

# Town of Abita Springs



**MAYOR  
DANIEL J. CURTIS**

**TOWN COUNCIL MEETING  
TUESDAY, FEBRUARY 18, 2020 6:00PM  
TOWN OF ABITA SPRINGS, ABITA SPRINGS TOWN HALL  
22161 LEVEL ST., ABITA SPRINGS, LA 70420**

POSTED: February 12, 2020 5PM

CALL TO ORDER: Mayor Curtis  
INVOCATION: Alderman Randolph  
PLEDGE OF ALLEGIANCE: Alderman Saussy

**PUBLIC HEARING: 1.)** Discussion of Instrument 2020-001 AN ORDINANCE AUTHORIZING THE INCURRING OF DEBT AND ISSUANCE OF ONE MILLION DOLLARS (\$1,000,000) OF GENERAL OBLIGATION BONDS, SERIES 2020, OF THE TOWN OF ABITA SPRINGS, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS; DESIGNATING THE DATE, DENOMINATION AND PLACE OF PAYMENT OF SAID BONDS; PROVIDING FOR THE PAYMENT THEREOF IN PRINCIPAL AND INTEREST; ACCEPTING BIDS FOR THE PURCHASE OF THE BONDS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. **2.)** Discussion of Instrument 2020-002 AN ORDINANCE TO DECLARE A PORTION OF NORTH ST. NO LONGER NECESSARY FOR PUBLIC USE AND TO PROVIDE FOR THE SALE OF THAT PORTION OF PROPERTY LOCATED IN THE TOWN OF ABITA SPRINGS, ST. TAMMANY PARISH, LOUISIANA, AND TO PROVIDE FOR RELATED MATTERS. **3.)** Discussion of Instrument 2020-003 AN ORDINANCE TO DECLARE A PORTION OF PINE ST. NO LONGER NECESSARY FOR PUBLIC USE AND TO PROVIDE FOR THE SALE OF THAT PORTION OF PROPERTY LOCATED IN THE TOWN OF ABITA SPRINGS, ST. TAMMANY PARISH, LOUISIANA, AND TO PROVIDE FOR RELATED MATTERS. **4.)** Discussion of Instrument 2020-004 AN ORDINANCE TO PROVIDE FOR THE ZONING AND ANNEXATION OF CERTAIN LAND AT 23425 HWY 435 INTO THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS, LOUISIANA AND TO PROVIDE FOR RELATED MATTERS.

## **ROLL CALL:**

CALL FOR AGENDA MODIFICATIONS  
ACCEPT JANUARY 21, 2019 TOWN COUNCIL MEETING MINUTES  
ACCEPT THE DECEMBER 2019 FINANCIAL REPORT

## **OLD BUSINESS:**

**1.)** Adoption of Instrument 2020-001 AN ORDINANCE AUTHORIZING THE INCURRING OF DEBT AND ISSUANCE OF ONE MILLION DOLLARS (\$1,000,000) OF GENERAL OBLIGATION BONDS, SERIES 2020, OF THE TOWN OF ABITA SPRINGS, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS; DESIGNATING THE DATE, DENOMINATION AND PLACE OF PAYMENT OF SAID BONDS; PROVIDING FOR THE PAYMENT THEREOF IN PRINCIPAL AND INTEREST; ACCEPTING BIDS FOR THE PURCHASE OF THE BONDS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.  
**2.)** Consider adoption of Instrument 2020-002 AN ORDINANCE TO DECLARE A PORTION OF NORTH ST. NO LONGER NECESSARY FOR PUBLIC USE AND TO PROVIDE FOR THE SALE OF THAT PORTION OF PROPERTY LOCATED IN THE TOWN OF ABITA SPRINGS, ST. TAMMANY PARISH, LOUISIANA, AND TO PROVIDE FOR RELATED MATTERS.  
**3.)** Consider of adoption of Instrument 2020-003 AN ORDINANCE TO DECLARE A PORTION OF PINE ST. NO LONGER NECESSARY FOR PUBLIC USE AND TO PROVIDE FOR THE SALE OF THAT PORTION OF PROPERTY LOCATED IN THE TOWN OF ABITA SPRINGS, ST. TAMMANY PARISH, LOUISIANA, AND TO PROVIDE FOR RELATED MATTERS.  
**4.)** CONSIDER adoption of Instrument 2020-004 AN ORDINANCE TO PROVIDE FOR THE ZONING AND ANNEXATION OF CERTAIN LAND AT 23425 HWY 435 INTO THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS, LOUISIANA AND TO PROVIDE FOR RELATED MATTERS.

## **NEW BUSINESS:**

**1.)** Consider adoption of a RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD BONNET AS TOWN MARSHAL.  
**2.)** Introduction of Instrument 2020-005 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO EXTEND A MORATORIUM ON THE ISSUANCE OF ANY PERMITS BY THE TOWN OF ABITA SPRINGS FOR THE IMPROVEMENT OR DEVELOPMENT OF ANY LOTS WHICH ARE PART OF A RESUBDIVISION OF LAND IN THE AREA COMPRISING THE FORMER BROOK FOREST RESIDENTIAL DISTRICT

## **OPEN/ANNOUNCEMENTS/ADJOURNMENT:**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE, PLEASE CONTACT US AT (985) 892-0711. PLEASE CONTACT TOWN HALL AT THE SAME NUMBER FOR ADDITIONAL INFORMATION REGARDING THIS AGENDA.

## Instrument 2020-001

The following ordinance, having been previously introduced on January 21, 2020, and laid over with a public hearing having been held on this date, was offered for adoption by Alderman Patterson and seconded by Alderman Saussy.

### ORDINANCE

An ordinance authorizing the incurring of debt and issuance of One Million Dollars (\$1,000,000) of General Obligation Bonds, Series 2020, of the Town of Abita Springs, State of Louisiana; prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; accepting bids for the purchase of the Bonds; and providing for other matters in connection therewith.

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Abita Springs, State of Louisiana, acting as the governing authority of the Town of Abita Springs, State of Louisiana, that:

SECTION 1. Definitions. As used herein, the following terms shall have the following meanings, unless the context otherwise requires:

"**Act**" means Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

"**Agreement**" means the agreement to be entered into between the Issuer and the Paying Agent pursuant to this Ordinance.

"**Bond**" means any Bond of the Issuer authorized to be issued by this Ordinance, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any Bond previously issued.

"**Bond Register**" or "**Bond Registers**" means the records kept by the Paying Agent(s) at its principal corporate office in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

"**Bonds**" means the Issuer's General Obligation Bonds, Series 2020, authorized by this Ordinance in the aggregate principal amount of One Million Dollars (\$1,000,000).

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Executive Officers**" means, collectively, the Mayor and Clerk of the Issuer.

"**Governing Authority**" means the Mayor and Board of Aldermen of the Town of Abita Springs, State of Louisiana.

"**Government Securities**" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which are non-callable prior to their maturity, may be United States Treasury obligations such as the State and Local Government Series and may be in book-entry form.

**"Interest Payment Date"** means March 1 and September 1 of each year, commencing September 1, 2020.

**"Issuer"** means the Town of Abita Springs, State of Louisiana.

**"Ordinance"** means this ordinance authorizing the issuance of the Bonds, as it may be supplemented and amended.

**"Outstanding"** when used with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

1. Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
2. Bonds for which payment or redemption sufficient funds have been theretofore deposited in trust for the owners of such Bonds, provided that if such Bonds are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to this Ordinance or waived;
3. Bonds in exchange for or in lieu of which other Bonds have been registered and delivered pursuant to this Ordinance;
4. Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in this Ordinance or by law; and
5. Bonds for the payment of the principal of and interest on which money or Government Securities or both are held in trust with the effect specified in this Ordinance.

**"Owner" or "Owners"** when used with respect to any Bond means the Person in whose name such Bond is registered in the Bond Register.

**"Paying Agent"** means \_\_\_\_\_, in \_\_\_\_\_, Louisiana, for the initial Bonds purchased by said Bank and any replacements therefor, and the Clerk of the Issuer for the initial Bonds purchased by the Louisiana Public Facilities Authority, in Baton Rouge, Louisiana, and any replacements therefor, until a successor or successors thereto as Paying Agent(s) shall have been appointed pursuant to the applicable provisions of this Ordinance and thereafter, "Paying Agent" shall mean such successor Paying Agent.

**"Person"** means any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.

**"Purchaser"** means said \_\_\_\_\_, the original purchaser of the Bonds numbered R-1, R-3, R-5, R-7, R-9, R-11, R-13, R-15, R-17, R-18, R-19 and R-21 through R-25, and the Louisiana Public Facilities Authority of Baton Rouge, Louisiana, for the Bonds numbered R-2, R-4, R-6, R-8, R-10, R-12, R-14, R-16, R-18 and R-20.

**"Record Date"** for the interest payable on any Interest Payment Date means the 15<sup>th</sup> calendar day of the month next preceding such Interest Payment Date.

SECTION 2. Authorization of Bonds: Maturities. In compliance with the terms and provisions of Article VI, Section 33 of the Constitution of the State of Louisiana of 1974, the Act and other constitutional and statutory authority, there is hereby authorized the incurring of an indebtedness of One Million Dollars (\$1,000,000) for the purposes of paying costs of acquiring and constructing improvements and replacements to the Town's sewerage system and water system and constructing, paving, resurfacing and improving public streets in the Town, including equipment, fixtures and accessories for the aforesaid purposes, title to which shall be in the public, and paying costs of issuance thereof, and to represent said indebtedness, this Governing Authority does hereby authorize the issuance of One Million Dollars (\$ 1,000,000) of General Obligation Bonds, Series 2020, of the Issuer authorized at a special election held on November 16, 2019. The Bonds shall be in fully registered form, shall be dated the date of delivery thereof and shall be in the denominations hereinafter set forth and shall be numbered from R-1 upward. The unpaid principal of the Bonds shall bear interest from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on each Interest Payment Date, commencing September 1, 2020, at the following rates of interest and shall mature serially on March 1 of each year as follows:

<u>BOND NUMBER</u>	<u>YEAR /MARCH 1/</u>	<u>PRINCIPAL MATURING /DENOMINATIONS/</u>	<u>INTEREST RATE</u>
R-1	2021	\$ 15,000	--- %
R-2	2021	25,000	---
R-3	2022	30,000	---
R-4	2022	25,000	---
R-5	2023	30,000	---
R-6	2023	25,000	---
R-7	2024	35,000	---
R-8	2024	25,000	---
R-9	2025	35,000	---
R-10	2025	25,000	---
R-11	2026	40,000	---
R-12	2026	25,000	---
R-13	2027	40,000	---
R-14	2027	25,000	---
R-15	2028	40,000	---
R-16	2028	25,000	---
R-17	2029	45,000	---
R-18	2029	25,000	---
R-19	2030	45,000	---
R-20	2030	25,000	---
R-21	2031	75,000	---
R-22	2032	75,000	---
R-23	2033	80,000	---
R-24	2034	80,000	---
R-25	2035	85,000	---

The principal of the Bonds, upon maturity or redemption, shall be payable at the designated office of the appropriate Paying Agent, upon presentation and surrender thereof, and interest on the Bonds shall be payable by check mailed by the appropriate Paying Agent to the Owner (determined as of the close of business on the Record Date) at the address shown on the appropriate Bond Register. Each Bond delivered under this Ordinance upon transfer of, in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond, and each such Bond shall bear interest (as herein set forth) so neither gain nor loss in interest shall result from such transfer, exchange or substitution.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond a certificate of registration substantially in the form provided in this Ordinance, executed by the appropriate Paying Agent by manual signature.

SECTION 3. Redemption Provisions. The Bonds maturing on September 1, 2029 and thereafter, shall be callable for redemption at the option of the Issuer in full or in part at any time on or after September 1, 2028, at the principal amount thereof, plus accrued interest from the most recent Interest Payment Date to which interest has been paid or duly provided for. The Bonds are not required to be redeemed in inverse order of maturity.

Official notice of such call of any of the Bonds for redemption shall be given by means of first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the Owner of each Bond to be redeemed at his address as shown on the Bond Register.

SECTION 4. Registration and Transfer. The Issuer shall cause Bond Registers to be kept by the Paying Agents. The Bonds may be transferred, registered and assigned only on the appropriate Bond Register and only by the execution of the assignment form on the Bonds being transferred and registration shall be at the expense of the Issuer. A new Bond or Bonds may, upon request, be delivered by the appropriate Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond after receipt of the Bond or Bonds to be transferred in proper form. Such new Bond shall be in an authorized denomination of the same maturity and like principal and amount. Neither Paying Agent shall be required to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the interest payment date (replacement Bond cannot be in a denomination less than the transferred Bond).

