LEGAL NOTICES

ORDINANCE NO. 465
City of Birmingham

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN AUTOMOBILE PARKING SYSTEM FOR THE CITY OF BIRMINGHAM; AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONAL MUNICIPAL OFF-STREET PARKING LOTS; AUTHORIZING THE ISSUANCE OF SELF-LIQUIDATING REVENUE BONDS TO PAY THE COST OF ADDITIONAL PARKING FACILITIES; PROVIDING FOR THE RETIREMENT OF SAID BONDS FROM THE REVENUES OF SAID AUTOMOBILE PARKING SYSTEM; CREATING A STATUTORY LIEN ON SUCH REVENUES AND PROVIDING FOR OTHER MATTERS RELATIVE TO SAID BONDS, THE PARKING FACILITIES AND THE REVENUES THEREFROM.

WHEREAS, the City of Birmingham, by reason of congestion and lack of available parking space on its public streets in the business area, is in urgent need of providing readily accessible off-street parking facilities in order to relieve such congestion in the interests of public safety, as well as the convenience of its citizens;

AND WHEREAS, the City has heretofore established on its public streets in said business area parking meters for the purpose of controlling, regulating and limiting the time for use of parking on said streets, which gives rise to the immediate necessity of supplementing said controlled street parking by providing additional publicly owned off-street parking facilities;

AND WHEREAS, the revenues and income derived from the street parking charges lawfully established in said area are not specifically allocated or pledged, but should properly be used to apply on the cost of providing supplementary parking in said City on publicly owned off-street facilities in order to make effective the control and regulation of the entire problem of parking in the business area;

AND WHEREAS, to effectuate and properly regulate and control parking in said business area and to provide the necessary facilities to make such regulation and control effective, it is necessary and expedient that automobile parking facilities owned or operated by the City of Birmingham, including specifically all street parking spaces where parking meters are now located or hereafter located, the municipal parking lot to be acquired and constructed, and any other parking facilities hereinbefore or hereafter acquired and for the use of which facilities fees or charges are made, be combined into a single automobile parking system to be known as the CITY OF BIRMINGHAM AUTOMOBILE PARKING SYSTEM, in order to facilitate the financing of the cost of acquiring the additional off-street parking lot which is urgently needed to effectuate the proper control and regulation of parking in said City;

AND WHEREAS, the property upon which the additional off-street parking lot is to be established and constructed is described as follows:

A parcel of land comprised of lots 3 to 18, inclusive, or portions thereof, of Assessor's Plat No. 25, being a replat of Taber Addition and lots 1, 2 and 3 Brown's Addition and Plat of part of the N.E. ¼ of Section 36, T 2 N, R 10 E, City of Birmingham, Oakland County, Michigan, as recorded in Liber 54A of Plats, Page 73, Oakland County Register's Office, lying within the following described line,

Beginning at the northwest corner of lot No. 5 of said Assessor's Plat No. 25, said point being the intersection of the south line of Merrill Street and the east line of Pierce Street;

thence S 1° 52' 25" E along the east line of Pierce Street, said line also being the west line of lots 5-7, inclusive, and 10-14 inclusive, a distance of 455.20 feet;

thence N 61° 38' 00" E along the north line of Brown Street, said line also being the south line of lots 14-18, inclusive, a distance of 326.42 feet to a point 10.00 feet distant and southwesterly from the southeast corner of lot No. 18;

thence N 36° 13' 40" W a distance of 238.92 feet to a point in the north line of lot No. 7, said point lying 9.14 feet distant, as measured westerly along said line, from the northeast corner of lot No. 7;

thence N 23° 40' 30" W a distance of 122.02 feet to a point in the south line of Merrill Street, said point lying 9.78 feet distant, as measured westerly along said line, from the northeast corner of lot No. 4;

thence S 87° 38' 15" W along the south line of Merrill Street, said line also being the north line of lots 4 and 5, a distance of 112.00 feet to the point of beginning, which area is in close proximity to the business district of the City of Birmingham;

which lot when properly improved by cleaning the site, providing drainage, paving and driveway entrances, walks, fencing and parking meters, will have a capacity for parking approximately two hundred twenty-three (223) vehicles. Said new off-street parking lot shall be designated "Municipal Parking Lot No. 1" and hereinafter sometimes is referred to in this Ordinance by that name;

