

2008008.01

CERTIFICATE OF ORGANIZATION AND NO LITIGATION

We, the undersigned Village President and Village Clerk of the Village of Wheeling, Cook County, Illinois, do hereby certify that the Village of Wheeling was incorporated under the General Laws of the State of Illinois on or about July 17, 1894, and that as said Village of Wheeling, said village has been operating under the General Laws of the State of Illinois and now is so operating, and that the last change in boundaries of said Village of Wheeling was made on or about April 5, 1939, at which time an annexation proceeding became effective.

The names of the present officials including all members of the governing body are as follows:

<u>Name</u>	<u>Office</u>
Hans Schmidt	Village President
James Bailey	Village Trustee
John Nielsen	Village Trustee
William J. Schwall	Village Trustee
Marshall Salling	Village Trustee
Frank Utpadel	Village Trustee
Theodore Pieper	Village Trustee
Adeline Schneider	Village Clerk
Lew C. Moltje	Village Treasurer
Charles C. Wooster	Attorney

Each of the foregoing officers have duly filed their oaths of office and each of them legally required to give bond has filed such bond in form and amount as required by law and is otherwise duly qualified to act in the official capacity above designated, and each is the acting officer holding the respective office stated immediately opposite his name.

We do further certify that there is no pending or threatened litigation affecting the corporate existence of the Village of Wheeling, its boundaries, or the right of any of its

officials to hold their respective offices.

IN WITNESS WHEREOF, we have hereunto set our respective hands and the official seal of the Village of Wheeling, Cook County, Illinois, this        day of        , A.D. 1941.

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President of the Village of Wheeling,  
Cook County, Illinois.

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Village Clerk of the Village of  
Wheeling, Cook County, Illinois.

(VILLAGE SEAL)

AN ORDINANCE providing for the combining of the existing waterworks system and the proposed sewerage system of the Village of Wheeling, Cook County, Illinois, and providing for their operation as a single utility.

\* \* \* \*

WHEREAS it is proposed to construct a complete sanitary sewerage system, including a disposal plant, in and for the Village of Wheeling, Cook County, Illinois; and

WHEREAS it is deemed advisable, for the best interests of the village and more economical in the operation of the waterworks and the sewerage systems of said village to combine said systems so that they may be operated as a single utility, together with all future additions, improvements and extensions thereto; and

WHEREAS pursuant to the provisions of an Act entitled "An Act providing for the acquisition, construction, extension, improvement, maintenance and operation of a combined municipal waterworks and sewerage system, the means of financing the same, and in connection therewith the refunding of securities previously issued for any existing waterworks or sewerage system, or both, and the imposition and collection of charges and rates for the use thereof, in cities, villages and incorporated towns having a population of less than 500,000," in force July 1, 1934, as amended, this village is authorized to combine its existing waterworks and proposed sewerage system and issue revenue bonds for the purpose of financing the cost thereof; and

WHEREAS it will be necessary that funds be provided for the construction of the sewerage system proposed, pursuant to the provisions of the Act above mentioned;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Wheeling, Cook County, Illinois, as follows:

Section 1. That the existing waterworks system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made, and the proposed sewerage system to be constructed in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made, be and the same are hereby declared to be a combined system, and said combined waterworks and sewerage system of said Village of Wheeling, Cook County, Illinois, shall be maintained and operated as a single utility, and that a charge or rate shall be established for the use of said combined system, which shall be reasonable and commensurate with the service performed by said combined system, and sufficient to maintain, operate, provide an adequate depreciation fund, and pay the principal of and interest on any revenue bonds which may be issued, which by their terms are made payable from the revenues of such combined system.

Section 2. That this ordinance shall be published in the Cook County Herald, a newspaper of general circulation in the Village of Wheeling, Cook County, Illinois, and true and correct copies of this ordinance shall be posted in three (3) of the most public places within the Village of Wheeling, and this ordinance shall be in full force and effect from and after its passage, publication and posting as provided by law.

PASSED July 7<sup>th</sup>, A.D. 1941.

