

RESOLUTION NO: 2015-03-23A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, TO RATIFY A DECISION OF THE OVERTON MUNICIPAL DEVELOPMENT CORPORATION TO PARTICIPATE IN FUNDING OF REPLACEMENT AND UPSIZING 1,700 FEET OF A 10" SEWER TRUNK LINE TO 15" SDR-26 HW SEWER PIPE, WITH ATTENDANT APPURTANANCES.

THE STATE OF TEXAS §
COUNTY OF RUSK §

WHEREAS, the OMDD met on March 23rd 2015 to consider funding of a project to replace a critical sewer trunk line on an emergency basis; and

WHEREAS, funds generated by sales and use tax revenue for the Development District are available for funding of said project; and

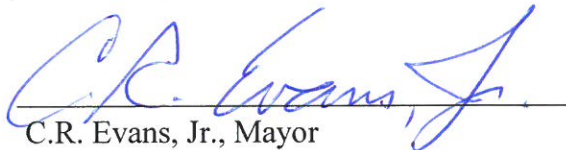
WHEREAS, the City Council of the City of Overton agrees to accept OMDD funds for such project under the terms and conditions specified in their motion to approve the funding,

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT:

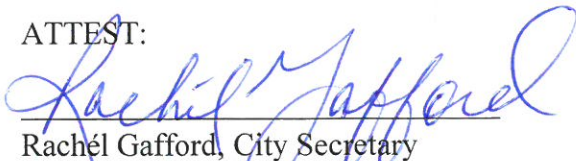
The City Council of the City of Overton ratifies and approves the loan of **\$ 100,000.00** that was approved for funding by the OMDD using funds generated from sales tax for such purposes; and authorizes the Mayor to execute the PROMISSORY NOTE, included herein as Exhibit A.

APPROVED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS 23rd DAY OF MARCH, 2015.

CITY OF OVERTON


C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:

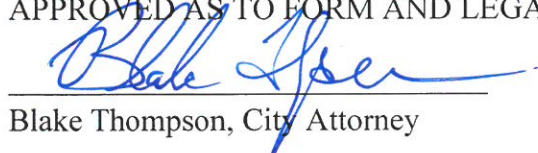

Blake Thompson, City Attorney



EXHIBIT A

PROMISSORY NOTE

DATE AND PARTIES. The date of this Promissory Note (NOTE) is March 23, 2015.

The parties and their addresses are:

LENDER:

Overton Municipal Development District ("OMDD")
1200 S. Commerce Street
OVERTON, TX 75684

BORROWER:

CITY OF OVERTON ("City")
a Texas Local Government Agency
DRAWER D
OVERTON, TX 75684

Note Date	Note Number	Note Amount
March 23, 2015	# 000003	\$100,000.00

PROMISE TO PAY - For value received, City promises to pay OMDD, at OMDD's address, or at such other location as OMDD may designate, the principal sum of \$100,000.00 until this Note matures or this obligation is accelerated.

PAYMENT - City agrees to pay this Note in a total of ten (10) installments of \$ 10,000.00 each beginning March 23, 2016, and on the same date each year for ten more years thereafter.

PREPAYMENT - This Loan may be prepaid in full or in part at any time. Any partial prepayment will not excuse any later scheduled payments until the NOTE is paid in full.

LOAN PURPOSE- The purpose of this Loan was to finance replacement of 1,700 feet of 10" clay sewer pipe with a 15" PVC Pipe.

INTEREST AND SECURITY- The NOTE is considered an unsecured, no interest loan.

WARRANTIES AND REPRESENTATIONS - The signatories warrant that they have the right and authority to enter into this NOTE. The execution and delivery of this NOTE will not violate any agreement governing the City or to which it is a party.

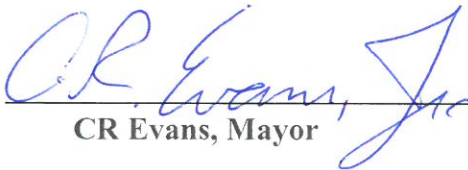
APPLICABLE LAW. This NOTE is governed by the laws of the State of Texas and the United States of America, except to the extent such state laws are preempted by federal law.

THIS WRITTEN LOAN AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND, TO THE EXTENT PERMITTED BY LAW, MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT VERBAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN VERBAL AGREEMENTS BETWEEN THE PARTIES.

SIGNATURES. By signing, The City agrees to the terms contained in this is NOTE and acknowledges receipt of a copy of this NOTE.

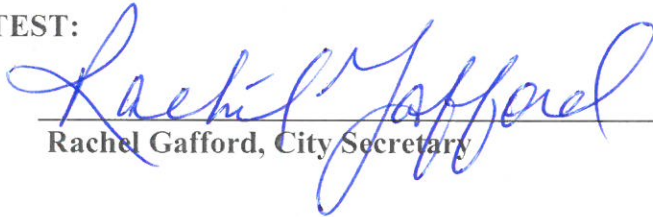
FOR CITY OF OVERTON:

BY

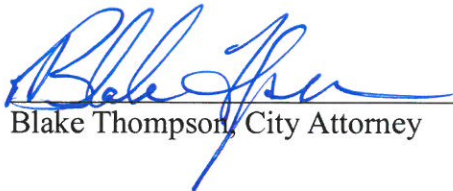

CR Evans, Mayor



ATTEST:


Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney