

ORDINANCE NO. 801

AN ORDINANCE providing for, and requiring, the submission of the question of issuing \$175,000 in Community Complex Bonds to the electors of the City of Nokomis, Montgomery County, Illinois, at the regularly-scheduled election to be held on the 15th day of March, 1994.

WHEREAS the Mayor and City Council of the City of Nokomis, Montgomery County, Illinois (the "City"), have found and determined, and do hereby find and determine, that it is necessary and in the best interests of the City to acquire the real estate formerly known generally as the Spengel Lumber Company property and legally described as

PARCEL I: Lots One (1), Two (2) and Three (3) in Block Twenty-two (22); and Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) in Block Twenty-three (23) in the Original Town (now City) of Nokomis;

- and -

PARCEL II: That part of Vine Street in the City of Nokomis described as follows: Beginning at the southeasterly corner of Block Twenty-two (22) in the Original Town (now City) of Nokomis; thence in a Northwest-erly direction along the northeasterly line of the said Block Twenty-two (22) one hundred fifty (150) feet to the northeasterly corner of the said Block (to the southeasterly property line of the C. C. C. and St. Louis Railroad Company (formerly the Terre Haute and Alton Railroad); thence in a Northeasterly direction along the aforesaid southeasterly property line of said railroad sixty-six (66) feet (being the width of Vine Street in the City of Nokomis) to the northwesterly corner of Block Twenty-three (23) of the Original Town (now City) of Nokomis; thence in a Southeasterly direc-tion along the southwesterly line of the said Block Twenty-three (23) one hundred fifty (150) feet to the southwesterly corner of the said Block Twenty-three (23) (which is the northwesterly line of West State Street in the said City; and thence in a Southwesterly direction sixty-six (66) feet to the place of begin-ning;

all situated in the City of Nokomis, Montgomery County, Illinois,

for a community complex at an estimated cost of not less than

\$112,500 for site acquisition and an estimated cost of not less than \$62,500 for immediate modification thereto;

AND WHEREAS there are not sufficient funds on hand and available for the purpose of paying the cost of such acquisition and modification, it will be necessary to borrow money, and in evidence thereof, issue the bonds of the City to the amount of \$175,000 for the said purposes;

AND WHEREAS before the City can borrow such money and issue bonds for such purposes, a question therefor must be submitted to the electors of the City and be approved by a majority of the electors of the City voting upon the said question, and it is deemed advisable, necessary and in the best interests of the City that the question therefor be submitted to the electors of the City at an election to be held and conducted in accordance with the general election law of the State of Illinois;

NOW, THEREFORE, Be it Ordained by the Mayor and City Council of the City of Nokomis, Montgomery County, Illinois, as follows:

Section 1. It is declared necessary and in the best interests of the City that the real estate legally described hereinabove be acquired and modified for a community complex, and it is declared necessary and in the best interest of the City that money be borrowed and, in evidence thereof, bonds of the City be issued therefor in the amount of \$175,000.

Section 2. There shall be borrowed for, by, and on behalf of, the City the sum of \$175,000 for the purpose of acquiring and improving the site hereinabove described, and to evidence the

said loan bonds of the City shall be issued in such amount. Each of the said bonds shall be designated "Community Complex Bond" and bear interest from the date thereof at the rate of 5 $\frac{1}{4}$ % per annum or the maximum rate otherwise permitted by law, whichever rate is less at the time the contract is made for the sale of the said bonds.

Section 3. The question hereinabove referred to shall be submitted to the electors of the City in accordance with the general election law of the State of Illinois at the general election to be held on Tuesday, the 15th day of March, 1994, between the hours of 6:00 A.M. and 7:00 P.M. on the said day (the "Election").

Section 4. The Election shall be held in the voting precincts and at the polling places established by the County Board (the "County Board") of Montgomery County, Illinois (the "County"), for electors of the City at the Election.