SECTION 5. Form of Bonds. The Bonds and the endorsements to appear thereon shall be in substantially the following forms, respectively, to-wit:

\* \* \* \* \*

UNITED STATES OF AMERICA  
STATE OF LOUISIANA  
PARISH OF ST. TAMMANY

GENERAL OBLIGATION BOND, SERIES 2020  
OF THE  
TOWN OF ABITA SPRINGS, STATE OF LOUISIANA

BOND NO.	PRINCIPAL AMOUNT	BOND DATE	MATURITY DATE	INTEREST RATE
R-	\$	, 2020	March 1, 20	%

The **TOWN OF ABITA SPRINGS, STATE OF LOUISIANA** (the "Issuer"), promises to pay to:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

or registered assigns, on the Maturity Date set forth above, the Principal Amount set forth above, together with interest thereon from the Bond Date set forth above or the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on September I and September I of each year, commencing September I, 2020 (each an "Interest Payment Date"), at the Interest Rate per annum set forth above until said Principal Amount is paid. The principal of this Bond, upon maturity or redemption, is payable in lawful money of the United States of America at the designated office of \_\_\_\_\_, in \_\_\_\_\_, Louisiana, or successor thereto (the "Paying Agent"), upon presentation and surrender hereof. Interest on this Bond is payable by check mailed by the Paying Agent to the registered owner (determined as of the close of business on the 15th calendar day of the month next preceding the Interest Payment Date) at the address as shown on the registration books of the Paying Agent.

This Bond is one of an authorized issue aggregating in principal the sum of One Million Dollars (\$1,000,000) (the "Bonds"), all of like tenor and effect except as to number, denomination, maturity, interest rate and paying agent, the Bonds having been issued by the Issuer pursuant to an ordinance adopted by its governing authority on February 18, 2020 (the "Ordinance"), for the purposes set forth in the Ordinance and paying costs of issuance thereof, under the authority conferred by Article VI, Section 33 of the Constitution of the State of Louisiana of 1974, and Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and were authorized at an election held on November 16, 2019, the result of which election has been duly promulgated in accordance with law.

The Bonds maturing on March I, 2029, and thereafter, are callable for redemption at the option of the Issuer in full or in part at any time on or after March I, 2028, at the principal amount thereof, plus accrued interest from the most recent Interest Payment Date to which interest has been paid or duly provided for. The Bonds are not required to be redeemed in inverse order of maturity. Official notice of such call of any of the Bonds for redemption shall be given by means of first class mail, postage prepaid, by notice deposited in the United States mail not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

The Issuer shall cause Bond Registers to be kept by the Paying Agents. The Bonds may be transferred, registered and assigned only on the appropriate Bond Register and only by the execution of the assignment form on the Bonds being transferred and registration shall be at the expense of the Issuer. A new Bond or Bonds may, upon request, be delivered by the appropriate Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond after receipt of the Bond or Bonds to be transferred in

proper form. Such new Bond shall be in an authorized denomination of the same maturity and like principal and amount. Neither Paying Agent shall be required to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the interest payment date(replacement Bond cannot be in a denomination less than the transferred Bond).

This Bond and the issue of which it forms a part constitute general obligations of the Issuer, and the full faith and credit of the Issuer is pledged for the payment of this Bond and the issue of which it forms a part. The Bonds are secured by a special tax to be imposed and collected annually in excess of all other taxes on all the property subject to taxation within the territorial limits of the Issuer, under the Constitution and laws of Louisiana, sufficient in amount to pay the principal of this Bond and the issue of which it forms a part and the interest thereon as they severally mature.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the certificate of registration hereon shall have been signed by the Paying Agent.

It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of the State of Louisiana. It is further certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond and the issue of which it forms a part to constitute the same legal, binding and valid obligations of the Issuer have existed, have happened and have been performed in due time, form and manner as required by law, and that the indebtedness of the Issuer, including this Bond and the issue of which it forms a part, does not exceed the limitations prescribed by the Constitution and statutes of the State of Louisiana.

IN WITNESS WHEREOF, the Mayor and Board of Aldermen of the Town of Abita Springs, State of Louisiana, acting as the governing authority of the Issuer, has caused this Bond to be executed in its name by the signatures of the Mayor and the Clerk of the Issuer and the Issuer's seal to be impressed hereon.

Town of Abita Springs, STATE OF  
LOUISIANA

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

(SEAL)

\* \* \* \* \*

(FORM OF PAYING AGENT'S CERTIFICATE OF REGISTRATION)





SECTION 7. Pledge of Full Faith and Credit. The Bonds shall constitute general obligations of the Issuer, and the full faith and credit of the Issuer is hereby pledged for their payment. This Governing Authority does hereby obligate itself and is bound under the terms and provisions of law and the election authorizing the Bonds to impose and collect annually in excess of all other taxes a tax on all of the property subject to taxation within the territorial limits of the Issuer sufficient to pay the principal of and the interest on the Bonds falling due each year, said tax to be levied and collected by the same officers, in the same manner and at the same time as other taxes are levied and collected within the territorial limits of the Issuer.