VOTE: AYES Six (6)

NAYS None (0)

RECORDED July 7<sup>th</sup>, A.D. 1941.

APPROVED:

HANS SCHMIDT

~~Mayer~~

President

ATTEST:

Adeline Schneider  
Village Clerk

AN ORDINANCE Authorizing and providing for the issue of \$37,000 Waterworks and Sewerage Revenue Bonds of the Village of Wheeling, Cook County, Illinois, for the purpose of defraying the cost of improving and extending the present combined waterworks and sewerage system of said Village, prescribing all the details of said bonds, and providing for the collection, segregation and distribution of the revenue of the waterworks and sewerage system of said Village for the purpose of paying the cost of the operation and maintenance thereof, providing an adequate depreciation fund therefor, and paying the principal and interest of said Waterworks and Sewerage Revenue Bonds.

\* \* \* \* \*

WHEREAS the Village of Wheeling, Cook County, Illinois, has heretofore, by ordinance, provided for the combination of its existing municipally owned waterworks and its proposed sewerage system into a combined waterworks and sewerage system, in accordance with the provisions of "An Act providing for the acquisition, construction, extension, improvement, maintenance and operation of a combined municipal waterworks and sewerage system, the means of financing the same, and in connection therewith the refunding of securities previously issued for any existing waterworks or sewerage rates for the use thereof in cities, villages and incorporated towns having a population of less than 500,000," approved May 15, 1934, as amended; and

WHEREAS it is deemed advisable, necessary and for the best interests of the Village of Wheeling that its combined waterworks and sewerage system be improved and extended by the construction of sanitary sewers, together with the necessary manholes, wye branches and house connections, a sewage ejector station, a cast iron force

main, together with a sewage treatment plant, including inlet and screen chamber, primary settling tank, aeration tank, secondary settling tank, digester, sludge drying bed, control building, necessary pipe connections, valves, pumps, sludge concentration devices, mechanical aerator, motors, electrical controls, meters, chlorinator, and all necessary equipment and appurtenances, and an outfall sewer into the Des Plaines River, all in accordance with plans and specifications therefor heretofore approved by this President and Board of Trustees and now on file with the Village Clerk for public inspection; and

WHEREAS the total estimated cost of such improvements and extensions, as prepared by the engineers of said village employed for that purpose, is the sum of \$86,829; and

WHEREAS the Village does not have funds available for the purpose of constructing said improvements and extensions and has heretofore received approval from the Work Projects Administration for aid in the construction of said improvements and extensions and in addition to said aid it will be necessary for the Village to borrow money and issue bonds in evidence thereof for the purpose of paying part of the cost thereof; and

WHEREAS pursuant to the provisions of "An Act providing for the acquisition, construction, extension, improvement, maintenance and operation of a combined municipal waterworks and sewerage system, the means of financing the same, and in connection therewith the refunding of securities previously issued for any existing waterworks or sewerage system, or both, and the imposition and collection of charges and rates for the use thereof in cities, villages and incorporated towns having a population of less than 500,000," approved May 15, 1934, as amended, this Village is authorized to

issue waterworks and sewerage revenue bonds in an amount sufficient to pay the cost of constructing such improvements and extensions;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Wheeling, Cook County, Illinois, as follows:

Section 1. That the Village of Wheeling, Cook County, Illinois, has heretofore and does hereby determine that the existing municipally owned waterworks system and the proposed sewerage system for said Village be combined and maintained and operated together as a combined waterworks and sewerage system, and said combined system shall include the entire waterworks and the proposed sewerage systems of said Village, including all future improvements and extensions thereto.

Section 2. That said Village of Wheeling has caused an estimate of the cost of making improvements and extensions to the combined waterworks and sewerage system of said Village, consisting of a complete sewerage system, including a connected system of sanitary sewers, together with the necessary manholes, wye branches and house connections, a sewage ejector station, a cast iron force main, together with a sewage treatment plant, including inlet and screen chamber, primary settling tank, aeration tank, secondary settling tank, digester, sludge drying bed, control building, necessary pipe connections, valves, pumps, sludge concentration devices, mechanical aerator, motors, electrical controls, meters, chlorinator, and all necessary equipment and appurtenances, and an outfall sewer into the Des Plaines River, all in accordance with plans and specifications therefor heretofore approved by this President and Board of Trustees and now on file with the Village Clerk for public inspection, and has heretofore and does hereby determine that the total estimated cost of such improvements and extensions is hereby determined to be the sum of \$86,829.