AND WHEREAS, the total cost of acquiring and constructing said Municipal Parking Lot No. 1, including contingencies, legal and financing expenses, as determined by L. R. Gare, City Engineer, is Two Hundred Eighty-nine Thousand Nine Hundred Forty-five ($289,945.00) Dollars;

AND WHEREAS, the parking fees, charges and income derived from existing metered parking spaces in said City have not been hypothecated or pledged for any purpose;

AND WHEREAS, the parking fees and income to be derived from said Municipal Parking Lot No. 1 to be acquired and constructed has not been hypothecated or pledged for any purpose;

AND WHEREAS, all things necessary to the authorization and issuance of self-liquidating revenue bonds under the Constitution and laws of the State of Michigan and particularly Act 94, Public Acts of Michigan, 1933, as amended, have been done and the City Commission is now empowered and desires to authorize the issuance of said bonds.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. It is hereby determined and declared to be necessary for the public benefit and welfare of the City of Birmingham, for the purpose of effectuating traffic control and public safety, to acquire, construct and improve the new municipal parking lot (designated Municipal Parking Lot No. 1), as described in the preamble hereto, as a supplement to the controlled and regulated street parking now in effect in said City by means of parking meters heretofore lawfully established for that purpose.

Section 2. From and after the effective date of this Ordinance, all street parking facilities where parking fees or charges are collected through parking meters or other methods, the new municipal parking lot herein authorized to be acquired, and any other off-street parking facilities hereinbefore or hereinafter acquired for the use of which facilities fees or charges are made, shall be maintained and operated by the City as one separate municipal system to be known as the City of Birmingham Automobile Parking System and shall include all parking meters, buildings, facilities, equipment, or accessories used or useful in connection therewith, either acquired under the provisions of this Ordinance, or subsequently acquired for said System.

Section 3. The estimated cost of acquiring and constructing said Municipal Parking Lot No. 1 described in the preamble hereto, including contingencies, legal and financial expenses, which estimate has been prepared by L. R. Gare, City Engineer, and is in the amount of Two Hundred Eighty-nine Thousand Nine Hundred Forty-five ($289,945.00) Dollars, is hereby aproved and the City Commission does hereby estimate the period of usefulness of said public improvement to be at least twenty-five (25) years.

Section 4. To pay part of the cost of acquiring the said additional parking facilities and to pay financial, legal and other expenses and contingencies incident thereto, it is hereby determined that there be borrowed upon the credit of the income and revenues of the City of Birmingham Automobile Parking System the sum of Two Hundred Sixty Thousand (260,000.00) Dollars and that, in evidence thereof, there be issued the negotiable revenue bonds of the City of the principal amount of $260,000.00 under and in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended. The balance of the cost shall be paid from funds on hand and available for such purpose derived from parking meter revenues heretofore collected.

Wherever the words "the System" are used in this Ordinance, they shall be understood to mean the complete City of Birmingham Automobile Parking System, as defined in Section 2 of this Ordinance.

Wherever the words "revenues" or "net revenues" are used in this Ordinance, they shall be understood to have the meaning as defined in Section 3 of Act 94, Public Acts of Michigan, 1933, as amended.

Wherever the word "project" is used in this Ordinance it shall be understood to mean the additional parking facilities authorized to be acquired under the provisions of this Ordinance and referred to in the preamble hereto.

Section 5. Said bonds shall be designated CITY OF BIRMINGHAM AUTOMOBILE PARKING SYSTEM REVENUE BONDS, SERIES I, and shall be, not general obligations of the City of Birmingham but revenue bonds, payable out of the net revenues of the System, after provision has been made for payment of expenses of operation and maintenance and shall consist of 260 bonds of the denomination of $1,000.00 each, numbered in direct order of maturity from 1 to 260, inclusive, dated as of February 1, 1955, and payable serially as follows:

Bond Nos. Inclusive	Principal Amount	Maturity
1/10	$10,000.00	July 1, 1958
11/20	10,000.00	July 1, 1959
21/30	10,000.00	July 1, 1960
31/40	10,000.00	July 1, 1961
41/55	15,000.00	July 1, 1962
56/70	15,000.00	July 1, 1963
71/85	15,000.00	July 1, 1964
86/100	15,000.00	July 1, 1965
101/115	15,000.00	July 1, 1966
116/130	15,000.00	July 1, 1967
131/145	15,000.00	July 1, 1968
146/160	15,000.00	July 1, 1969
161/185	25,000.00	July 1, 1970
186/210	25,000.00	July 1, 1971
211/235	25,000.00	July 1, 1972
236/260	25,000.00	July 1, 1973

