

Section 3. That all ordinances or parts of ordinances inconsistent herewith shall be repealed, and this ordinance take effect from and after the first (1st) day of January, 1956.

PASSED January 2, 1956.

(signed) Omer Jackson
Mayor

(signed) Geo. E. Howe
Clerk, Village of Centerville, Ohio

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct copy of an Ordinance passed and adopted by the Council of the Village of Centerville, Ohio, this 2nd day of January, 1956.

(signed) Geo. E. Howe
Village Clerk

I, George E. Howe, Clerk of the Council of Centerville, State of Ohio, do hereby certify that there is no newspaper of general circulation printed in said municipality, and that publication of the foregoing Ordinance was made by posting true copies thereof at five of the most public places in said municipal corporation as determined by the Council as follows:

Shell Service Station
U. S. Postoffice
Stage Coach Inn
Village Market
Pure Oil Station

(signed) Geo. E. Howe
Clerk, Village of Centerville, Ohio

ORDINANCE NUMBER 2 - 1956

VILLAGE OF CENTERVILLE, OHIO

An Ordinance to Authorize the Sale of the Municipal Water Works of the Village of Centerville, Ohio, Including All Real and Personal Property Thereof and Used in Connection Therewith, the Assignment of All Leasehold Interests in Connection Therewith, and the Assignment of the Right and Obligation to Supply and Sell Water to Present Users of Water of the Centerville Water System; and to Authorize the Inclusion of the Village of Centerville within the Holes Creek Sewer District, Water Distribution Sub-District Number 2, Montgomery County, Ohio.

WHEREAS, it is determined that the present water supply for the Village of Centerville municipal water system is inadequate to meet the constantly increasing demand, and

WHEREAS, adequate financing of the Centerville Water System for purposes of expansion, increased water supply and increased pumping facility cannot be achieved by practicable means available to the Village of Centerville, considering the existing debt structure, and

WHEREAS, Page 4, Paragraph 1 of the Indenture of the First Mortgage Water Works Revenue Bonds, Village of Centerville, Ohio, being an outstanding Bond Issue of the Village of Centerville Water Works System, reads as follows:

"Said bonds are subject to call for redemption in whole or in part in inverse serial number sequence of bonds of the issue at said time outstanding on the first day of June, 1945, or on any interest paying date thereafter at a redemption price of their par value plus a premium of five per cent if redeemed on or before June 1, 1946, or if redeemed thereafter, plus a premium decreasing from five per cent by one-quarter of one per cent during each succeeding twelve month period, such call to be made by determination of the council of the Village by resolution passed at least thirty days prior to the call date fixed therein, and the publication of the notice of such call in a newspaper of general circulation in the County of Montgomery once a week for four consecutive weeks beginning at least thirty days prior to such call date."

WHEREAS, it is deemed to be in the public interest that the Water Works System of the Village of Centerville, Ohio, be sold, inclusive of all real and personal property, leasehold interests, customer service connections, and all other rights and appurtenances of said Water Works System of the Village of Centerville, Ohio, to the Holes Creek Sewer District, Water Distribution Sub-District Number 2, Montgomery County, Ohio, at private sale, pursuant to the following terms and conditions so as to assure and to maintain a continuous and plentiful supply of water to the citizens of the Village of Centerville and to all users of water of the Centerville Water System, and

WHEREAS, the Board of Trustees and Public Affairs of the Village of Centerville has approved and recommended the sale of the said Water Works System by private sale to the Holes Creek Sewer District, Water Distribution Sub-District Number 2, Montgomery County, Ohio,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Centerville, Ohio:

Section 1. That in order that the inhabitants of the Village of Centerville, Ohio, and other users of the Water Works System of the Village may be adequately served with continuity and increase of water supply, it is declared necessary that the Water Works System of the Village of Centerville, Ohio, including all real and personal property appurtenant thereto, leasehold rights and interests and the right to provide and sell water through existing mains and service connections to present users and the further right to make extension of such service to future users of water from said System, shall be sold, transferred and assigned to the Holes Creek Sewer District, Water Distribution Sub-District Number 2, Montgomery County, Ohio, thereafter to be included within and to become a part of said Holes Creek Sewer District, under the following terms and conditions.