Section 3. That the President and Board of Trustees does hereby determine the period of usefulness of such combined waterworks and sewerage system and the improvements and extensions to be made thereto to be forty years.

Section 4. That the Village does not have funds available for the purpose of constructing such improvements and extensions and for that purpose it will require the issue by said Village of \$37,000 Waterworks and Sewerage Revenue Bonds, bearing interest at the rate of three and three-fourths per cent (3 3/4%) per annum, payable semi-annually.

Section 5. That for the purpose of defraying part of the cost of such improvements and extensions there be issued and sold revenue bonds of said Village, to be designated "Waterworks and Sewerage Revenue Bonds," in the principal amount of \$37,000, which bonds shall bear date of July 1, 1941, be of the denomination of \$1,000 each, be numbered consecutively from 1 to 37, inclusive, bear interest at the rate of three and three-fourths per cent (3 3/4%) per annum, payable July 1, 1942, and semi-annually thereafter on the first days of January and July in each year and mature in numerical order as follows: \$1,000 on July 1 of each of the years 1946 to 1960, inclusive, and \$2,000 on July 1 of each of the years 1961 to 1971, inclusive.

Section 6. Both principal and interest of said waterworks and sewerage revenue bonds shall be payable in lawful money of the United States of America at the City National Bank and Trust Company of Chicago, in the City of Chicago, Illinois. Said bonds shall be signed by the President, sealed with the corporate seal of said Village, and attested by the Village Clerk, and the interest coupons attached to said bonds shall be executed by the facsimile signatures of said President and said Village Clerk, and said officials, by the execution of said bonds, shall adopt as and for their own proper

signatures their respective facsimile signatures appearing on said coupons.

Said bonds, together with interest thereon, shall be payable solely from the revenues derived from the combined waterworks and sewerage system of said Village, and such bonds shall not in any event constitute an indebtedness of the Village of Wheeling within the meaning of any constitutional or statutory limitation.

Any of said bonds may be registered as to principal at any time prior to maturity in the name of the holder on the books of said Village in the office of the Village Treasurer, such registration to be noted on the reverse side of the bonds by the Village Treasurer, and thereafter the principal of such registered bonds shall be payable only to the registered holder, his legal representatives or assigns. Such registered bonds shall be transferable to another registered holder or back to bearer only upon presentation to the Village Treasurer, with a legal assignment duly acknowledged or approved. Registration of any of such bonds shall not affect negotiability of the coupons thereto attached but such coupons shall be transferable by delivery merely.

Section 7. That said bonds and coupons shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA  
STATE OF ILLINOIS COUNTY OF COOK  
VILLAGE OF WHEELING  
WATERWORKS AND SEWERAGE REVENUE BOND

Number \_\_\_\_\_

\$1,000.

KNOW ALL MEN BY THESE PRESENTS, that the Village of Wheeling, Cook County, Illinois, for value received, hereby promises to

pay to bearer, or if this bond be registered, as hereinafter provided, then to the registered holder hereof, solely from the waterworks and sewerage fund of the Village of Wheeling, as hereinafter mentioned and not otherwise, the sum of One Thousand Dollars (\$1,000) on July 1, 19\_\_\_, together with interest on said sum from date hereof until paid at the rate of three and three-fourths per cent (3 3/4%) per annum, payable July 1, 1942, and semi-annually thereafter on the first days of January and July in each year upon presentation and surrender of the annexed interest coupons as they severally become due.

Both principal and interest of this bond are hereby made payable in lawful money of the United States of America at the City National Bank and Trust Company of Chicago, in the City of Chicago, Illinois.