Said bonds shall bear interest at a rate or rates not exceeding four (4%) per cent per annum, payable on July 1, 1955, and semi-annually thereafter on January 1st and July 1st of each year, both principal and interest to be payable at a bank or trust company to be designated by the purchaser of the bonds.

Bonds numbered 161 to 260, inclusive, maturing in the years 1970 to 1973, inclusive, shall be subject to redemption prior to maturity at the option of the City, in inverse numerical order on any interest payment date on or after January 1, 1956, but only out of funds other than net income, if such redemption is made prior to January 1, 1960.

Bonds numbered 21 to 260, inclusive, maturing in the years 1960 to 1973, inclusive, shall be subject to redemption prior to maturity at the option of the City, out of any funds available for such purpose, in inverse numerical order on any interest payment date on or after January 1, 1960.

Bonds called for redemption in accordance with the foregoing provisions shall be redeemed at par and accrued interest plus a premium as follows:

$30.00 on each bond called for redemption prior to January 1, 1960;

$25.00 on each bond called for redemption on or after January 1, 1960, but prior to January 1, 1963;

$20.00 on each bond called for redemption on or after January 1, 1963, but prior to January 1, 1966;

$15.00 on each bond called for redemption on or after January 1, 1966; but prior to January 1, 1969;

$10.00 on each bond called for redemption on or after January 1, 1969, but prior to January 1, 1972;

$5.00 on each bond call for redemption on or after January 1, 1972, but prior to maturity.

Thirty days' notice of the call of any bonds for redemption shall be given by publication of such notice in a newspaper or publication circulated in the State of Michigan which carries as part of its regular service, notices of sale of municipal bonds and in case of registered bonds, thirty days' notice shall be given by mail to the registered address. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

Said bonds may be registered as to principal only in the manner and with the effect set forth on the face thereof, as hereinafter provided.

Said bonds shall be signed by the Mayor and countersigned by the City Clerk and shall have the corporate seal of the City affixed thereto and shall have interest coupons attached bearing the facsimile signatures of said Mayor and City Clerk, and said officials, by the execution of said bonds, shall adopt as and for their own proper signatures their respective facsimile signatures on said coupons.

Section 6. Said bonds shall not be a general obligation or indebtedness of the City of Birmingham, but shall be payable solely from the revenues derived from the operation of the System, and to secure such payment there is hereby created a statutory first lien upon the whole of the net revenues of the System, to continue until the payment in full of the principal and interest on said bonds.

Section 7. The holders of said bonds or coupons representing in the aggregate not less than twenty (20%) per cent of the entire issue then outstanding may, upon the conditions hereinafter provided, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the revenues of said System and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers or agencies of the City, including the fixing of sufficient rates, the collection of revenues, the proper segregation of the revenues of said System and the proper application thereof: Provided, however, that the statutory lien upon said revenues shall not be construed to give the holder or holders of any bonds or coupons authority to compel the sale of the said System.

If there be any default in the payment of the principal of or interest upon any of said bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate said System on behalf of the City and under the direction of said court, and by and with approval of said court, to perform all of the duties of the officers or agencies of said City more particularly set forth herein and in Act 94, Public Acts of Michigan, 1933, as amended.

The holder or holders of any such bonds or any coupons therefrom shall have all other rights and remedies given by said Act 94, Public Acts of Michigan, 1933, as amended, for the collection and enforcement of said bonds and the security therefor.

Section 8. The System shall be operated on the basis of an operating or fiscal year commencing on July 1st and ending on June 30th.

Section 9. The acquisition, construction, alteration, management, operation and control of all the parking facilities of the System shall be under the general control and supervision of the City Manager, subject, however, to the rights, powers and duties in respect thereto which are reserved by law to the City Commission.

Section 10. The initial schedule of parking fees, rates and charges to be collected by means of the parking meters of the System located on public streets within the City for the purpose of controlling and regulating parking thereon, are hereby established at five (5c) cents for each sixty (60) minutes or fraction thereof.

