

**TOWNSHIP OF WARREN
ORDINANCE NO. 15-13**

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$490,000 FOR CONSTRUCTION OF SANITARY SEWER EXTENSIONS TO PORTIONS OF GEIGER LANE, KRAUSCHE ROAD AND WHISPERING WAY FOR AND BY THE TOWNSHIP OF WARREN, IN THE COUNTY OF SOMERSET, NEW JERSEY, DIRECTING A SPECIAL ASSESSMENT OF THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WARREN, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3(a) of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Warren, New Jersey (the "Township") as general and local improvements. For the said Improvements there is hereby appropriated the amount of \$490,000, such sum includes the sum of \$25,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey Statutes, constituting Chapter 2 of Title 30A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$465,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount of \$465,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the construction of sanitary sewer extensions to portions of Geiger Lane, Krausche Road and Whispering Way within the Township as follows: 6 Geiger Lane, Block 73, Lot 12.03, 8 Geiger Lane, Block 73, Lot 12.04, 10 Geiger Lane, Block 73, Lot 12.05, 12 Geiger Lane, Block 73, Lot 12.06, 14 Geiger Lane, Block 73, Lot 12.07, 16 Geiger Lane, Block 73, Lot 12.08, 18 Geiger Lane, Block

73, Lot 12.09, 20 Geiger Lane, Block 73, Lot 12.10, 22 Geiger Lane, Block 73, Lot 12.11, 24 Geiger Lane, Block 73, Lot 12.12, 26 Geiger Lane, Block 73, Lot 12.13, 11 Geiger Lane, Block 71, Lot 71, 3 Whispering Way, Block 71, Lot 72, 4 Whispering Way, Block 71, Lot 73, 9 Geiger Lane, Block 71, Lot 74, 15 Geiger Lane, Block 71, Lot 75, 17 Geiger Lane, Block 71, Lot 76, 1 Krausche Road, Block 71, Lot 77, 3 Krausche Road, Block 71, Lot 78, 2 Krausche Road, Block 71, Lot 80, 23 Geiger Lane, Block 71, Lot 81, 25 Geiger Lane, Block 71, Lot 82, 27 Geiger Lane, Block 71, Lot 83 and 29 Geiger Lane, Block 71, Lot 84, including all work and materials necessary therefor and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Township Clerk and hereby approved.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$465,000.

(c) The estimated cost of the Improvements is \$490,000 which amount represents the initial appropriation made by the Township.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

Notice is hereby given to the owners of all lands and parcels of real estate benefited by the improvements described in Section 3(a) hereof and affected by the improvements described therein, that the Township intends to make and levy special assessments against all such lots and parcels of real estate in an aggregate amount not exceeding \$490,000. Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Township will contribute \$0 to the cost of the improvement; however, if the amount of the special assessments as finally confirmed is less than the sum of \$490,000, as described in Section 3(a) hereof, then the Township will also contribute the difference to the cost of the improvement.

SECTION 7:

The owner of any land upon which an assessment for the local improvements described in Section 3(a) shall have been made, may pay such assessment in the number of equal yearly installments determined herein, with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two (2) months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year, at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole or any assessment or any balance of installments with accrued interest thereon, at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Township, and shall be collected in the same manner as provided by law for other past-due assessments. Such assessments shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

SECTION 8:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3(a) of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general and local improvements, and a portion of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$465,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvement is not to exceed 20 years as determined by resolution of the Township Committee.

SECTION 9:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3(a) of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 10:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and interest thereon without limitation of rate or amount.

SECTION 11:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$465,000.

SECTION 12:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

WARREN TOWNSHIP COMMITTEE



Michael C. Marion, MAYOR

ATTEST:



Patricia A. DiRocco, RMC
TOWNSHIP CLERK

INTRODUCED: July 16, 2015

ADOPTED: August 13, 2015

EFFECTIVE: September 2, 2015