This bond is payable solely from revenues derived from the combined waterworks and sewerage system of said Village and not otherwise, and is issued under authority of "An Act providing for the acquisition, construction, extension, improvement, maintenance and operation of a combined municipal waterworks and sewerage system, the means of financing the same, and in connection therewith the refunding of securities previously issued for any existing waterworks or sewerage system, or both, and the imposition and collection of charges and rates for the use thereof in cities, villages and incorporated towns having a population of less than 500,000," approved May 15, 1934, as amended, for the purpose of paying part of the cost of constructing improvements and extensions to the combined municipal waterworks and sewerage system of said Village of Wheeling, and this bond does not constitute an indebted-

ness of said Village within any constitutional or statutory limitation.

Under said Act and the ordinance adopted pursuant thereto, sufficient revenues from the operation of the combined municipal waterworks and sewerage system shall be deposited in a separate fund designated as the "Waterworks and Sewerage Fund" of said Village which shall be used only in paying the cost of operation and maintenance of such combined system, providing an adequate depreciation fund and paying the principal of and interest on the bonds of such Village that are issued under authority of said Act and are payable by their terms only from the revenue of such combined waterworks and sewerage system.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this bond have been done and have happened and have been performed in regular and due form of law and that provision has been made for depositing in said waterworks and sewerage fund the entire revenues received from the operation of said combined waterworks and sewerage system to be applied in the manner as hereinabove set forth.

It is hereby covenanted and agreed that rates will be charged for the use and service of said combined waterworks and sewerage system sufficient at all times to pay the cost of operation and maintenance of such system, provide an adequate depreciation fund, and pay the principal of and interest upon all bonds issued by said Village which are payable solely from the revenue of said system.

This bond may be registered as to principal in the name of the holder on the books of said Village in the office of the Treasurer, such registration to be evidenced by notation of said

Treasurer on the back thereof, after which no transfer hereof shall be valid unless made on said books and similarly noted hereon, but it may be discharged from such registration by being transferred to bearer, after which it shall be transferrable by delivery, but it may be again registered as before. The registration of this bond shall not restrict the negotiability of the coupons by delivery merely.

IN WITNESS WHEREOF, said Village of Wheeling, Cook County, Illinois, by its President and Board of Trustees, has caused this bond to be signed by its President, its corporate seal to be hereto affixed, and attested by the Village Clerk and the coupons hereto attached to be signed by the facsimile signatures of said President and said Village Clerk, which officials by the execution of this bond, do adopt as and for their own proper signatures their respective facsimile signatures appearing on said coupons and this bond to be dated the first day of July, 1941.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Village Clerk

(Form of Coupon)

Number \_\_\_\_\_

On the first day of \_\_\_\_\_, 19\_\_\_\_, the Village of Wheeling, Cook County, Illinois, will pay to bearer out of the Waterworks and Sewerage Fund of said Village, \_\_\_\_\_ Dollars (\$\_\_\_\_\_), in lawful money of the United States of America

at the City National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, being interest then due on its Waterworks and Sewerage Revenue Bond dated July 1, 1941, Number \_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Village Clerk

(Form of Registration of Ownership)

<u>Date of Registration</u>	<u>In Whose Name Registered</u>	<u>Signature of Village Treasurer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section 8. That upon the issuance of any of the Waterworks and Sewerage Revenue Bonds herein provided for, the combined municipal waterworks and sewerage system of said Village of Wheeling for the purpose of this ordinance, shall be operated on a fiscal year basis commencing the first day of July and ending the last day of June of each succeeding year. From and after the delivery of any bonds issued under the provisions of this ordinance, sufficient revenues derived from the operation of the combined waterworks and sewerage system of said Village of Wheeling shall be set aside as collected and be deposited in a separate fund which is hereby created to be designated as the "Waterworks and Sewerage Fund" of the Village of Wheeling, which shall be used only in paying the cost of operation and maintenance of said system, providing an adequate depreciation fund, and paying the principal of and interest upon the waterworks and sewerage revenue bonds of said Village of Wheeling that are payable by their terms only from such revenues and such ~~water~~ fund shall be used only for such purposes.

*Waterworks and Sewerage*

It is hereby determined that the amounts to be set aside in said waterworks and sewerage fund to be used for the purpose of paying principal and interest of said waterworks and sewerage revenue bonds issued under the provisions of this ordinance shall be as follows: ✓

<u>Fiscal Year Ending the Last Day of June</u>	<u>Principal and Interest</u>
1942	\$ 1,387.50
1943	1,387.50
1944	1,387.50
1945	1,387.50
1946	2,387.50
1947	2,350.00
1948	2,312.50
1949	2,275.00
1950	2,237.50
1951	2,200.00
1952	2,162.50
1953	2,125.00
1954	2,087.50
1955	2,050.00
1956	2,012.50
1957	1,975.00
1958	1,937.50
1959	1,900.00
1960	1,862.50
1961	2,825.00
1962	2,750.00
1963	2,675.00
1964	2,600.00
1965	2,525.00
1966	2,450.00
1967	2,375.00
1968	2,300.00
1969	2,225.00
1970	2,150.00
1971	2,075.00

Distribution of amounts in said waterworks and sewerage fund sufficient to cover the above required sums for principal and interest of waterworks and sewerage revenue bonds and also for the purpose of paying the cost of operation, maintenance and an adequate depreciation fund shall be made monthly on the first day of each month, except that when the first day of any month shall be Sunday or a legal holiday, then such distribution shall be made on the

next succeeding secular day. Said waterworks and sewerage fund, as hereinabove provided for, shall be used solely and only, and is hereby pledged for the purpose of paying the principal and interest of the bonds herein authorized to be issued, to pay the cost of operation and maintenance, and provide an adequate depreciation fund, which depreciation fund shall be accumulated at an annual rate of at least one-half of one per cent ( $1/2$  of 1%) of the value of the combined waterworks and sewerage system.

*here* → Section 9. Any surplus revenues derived from the operation of said combined waterworks and sewerage system shall only be used in the purchase and retirement of bonds issued by said Village under an Act, entitled "An Act providing for the acquisition, construction, extension, improvement, maintenance and operation of a combined municipal waterworks and sewerage system, the means of financing the same, and in connection therewith the refunding of securities previously issued for any existing waterworks or sewerage system, or both, and the imposition and collection of charges and rates for the use thereof in cities, villages and incorporated towns having a population of less than 500,000," approved May 15, 1934, as amended, and which by their terms are payable solely from the revenues derived from the operation of the combined waterworks and sewerage system of said Village or invested in United States Government securities maturing not more than ten years from the date of such purchase.

Section 10. While the bonds authorized hereunder, or any of them, remain outstanding or unpaid, rates charged for water and sewer service shall be sufficient at all times to pay the cost of operation and maintenance, provide an adequate depreciation fund, and pay the interest of and principal on the waterworks and sewerage revenue bonds issued hereunder, and there shall be charged against

all users of said combined water and sewerage service, including the Village of Wheeling, such rates and amount for water and sewerage service as shall be adequate to meet the requirements of this section. Compensation for service rendered the Village shall be charged against the Village and payment for the same shall be made from the corporate funds monthly and paid into the "Waterworks and Sewerage Fund" created by this ordinance, in the same manner as other revenues are required to be deposited.

Section 11. Any holder of a bond or bonds, or any of the coupons of any bond or bonds, issued hereunder may either in law or equity, by suit, mandamus or other proceedings, enforce or compel the performance of all duties required by this ordinance, including the making and collecting of sufficient rates for water and sewerage service and application of income and revenue therefrom.

