fund for the purpose of maintaining \$5,000 denominations for the defeased and undefeased portions of the Outstanding Bonds.

Section 2. There is hereby created and established, a trust fund to be designated “City of North Royalton, Ohio 2014-1 Escrow Fund” (the “Escrow Fund”), or as otherwise designated by the Director of Finance, which shall be held in the custody of the Escrow Trustee, as hereinafter defined, and shall be used for the purpose of funding the defeasance of the Defeased Bonds.

Section 3. The Director of Finance of the City (the “Director of Finance”), or any other appropriate officer of the City, is hereby authorized and directed to execute on behalf of the City the Amended and Restated Escrow Agreement (the “Amended and Restated Escrow Agreement”) with U.S. Bank National Association, as escrow trustee (the “Escrow Trustee”), setting forth the terms by which the Escrow Fund shall be held and disbursed, which Amended and Restated Escrow Agreement shall be in such form, not inconsistent with this ordinance, as the Director of Finance shall determine. Pursuant to the Escrow Agreement, the Escrow Trustee shall hold the moneys deposited in the Escrow Fund in cash that will be sufficient to pay (i) the principal on the Defeased Bonds, which is due and payable on each December 1, 2020 and December 2021, and (ii) the interest on the Defeased Bonds, which is due and payable on each June 1 and December 1, commencing June 1, 2020, through final maturity of the Defeased Bonds on December 1, 2021.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that this ordinance must be immediately effective for the reason that DTC has requested that the outstanding amounts of these maturities remain in multiples of \$5,000.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck  
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz  
MAYOR

DATE PASSED: January 7, 2020

DATE APPROVED: January 8, 2020

ATTEST: /s/ Dana A. Schroeder  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading January 7, 2020  
Amended January 7, 2020

YEAS: Marnecheck, Fenos, Barath, Langshaw  
Weimer, Vos

NAYS: none

ABSENT: Dietrich

**CERTIFICATE**

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of ordinance No. \_\_\_\_ duly adopted by the City Council of City of North Royalton, Ohio on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Clerk of Council  
City of North Royalton, Ohio

M\_\_\_\_ seconded the motion and, after discussion, a roll call vote was taken and the results were:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_