Section 2. That the said Centerville Water Works System, pursuant to Section 1 above, is hereby offered for sale to the Holes Creek Sewer District for the sum of TWENTY-FOUR THOUSAND (\$24,000.00) DOLLARS, at private sale, to be paid by the purchaser at the time of closing and transfer of title by check acceptable to the Village Council of the Village of Centerville, said Village of Centerville shall, immediately upon receipt thereof, pay over the entire amount of the purchase price to the Trustee under the said First Mortgage Water Works Revenue Bond

Indenture, viz., The Winters National Bank and Trust Company, of Dayton, Ohio, to be used forthwith by said Trustee to call and redeem all revenue bonds outstanding and constituting liens upon the real and personal property and revenues of the said Water Works System, pursuant to the redemption provision of said Mortgage Revenue Bond Indenture as set forth above. Concurrently therewith, and upon the closing date to be determined in the event of and at the time of acceptance of this offer, the Village of Centerville will convey title to the said Water Works System by proper general warranty deeds, instruments of assignment and bills of sale, the form of which shall be subject to approval of the Holes Creek Sewer District officials or its Counsel. Further, the Village of Centerville will transfer and turn over all of its books, records, accounts, maps and any all pertinent papers, instruments, customers' lists and data for use in the operation of the said Water Works System, so as to facilitate in every way the assignment and transfer of responsibility for the continuity of water supply to the Centerville System users, from the Village of Centerville to the Holes Creek Sewer District. PROVIDED HOWEVER, that the property offered for sale and to be sold shall not include any escrow accounts, sinking funds, trust accounts or cash on hand or in banks held for the account of the Village of Centerville, Ohio, accruing out of past earnings of the Water Works System. It is further provided that accounts receivable shall be apportioned between seller and purchaser as of the date of transfer of title as hereinbefore provided.

Section 3. Acceptance of this offer by the Holes Creek Sewer District shall be made by resolution of the Board of County Commissioners of Montgomery County, Ohio, the form and adoption of which shall be subject to the approval of the Village Solicitor of Centerville.

Section 4. At the time of conveyance of title of said Water Works System to the Holes Creek Sewer District, all statements, bills, accounts and obligations of the Centerville Water System shall be paid in full, regardless of whether or not such debts and obligations shall constitute liens upon the real property, personal property or revenues of said Water Works System so that the said System shall be free and clear of all debts, claims or demands.

Section 5. In addition to the purchase price set forth above, the Holes Creek Sewer District, Water Distribution Sub-District Number 2, as additional consideration for the purchase and transfer, shall agree by the proper resolution of the Board of County Commissioners of Montgomery County, Ohio, that Holes Creek Sewer District, Water Distribution Sub-District Number 2 will construct and lay a water main along State Route 48, and such other inter-connecting mains as the said Holes Creek Sewer District shall deem necessary, the size of which shall be adequate for the purposes herein designated, so as to make an interconnection between existing water sources of Montgomery County and the water mains of the Centerville Water System, in order to provide additional sources of water for present users of the Centerville Water System and to insure increased, continuous and plentiful water supply in the Centerville area.

Section 6. This Ordinance is passed as an emergency measure, pursuant to Revised Code of Ohio Section 731.30, and a measure necessary for the immediate preservation of the public health and safety in the municipal corporation of Centerville, and is necessary because of the threatened water shortage, the diminution of water supply, the inadequacy of present pumping facilities and the insufficiency of the present Water Works System to serve adequately present users and prospective and probable increased demands upon the System. This Ordinance shall be in full force and effect from and after its date of passage. This Ordinance is passed this 6th day of February, 1956.

(signed) Geo. E. Howe
Clerk, Village of Centerville, Ohio

Approved this 6th day of February, 1956.

(signed) Omer Jackson
Mayor

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct copy of an Ordinance passed and adopted by the Council of the Village of Centerville, Ohio, this 6th day of February, 1956.

(signed) Geo. E. Howe
Village Clerk

I, George E. Howe, Clerk of the Council of the Village of Centerville, State of Ohio, do hereby certify that there is no newspaper printed in said municipality, and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council as follows:

Shell Oil Station
U. S. Postoffice
Stage Coach Inn
Village Market
Pure Oil Station

(signed) Geo. E. Howe
Clerk, Village of Centerville, Ohio

ORDINANCE NUMBER 3 - 1956

VILLAGE OF CENTERVILLE, OHIO

An Ordinance to Provide for the Employment of and to Fix the Salary of the Village Engineer.

BE IT ORDAINED by the Council of the Village of Centerville, County of Montgomery, State of Ohio:

Section 1. That the Village of Centerville, Ohio, shall be authorized to employ a qualified person to serve as the Village Engineer.

Section 2. That the Village Engineer shall be a civil engineer, so licensed to practice such profession by the State of Ohio; that he shall serve under the authority of, and subject to the direction and control of the Village Council, and that his tenure shall be subject to the discretion of said Council.