SECTION 8. Sinking Fund. For the payment of the principal of and the interest on the Bonds, the Issuer will continue to maintain a special fund, to be held by the regularly designated fiscal agent of the Issuer (the "Sinking Fund"), into which the Issuer will deposit the proceeds of the aforesaid special tax and no other moneys whatsoever. The depository for the Sinking Fund shall transfer from the Sinking Fund to the appropriate Paying Agent at least one (1) day in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest falling due on such date.

All moneys deposited with the regularly designated fiscal agent bank or banks of the Issuer or the Paying Agent under the terms of this Ordinance shall constitute sacred funds for the benefit of the Owners and shall be secured by said fiduciaries at all times to the full extent thereof in the manner required by law for the securing of deposits of public funds.

All or any part of the moneys in the Sinking Fund shall, at the written request of the Issuer, be invested in accordance with the provisions of the laws of the State of Louisiana, in which event all income derived from such investments shall be added only to the Sinking Fund.

SECTION 9. Application of Proceeds. The Executive Officers are hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of this Ordinance, to cause the necessary Bonds to be printed, to issue, execute and seal the Bonds, and to effect delivery thereof as hereinafter provided. The proceeds derived from the sale of the Bonds shall be deposited by the Issuer with its fiscal agent bank or banks to be used only for the purposes for which the Bonds are issued, including any and all costs of issuance incurred in connection with the issuance of the Bonds.

SECTION 10. Bonds Legal Obligations. The Bonds shall constitute legal, binding and valid obligations of the Issuer and shall be the only representations of the indebtedness as herein authorized and created.

SECTION 11. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract between the Issuer, or its successor, and the Owner or Owners from time to time and any such Owner or Owners may at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the performance of all duties required to be performed by this Governing Authority or the Issuer as a result of issuing the Bonds.

No material modification or amendment of this Ordinance, or of any ordinance amendatory hereof or supplemental hereto, may be made without the consent in writing of the Owners of two-thirds (2/3) of the aggregate principal amount of the Bonds then outstanding; provided, however, that no modification or amendment shall permit a change in the maturity or redemption provisions of the Bonds, or a reduction

in the rate of interest thereon, or in the amount of the principal obligation thereof, or affecting the obligation of the Issuer to pay the principal of and the interest on the Bonds as the same shall come due from the taxes pledged and dedicated to the payment thereof by this Ordinance, or reduce the percentage of the Owners required to consent to any material modification or amendment of this Ordinance, without the consent of all of the Owners.

SECTION 12. Severability; Application of Subsequently Enacted Laws. In case any one or more of the provisions of this Ordinance or of the Bonds shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance or of the Bonds, but this Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provisions enacted after the date of this Ordinance which validate or make legal any provision of this Ordinance and/or the Bonds which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance and to the Bonds.

SECTION 13. Recital of Regularity. This Governing Authority having investigated the regularity of the proceedings had in connection with the Bonds and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

"It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State."

SECTION 14. Effect of Registration. The Issuer, the Paying Agent, and any agent of either of them may treat the Owner in whose name any Bond is registered as the Owner of such Bond for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes whatsoever, and to the extent permitted by law, neither the Issuer, the Paying Agent, nor any agent of either of them shall be affected by notice to the contrary.

SECTION 15. Notices to Owners. Wherever this Ordinance provides for notice to Owners of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to each Owner, at the address of such Owner as it appears in the Bond Register. In any case where notice to Owners is given by mail, neither the failure to mail such notice to any particular Owner, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Owner or Owners entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Owners shall be filed with the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 16. Cancellation of Bonds. All Bonds surrendered for payment, redemption, transfer, exchange or replacement, if surrendered to the appropriate Paying Agent, shall be promptly canceled by it and, if surrendered to the Issuer, shall be delivered to such Paying Agent and, if not already canceled, shall be promptly canceled by such Paying Agent. The Issuer may at any time deliver to such Paying Agent for cancellation any Bonds previously registered and delivered which the Issuer may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent. All canceled Bonds held by the Paying Agent shall be disposed of as directed in writing by the Issuer.

