

RESOLUTION NO. 09-06

RESOLUTION PROVIDING FOR THE CALLING FOR REDEMPTION OF ALL OR PART OF THE CITY OF FRIEND, NEBRASKA (A) OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2002, DATED AS OF JULY 1, 2002, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED SEVENTY THOUSAND DOLLARS (\$370,000), AND (B) OUTSTANDING REFUNDING BONDS, DATED FEBRUARY 11, 2004, IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$445,000)

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA:

Section 1. The Mayor and Council (the “**Council**”) of the City of Friend, Nebraska (the “**City**”) hereby find and determine that the City has previously issued and there are now outstanding and unpaid interest-bearing bonds of the City as follows:

(a) Various Purpose Bonds, Series 2002, dated as of July 1, 2002, in the principal amount of \$370,000 (the “**Outstanding 2002 Bonds**”), and bearing interest and maturing as follows:

<u>Maturity (August 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2009	\$35,000	4.10%
2010	35,000	4.25
2011	35,000	4.40
2012	40,000	4.50
2013	40,000	4.60
2014	45,000	4.70
2015	45,000	4.80
2016	45,000	4.90
2017	50,000	5.00

such bonds being part of an issue of \$550,000 principal amount of Various Purpose Bonds, Series 2002, issued pursuant to Ordinance No. 02-581 duly passed by the Council and approved by the Mayor on June 4, 2002 (the “**2002 Ordinance**”), such bonds maturing on or after August 1, 2007, being redeemable at the option of the City at any time on or after July 1, 2007, at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

(b) Refunding Bonds, dated February 11, 2004, in the principal amount of \$445,000 (the “**Outstanding 2004 Bonds**”), and bearing interest and maturing as follows:

<u>Maturity</u> <u>(December 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
2009	\$55,000	2.95%
2010	60,000	3.20
2011	60,000	3.45
2012	60,000	3.65
2013	65,000	3.75
2014	70,000	3.90
2015	75,000	4.00

such bonds being part of an issue of \$685,000 principal amount of Refunding Bonds issued pursuant to Ordinance No. 03-668 duly passed by the Council and approved by the Mayor on January 6, 2004 (the “**2004 Ordinance**”), such bonds maturing on or after December 1, 2009, being redeemable at the option of the City at any time on or after February 11, 2009, at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

All of the Outstanding 2002 Bonds and the Outstanding 2004 Bonds (collectively, the “**Outstanding Bonds**”) remain unpaid and are a legal liability against the City, provision for the payment of which may be made by the lawful issuance and sale of refunding bonds of the City pursuant to Section 10-142, Reissue Revised Statutes of Nebraska, as amended.

Section 2. All or part of the Outstanding Bonds, as determined by the Mayor in accordance with the provisions of **Section 3** of this Resolution (the “**Refunded Bonds**”), are hereby irrevocably called for redemption and payment on the date established by the Mayor (the “**Redemption Date**”) pursuant to this Resolution at a redemption price equal to the principal amount thereof plus accrued interest thereon to the Redemption Date.

Notice of the call for redemption, identifying the Refunded 2002 Bonds to be redeemed, shall be given by the Paying Agent for the Refunded 2002 Bonds, Wells Fargo Bank, National Association, upon mailing a copy of the redemption notice by first-class mail, postage prepaid, at least thirty days prior to the date fixed for redemption to the registered owner of each Refunded 2002 Bond to be redeemed at the address shown on the registration books; provided, however, that failure to give such notice by mailing, or any defect therein, shall not affect the validity of any proceedings for the redemption of any Bond with respect to which no such failure has occurred. Notice of the call for redemption, identifying the Refunded 2004 Bonds to be redeemed, shall be given by the Paying Agent for the Refunded 2004 Bonds, the Treasurer of the City, Friend, Nebraska, upon mailing a copy of the redemption notice by first-class mail, postage prepaid, at least thirty days prior to the date fixed for redemption to the registered owner of each Refunded 2004 Bond to be redeemed at the address shown on the registration books; provided, however, that failure to give such notice by mailing, or any defect therein, shall not affect the validity of any proceedings for the redemption of any Bond with respect to which no such failure has occurred. Any notice mailed as provided in the 2002 Ordinance authorizing the issuance of the Refunded 2002 Bonds or the 2004 Ordinance authorizing the issuance of the Refunded 2004 Bonds shall be conclusively presumed to have been duly given, whether or not the registered owner of such Refunded 2002 Bond or such Refunded 2004 Bond receives the notice.

Holders of the Refunded 2002 Bonds shall present the same for payment and redemption on the Redemption Date at the office of the Paying Agent for the Refunded 2002 Bonds, Wells Fargo Bank, National Association, the place of payment thereof, and interest on the Refunded 2002 Bonds shall cease on and after the Redemption Date. Holders of the Refunded 2004 Bonds shall present the same for payment and redemption on the Redemption Date at the office of the Paying Agent for the Refunded 2004 Bonds, the

Treasurer of the City of Friend, Nebraska, the place of payment thereof, and interest on the Outstanding 2004 Bonds shall cease on and after the Redemption Date.

Section 3. At such time as the City is assured of having funds for the payment and redemption of all or part the Refunded Bonds, the Mayor is authorized and directed to establish (a) the principal amounts and maturities of the Outstanding 2002 Bonds and/or the Outstanding 2004 Bonds which shall be called for payment and redemption and the Redemption Date in accordance with the provisions of this Ordinance.

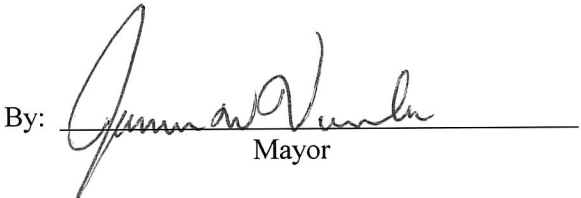
Section 4. A true copy of this resolution shall be filed with the Paying Agent for the Outstanding 2002 Bonds and the Paying Agent for the Outstanding 2004 Bonds at least thirty (30) days prior to Redemption Date.

PASSED AND APPROVED: April 7, 2009.

CITY OF FRIEND, NEBRASKA

ATTEST:

By:  _____
Clerk

By:  _____
Mayor