The initial schedule of parking fees, rates and charges for all parking service furnished by the Municipal Parking Lot No. 1 are hereby fixed and established as follows:

North Portion of Lot: 5c per hour, or any part thereof (2 hour time limit)

South Portion of Lot: 5c for 2 hours, or any part thereof (12 hour time limit)

The time limits for parking may be increased or decreased by action of the City Commission: Provided, however, that no such action shall be taken which will materially lessen the income and revenues of the System.

Section 11. No free parking, storage or other service shall be supplied by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, but all such service furnished shall be paid for in accordance with the foregoing schedule of rates or any revision thereof, in compliance with the provisions of this Ordinance.

Section 12. The parking fees, rates and charges heretofore fixed for street parking to be collected through parking meters and for parking in Municipal Parking Lot No. 1, are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same and all its component facilities in good repair and working order; to provide for payment of the interest upon and principal of all bonds as and when the same become due and payable, and to provide for such other expenditures and funds for said System as are required by this Ordinance. Such parking fees, rates and charges shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed at all times to fix, maintain and collect such parking fees, rates and charges for parking service furnished by the System as shall be sufficient to provide for the foregoing.

Section 13. From and after January 1, 1955, the revenues of the System are hereby ordered to be set aside, as collected, and deposited in The Birmingham National Bank, Birmingham, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated AUTOMOBILE PARKING SYSTEM RECEIVING FUND (hereinafter referred to as the "Receiving Fund") and said revenues so deposited are pledged for the purposes of the following funds, and shall be transferred from the Receiving Fund periodically and in the manner and at the time hereinafter specified.

(A) OPERATION AND MAINTENANCE FUND:

Out of the revenues in the Receiving Fund there shall first be set aside monthly, into a separate depositary account designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the System, and such current expenses for the maintenance thereof as may be necessary to preserve the same and all facilities thereof in good repair and working order. Not to exceed fifteen (15%) per cent of the gross annual revenues of the System may be allocated and used to pay costs of police enforcement of parking regulations, as part of the the operation and maintenance expense of the System.

(B) BOND AND INTEREST REDEMPTION FUND:

There shall next be established and maintained a separate depositary account designated as the Bond and Interest Redemption Fund, which shall be used solely and only for the purpose of paying the principal of and interest on the bonds hereby authorized. The moneys in the Bond and Interest Redemption Fund shall be kept on hand with the bank or trust company where the principal and interest on the bonds herein authorized are currently payable.

Out of the revenues remaining in the Receiving Fund after provision has been made for expenses of operation and maintenance of the System, there shall be next set aside each month, commencing January 1, 1955, in the Bond and Interest Redemption Fund, not less than one-sixth (1/6) of the total amount of interest next maturing. Commencing July 1, 1957, there shall be set aside during each month in said Fund, in addition to interest requirements, not less than one-twelfth (1/12) of the total amount of principal next maturing on the bonds herein authorized. If there shall be any deficiency in the amount previously required to be set aside, then the amount of such deficiency shall be added to the current requirement.

There is hereby established in the Bond and Interest Redemption Fund a separate depositary account to be known as the Bond Reserve Account, into which, after making provision for the Operation and Maintenance Fund and the Bond and Interest Redemption Fund, as aforesaid, there shall be paid in equal monthly installments in the operating year beginning July 1, 1954 (commencing January 1, 1955, in said operating year), the sum of Fve Thousand ($5,000.00) Dollars, and in equal monthly installments in each of the operating years beginning July 1, 1955, and July 1, 1956, the sum of Seven Thousand Fve Hundred (7,500.00) Dollars, so that by the end of the operating year beginning July 1, 1956, there shall be in said Bond Reserve Account the sum of Twenty Thousand ($20,000.00) Dollars. The money in said Bond Reserve Account shall be used solely for the payment of principal and interest on the bonds herein authorized to be issued as to which there would otherwise be default. If, at any time, it shall be necessary to use moneys in the Bond Reserve Account for such payment, then the money so used shall be replaced from the net revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements: Provided, however, that such Bond Reserve Account shall not be regarded as moneys otherwise appropriated or pledged for the purpose of determining the sufficiency of funds available for redemption of callable bonds.