SECTION 17. Discharge of Ordinance; Defeasance. If the Issuer shall pay or cause to be paid, or there shall otherwise be paid to the Owners, the principal of and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of the money, securities, and funds pledged under this Ordinance and all covenants, agreements, and other obligations of the Issuer to the Owners shall thereupon cease, terminate, and become void and be discharged and satisfied, and the Paying Agent shall pay over or deliver all money held by it under this Ordinance to the Issuer.

Bonds or interest installments for the payment or redemption of which money shall have been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment or redemption or otherwise) at the maturity or redemption date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section, if they have been defeased pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

SECTION 18. Successor Paying Agent; Paying Agent Agreement. The Issuer will at all times maintain a Paying Agent meeting the qualifications hereinafter described for the performance of the duties hereunder for the Bonds. The designation of the initial Paying Agents in this Ordinance is hereby confirmed and approved. The Issuer reserves the right to appoint a successor Paying Agent by (a) filing with the Person then performing such function a certified copy of an ordinance giving notice of the termination of the Agreement and appointing a successor and (b) causing notice to be given to each Owner. Every Paying Agent appointed hereunder shall at all times be a bank or trust company organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, and subject to supervision or examination by Federal or State authority. The Executive Officers are hereby authorized and directed to execute an Agreement with \_\_\_\_\_ for and on behalf of the Issuer in such form as may be satisfactory to said officers, the signatures of said officers on such Agreement to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 19. Arbitrage. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Code in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Bonds to be "arbitrage bonds" or would result in the inclusion of the interest on any of the Bonds in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Bond proceeds or (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds".

The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 20. Bonds are "Bank Qualified". The Bonds are designated as "qualified tax-exempt obligations" within the meaning of Section 265(6)(3) of the Code. In making this designation, the Issuer finds and determines that:

(a) the Bonds are not "private activity bonds" within the meaning of the Code; and

(b) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Issuer and all subordinate entities in calendar year 2020 will not exceed \$10,000,000.

SECTION 21. Award of Bonds. The Issuer hereby accepts the Offers to Purchase submitted by the Purchasers, an executed original of which is on file with the Clerk of the Issuer. The Bonds shall be delivered to the respective Purchasers upon payment of the aggregate principal amount of the Bonds to the Issuer.

SECTION 22. Publication. A copy of this Ordinance shall be published after its adoption in one (1) issue of the official journal of the Issuer.

SECTION 24. Continuing Disclosure. The Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)].

SECTION 24. Section Headings. The headings of the various sections hereof are inserted for convenience of reference only and shall not control or affect the meaning or construction of any of the provisions hereof.

SECTION 25. Effective Date. This Ordinance shall become effective immediately, upon its adoption approval by the Mayor.

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The final adoption of the foregoing Ordinance having been duly moved and seconded, the roll was called and the following vote was taken and recorded:

<u>MEMBERS</u>	<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSTAIN:</u>	<u>ABSENT:</u>
Regan Contois			_____	_____
Ryan Murphy			_____	_____
Pat Patterson			_____	_____
Evette Randolph			_____	_____
Steven Saussy			_____	_____

There being a favorable vote on the Ordinance of at least a majority of the authorized members of the Governing Authority, the ordinance was declared adopted on this the 18th day of February, 2020.

Janet Dufrene  
\_\_\_\_\_  
Clerk

Presented to Mayor on February 18, 2020 for action as evidenced by his signature:

Approved: \_\_\_\_\_ Daniel J. Curtis \_\_\_\_\_

Disapproved: \_\_\_\_\_

Presented to Clerk on February 18, 2020.

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, the undersigned Clerk of the Town of Abita Springs, State of Louisiana (the "Issuer"), do hereby certify that the foregoing pages constitute a true and correct copy of an ordinance adopted on February 18, 2020, authorizing the incurring of debt and issuance of One Million Dollars (\$1,000,000) of General Obligation Bonds, Series 2020, of the Town of Abita Springs, State of Louisiana; prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; accepting bids for the purchase of the Bonds; and providing for other matters in connection therewith

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the City at Abita Springs, Louisiana, on this, the 18th day of February, 2020.