Section 12. It is hereby covenanted and agreed that while any waterworks and sewerage revenue bonds issued hereunder are outstanding, no additional revenue bonds shall be issued unless and until it is shown by the earnings of said combined system that the revenues derived from the combined waterworks and sewerage system for the fiscal year then next preceding were sufficient to pay all costs of operation and maintenance, provide an adequate depreciation fund, and leave a balance equal to at least one hundred ten per cent (110%) of the aggregate of (a) the principal and interest requirements for such year on the bonds then outstanding, (b) one year's interest on the total issue of such additional bonds then proposed to be issued, and (c) an amount of principal of such additional bonds computed by dividing the total amount of such issue by the number of years to the final maturity date of such additional bond issue; provided, however, the restrictions and limitations as to the issuance of additional bonds shall have no application to the

issue of additional bonds on a parity with any outstanding bonds for the purpose of completing the construction of the improvements herein provided for, in accordance with the plans and specifications therefor, heretofore approved by this President and Board of Trustees.

Section 13. That the Village of Wheeling hereby covenants and agrees with the holder or holders of the bonds herein proposed to be issued, or any of them, that it will punctually perform all duties with reference to said combined waterworks and sewerage system required by the constitution and laws of the State of Illinois, including the making and collecting of sufficient rates for water and sewerage service and segregating the revenues of said combined system and the application of the respective funds created by this ordinance, and it hereby covenants and agrees not to sell, lease, loan, mortgage, or in any manner dispose of said combined waterworks and sewerage system, including any and all extensions and improvements that may be made thereto, until all of the bonds herein authorized to be issued shall have been paid in full, both principal and interest, or unless and until provision shall have been made for the payment of all such bonds and interest thereon in full; and the Village further covenants and agrees with the holders of said bonds to maintain in good condition and continuously operate said combined waterworks and sewerage system.

Section 14. Provisions of this ordinance shall constitute a contract between the Village of Wheeling and the holders of the bonds herein authorized to be issued, and after the issuance of the bonds, no changes, additions or alterations of any kind shall be made hereto in any manner except in accordance with the provisions of this ordinance, or until such time as all of said bonds issued hereunder and the interest thereon shall be paid in full, or unless and until provision shall have been made for the payment of all such bonds and interest thereon in full.

Section 15. That from the proceeds derived from the sale of said bonds hereby authorized, the sum of \$37,000 shall be used for the construction of the improvements and extensions to the combined waterworks and sewerage system, in accordance with plans and specifications therefor, prepared for that purpose, and now on file in the office of the Village Clerk and open to the inspection of the public.

Section 16. The books of the Village Treasurer shall show the amount of moneys received from the proceeds of said bonds, and the expenditure of such funds for the purposes set out in this ordinance upon estimates and bills to be approved by the President and Board of Trustees, except as hereinafter otherwise provided.

Section 17. Said waterworks and sewerage fund and accounts, both of the Collector and Treasurer, shall be audited at least once in each year by a recognized public accountant, and such audit and accounts shall be open for inspection at all proper times to any taxpayer, or user of said combined waterworks and sewerage system, or any holder of bonds issued under the provisions of this ordinance, or any one acting for or on behalf of such taxpayer, user or bondholder. Reports of the operation of the combined system shall be furnished the President and Board of Trustees monthly, and copies of the same shall be furnished to any bondholder upon request.

Section 18. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 19. In the event the amount of bonds issued is less than the aggregate amount herein authorized, the amounts to be set aside in the waterworks and sewerage fund to be used for the purpose of paying principal and interest of waterworks and sewerage

revenue bonds, as provided in Section 8 hereof, shall be reduced proportionately.

Section 20. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Section 21. This ordinance after its passage and approval shall be published once in the Cook County Herald, a newspaper of general circulation in the Village of Wheeling, Cook County, Illinois, and true and correct copies of this ordinance shall be posted in three (3) of the most public places within the Village of Wheeling, and if no petition is filed with the Clerk of said village within ten (10) days after the publication of this ordinance, by fifteen per cent (15%) of the number of voters voting for President at the last preceding general election requesting the submission of the proposition of making the improvements and extensions, and issuing the bonds herein provided for to the voters of said village, then this ordinance shall be in full force and effect.

PASSED July 7, A.D. 1941.

APPROVED by the President this 7th day of July, A.D. 1941.

Hans Schmidt  
President

ATTEST:

Adeline Schneider  
Village Clerk

Published \_\_\_\_\_, A.D. 1941.