Section 5. The County Clerk of Montgomery County (the "County Clerk") shall give notice of the Election in accordance with the general election law of the State of Illinois by publishing notice thereof once in one or more local, community newspapers published and having general circulation in the City and also once in a newspaper published in the County, the dates of such publications of said notice to be not more than 30 nor less than 10 days prior to the date set for the Election.

Section 6. It is hereby found and determined that "The Free Press-Progress" is a local, community newspaper published and

having general circulation in the City and published in the County as required by §§12-4 and 12-5 of the Election Code of the State of Illinois, as amended (the "Election Code").

Section 7. The notice shall include the following:

NOTICE IS HEREBY GIVEN that at the regularly-scheduled election to be held on Tuesday, the 15th day of March, 1994, the following question will be submitted to the electors of the City of Nokomis, Montgomery County, Illinois:

Shall bonds in the amount of \$175,000 be issued by the City of Nokomis, Montgomery County, Illinois, for the purpose of acquiring and modifying the real estate formerly known as the Spengel Lumber Company property and located generally at 22 South Ceder Street in the said City for the City's community complex, such bonds to bear interest at the rate of 5 $\frac{1}{4}$ % per annum or the maximum rate otherwise permitted by law, whichever rate is less at the time the contract is made for the sale of said bonds?

The polls at said election will be open at 6:00 o'clock A.M. and continued open until 7:00 P.M. of that day.

Dated this ____ day of _____, 1994.

County Clerk, The County of
Montgomery, Illinois

Section 8. The ballot to be used at the Election shall be in substantially the following form with such alterations, changes, insertions and deletions as required by Article 24A of the Election Code, if an electronic, mechanical or electric voting system (an "Electronic Voting System") is used at the Election:

[Face of Ballot]
OFFICIAL BALLOT
QUESTION TO ISSUE \$175,000
COMMUNITY COMPLEX BONDS

(INSTRUCTIONS TO VOTERS: Mark a cross (X) in the space opposite the word indicating the way you desire to vote.)

Shall bonds in the amount of \$175,000 be issued by the City of Nokomis, Montgomery County, Illinois, for the purpose of acquiring and modifying the real estate formerly known as the Spengel Lumber Company property and located generally at 22 South Cedar Street in the said City for the City's community complex, such bonds to bear interest at the rate of 5¼% per annum or the maximum rate otherwise permitted by law, whichever rate is less at the time the contract is made for the sale of said bonds?	YES	
	NO	

[Back of Paper Ballot]

OFFICIAL BALLOT

Official ballot for voting on the question to issue
\$175,000 Community Complex Bonds of the City of
Nokomis, Montgomery County, Illinois, at the general
election held on March 15, 1994.

Precinct Number: _____

Polling Place: _____

(Facsimile Signature)
County Clerk, The County
of Montgomery, Illinois

Section 9. The Election shall be conducted by the election judges appointed by the County Board to act in the voting precincts at which said question will be submitted to the electors of the Village.

Section 10. After the adoption hereof and not less than 61 days prior to the date of the Election, the City Clerk of the City shall certify a copy hereof to the County Clerk in order that the question set forth herein may be submitted to the electors of the City at the Election.

Section 11. The Election shall be held and conducted and the returns thereof duly canvassed, all in the manner and time as provided by the general election law of the State of Illinois.

Section 12. If an electronic voting system is used, the County Clerk shall publish, not less than five days prior to the Election, a true and legible copy of the specimen ballot label containing the question to be voted upon at the Election in two or more newspapers published in, and having general circulation in, the County.

Section 13. All ordinances, orders and resolutions and parts thereof in conflict herewith shall be, and the same are hereby, repealed, and this ordinance shall be in full force and effect forthwith upon its adoption and approval.

Introduced:	<u>December 13, 1993</u>
Passed:	<u>January 3, 1994</u>
Voting Yes:	<u>Brummet, Hard, McCall, Petty</u>
Voting No:	<u>None</u>
Abstaining:	<u>None</u>
Absent:	<u>Cohan</u>
Approved:	<u>January 4, 1994</u>

James F. Cohen
Mayor

Attest: Mary Jess Scheller.
City Clerk