---

Clerk

(SEAL)

# Town of Abita Springs



**DANIEL J. CURTIS**

## **INSTRUMENT 2020-002**

ORDINANCE TO DECLARE A PORTION OF NORTH ST. NO LONGER NECESSARY FOR PUBLIC USE AND TO PROVIDE FOR THE SALE OF THAT PORTION OF PROPERTY LOCATED IN THE TOWN OF ABITA SPRINGS, ST TAMMANY PARISH, LOUISIANA, AND TO PROVIDE FOR RELATED MATTERS.

Introduced by Alderman Patterson, seconded by Alderman Saussy, on the 21st, day of January 2020.

BE IT ORDAINED that the Planning Commission recommendation to revoke the below described property is accepted.

IT IS HEREBY ORDAINED that the below described property is determined to no longer be needed for public purposes.

IT IS FURTHER ORDAINED, that the Honorable Daniel J. Curtis, Mayor of the Town of Abita Springs is authorized to sell on behalf of the Town of Abita Springs and to execute the Act of Sale of the below described property under the terms and conditions as set out under the Statutes of Louisiana and the Code of Ordinances for the Town of Abita Springs, Louisiana.

ALL THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, means, privileges, servitudes and appurtenances thereunto belonging or anywise appertaining, situated in the Town of Abita Springs in the Parish of St. Tammany, State of Louisiana and being more fully described as follows, to-wit:

### **Legal Description**

This sale price shall be \$\_\_\_\_\_, as provided for by the laws of the Town of Abita Springs and the State of Louisiana.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020 on motion of Alderman \_\_\_\_\_ seconded by Alderman \_\_\_\_\_.

The vote was:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Janet Dufrene, Town Clerk

\_\_\_\_\_  
Honorable Daniel J. Curtis, Mayor

# Town of Abita Springs



**DANIEL J. CURTIS**

## **INSTRUMENT 2020-003**

ORDINANCE TO DECLARE A PORTION OF PINE ST. NO LONGER NECESSARY FOR PUBLIC USE AND TO PROVIDE FOR THE SALE OF THAT PORTION OF PROPERTY LOCATED IN THE TOWN OF ABITA SPRINGS, ST TAMMANY PARISH, LOUISIANA, AND TO PROVIDE FOR RELATED MATTERS.

Introduced by Alderman Patterson, seconded by Alderman Saussy, on the 21st, day of January 2020.

BE IT ORDAINED that the Planning Commission recommendation to revoke the below described property is accepted.

IT IS HEREBY ORDAINED that the below described property is determined to no longer be needed for public purposes.

IT IS FURTHER ORDAINED, that the Honorable Daniel J. Curtis, Mayor of the Town of Abita Springs is authorized to sell on behalf of the Town of Abita Springs and to execute the Act of Sale of the below described property under the terms and conditions as set out under the Statutes of Louisiana and the Code of Ordinances for the Town of Abita Springs, Louisiana.

ALL THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, means, privileges, servitudes and appurtenances thereunto belonging or anywise appertaining, situated in the Town of Abita Springs in the Parish of St. Tammany, State of Louisiana and being more fully described as follows, to-wit:

### **Legal Description**

This sale price shall be \$\_\_\_\_\_, as provided for by the laws of the Town of Abita Springs and the State of Louisiana.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020 on motion of Alderman \_\_\_\_\_ seconded by Alderman \_\_\_\_\_.

The vote was:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Janet Dufrene, Town Clerk

\_\_\_\_\_  
Honorable Daniel J. Curtis, Mayor



# Town of Abita Springs



## MAYOR DANIEL J. CURTIS

INSTRUMENT #2020-004

1  
2  
3 AN ORDINANCE TO PROVIDE FOR THE ZONING AND ANNEXATION OF CERTAIN LAND AT 23425 HWY 435  
4 INTO THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS, LOUISIANA AND TO PROVIDE FOR RELATED  
5 MATTERS.  
6

7 IT IS HEREBY ORDAINED by the Board of Aldermen of the Town of Abita Springs that the below described  
8 property be and is hereby annexed into the municipal corporate limits of the Town of Abita Springs, Louisiana, without  
9 the necessity of an election for annexation. Said property is described as follows, to-wit:

10  
11 **ALL THAT CERTAIN LOT OR PORTION OF GROUND**, situated in Section 38, Township 6 South, Range 12 East, St.  
12 Tammany Parish, Louisiana, and more fully described as follows:

13  
14 From the section corner common to Sections 28, 29, and 38, go South 57 degrees 35 minutes West 287.47 feet to  
15 the point of beginning. From the point of beginning, continue South 57 degrees 35 minutes West 172.44 feet to an  
16 iron pipe; thence South 56 degrees 31 minutes West 19.23 feet to an iron rod; thence South 33 degrees 22 minutes  
17 45 seconds East 435.38 feet to an iron rod located on the northern edge of Louisiana Highway 435; thence North 62  
18 degrees 45 minutes 30 seconds East 178.54 feet along the northern of Louisiana Highway 435 to an iron rod; thence  
19 North 23 degrees 06 minutes 45 seconds West 293.04 feet to an iron rod; and the point of beginning. All in  
20 accordance with that survey by Thomas J. Fontcuberta dated August 4, 1993 bearing Job #933552. And further all as  
21 more fully shown on survey of Thomas J. Fontcuberta dated September 17, 1996, a copy of which is annexed hereto  
22 and made part hereof. Said property contains 2.10 acres.  
23

24 The officials of the Town of Abita Springs are hereby authorized and directed to take all necessary actions that are  
25 proper in order to affect the annexation into the corporate limits of the Town of Abita Springs.  
26

27 BE IT FURTHER ORDAINED that the above described property be zoned Commercial.  
28

29 This Ordinance shall take effect upon signature of the Mayor. Technical Amendments to the property description  
30 contained herein may be made in accordance with the laws of the Town of Abita Springs.  
31

32 Introduced by Alderman Patterson, seconded by Alderman Saussy, on the 21<sup>st</sup> day of January 2020. Adopted on a  
33 motion of Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.  
34

35 Vote was:

36 YEAS:

37 NAYS:

38 ABSENT:

39 ABSTAIN:  
40

41  
42 ATTEST  
43

44 \_\_\_\_\_  
45 Janet Dufrene, Town Clerk

\_\_\_\_\_   
Honorable Daniel J. Curtis, Mayor

# Town of Abita Springs



## MAYOR DANIEL J. CURTIS

INSTRUMENT #2020-005

1  
2  
3 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO EXTEND  
4 A MORATORIUM ON THE ISSUANCE OF ANY PERMITS BY THE TOWN OF ABITA SPRINGS FOR THE  
5 IMPROVEMENT OR DEVELOPMENT OF ANY LOTS WHICH ARE PART OF A RESUBDIVISION OF LAND  
6 IN THE AREA COMPRISING THE FORMER BROOK FOREST RESIDENTIAL DISTRICT  
7  
8

9 BE IT FURTHER ORDAINED by the Board of Aldermen of the Town of Abita Springs that there is hereby  
10 enacted a moratorium on the issuance of any permits whatsoever by the Town of Abita Springs pertaining  
11 to any development or improvements on any lots created by resubdivision of properties located in the  
12 area comprising the former Brook Forest Residential District.  
13

14  
15 This moratorium shall remain in effect for a period of six months as of the effective date of this ordinance.  
16  
17

18 This ordinance shall take effect upon signature of the mayor.  
19

20 Introduced by Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_  
21 2020. Adopted on a motion of Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_ on the \_\_\_\_\_  
22 day of \_\_\_\_\_ 2020.  
23

24 The vote was:  
25

26 AYES:

27 NAYS:

28 ABSTENTIONS:

29 ABSENT:  
30  
31

32 \_\_\_\_\_  
33 ATTEST

34 Janet Dufrene, Town Clerk  
35  
36  
37

\_\_\_\_\_   
Honorable Daniel J. Curtis, Mayor

# Town of Abita Springs



**MAYOR  
DANIEL J. CURTIS**

## **A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS, LOUISIANA REGARDING THE APPOINTMENT OF THE TOWN MARSHAL**

**WHEREAS**, the Mayor of the Town of Abita Springs, the Honorable Daniel J. Curtis makes the following appointment:

As Town Marshal:  
Richard Bonnet Jr.

**WHEREAS**, this appointment has been presented to the Board of Aldermen for confirmation.

**THEREFORE, BE IT RESOLVED**, that the Board of Alderman of the Town of Abita Springs does hereby confirm the appointment of Richard Bonnet as Town Marshal.

**BE IT FURTHER RESOLVED**, that the Honorable Daniel J. Curtis, Mayor of the Town of Abita Springs, is hereby granted all authority necessary to execute any documents in connection with this appointment.

It was duly moved by Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_, that this resolution was adopted on the \_\_\_\_ day of \_\_\_\_\_, 2020.

A vote having been taken on the matter with the following result:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

---

Janet Dufrene, Town Clerk

---

Daniel J. Curtis, Mayor