When from time to time additional bonds payable from the revenues of the System, which are of equal standing with the bonds herein authorized, are issued as herein provided, there shall be set aside in the Bond Reserve Account such additional sum as will make the total amount set aside in the Bond Reserve Account equal to not less than the average combined amount of principal and interest due in any future year on the outstanding bonds payable from revenue of the System and the additional bonds, to be issued.

No further payments need be made into the Bond and Interest Redemption Fund after enough of the bonds have been retired so that the amount then held in said Fund (including the Bond Reserve Account) is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the bonds then remaining outstanding. In any case where moneys are available for the redemption of bonds, such moneys may be used instead to purchase bonds on the open market at the best price or prices obtainable, but not in excess of the then redemption price. When the principal amount owing upon any bonds shall be reduced to the amount of the reserve therefor, then the principal of such bonds shall be paid from such reserve.

(C) REPLACEMENT FUND:

There shall next be established and maintained a separate depositary account known as the Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the System and the facilities thereof. There shall be deposited into said Fund in equal monthly installments in each of the operating years beginning July 1, 1956, and July 1, 1957, the sum of Two Thousand Five Hundred (2,500.00) Dollars so that by the end of the operating year beginning July 1, 1957, there shall be in said Replacement Fund the sum of Five Thousand ($5,000.00) Dollars. If at any time it shall be necessary to use moneys in the said Fund for such purpose, the moneys so used shall be replaced from the net revenues in the Receiving Fund which are not required by this Ordinance to be used for the Operation and Maintenance Fund or the Bond and Interest Redemption Fund (including the Bond Reserve Account). At such time as moneys in the Bond and Interest Redemption Fund (including the Bond Reserve Account) and the Replacement Fund are equal to the entire amount of principal and interest payable at maturity of all bonds then remaining outstanding, said moneys in the Replacement Fund shall be transferred into the Bond and Interest Redemption Fund and used for the purpose of paying the principal and interest on said bonds remaining outstanding.

(D) IMPROVEMENT FUND:

Out of the remaining revenues in the Receiving Fund, there may be set aside in any month, after meeting the requirements of the foregoing funds for such month, in a fund to be designated Improvement Fund, such sum as the City Commission may deem advisable, to be used for improvements, enlargements, extensions and repairs to the Automobile Parking System.

(E) SURPLUS FUND:

Revenues remaining in said Receiving Fund at the end of any fiscal year after all periodical transfers have been made therefrom as above required, shall be deemed to be surplus and may be left in the Receiving Fund or may be transferred to a fund to be designated Surplus Fund. An amount not to exceed one-half (½) of such surplus may be transferred to the General Fund of the City to be used for the regulation and control of traffic within the City. Remaining moneys in said Surplus Fund from time to time may be transferred to one or more of the foregoing funds or may be used for any purpose connected with the System: Provided, however, that if at any time there shall exist any default in making any periodical transfer to any of the above-mentioned funds, then such default shall be rectified so far as possible by the transfer of moneys from said Surplus Fund. If any such default shall exist as to more than one fund at any one time, then such transfers shall be made in the order in which funds are listed above.

Section 14. Said bonds shall be sold and the proceeds applied in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 15. The proceeds of sale of said bonds shall be deposited in The Birmingham National Bank, Birmingham, Michigan, a Federal Reserve System member bank, and shall be used solely to pay the cost of the project and the incidental costs set forth in Section 4 of this Ordinance. Any unexpended balance of the proceeds of sale remaining may, in the discretion of the City Commission and to the extent of fifteen (15%) per cent of the amount thereof, be used for further improvements and extensions to the Automobile Parking System or the acquisition of additional facilities therefor; provided that, at the time of such expenditure, such use be approved by the Municipal Finance Commission. Any remaining balance after such expenditure, or in the event no such expenditure is made, the entire unexpended balance shall be paid into the Bond and Interest Redemption Fund and used for the redemption of callable bonds. The proceeds of sale of said bonds may be invested in whole or in part in the manner provided in Section 24 of Act 94, Public Acts of Michigan, 1933, as amended.

Section 16. The City of Birmingham covenants and agrees with the successive holders of the bonds and coupons that so long as any of the bonds remain outstanding and unpaid as to either principal or interest:

(a) The City will maintain the System in good repair and working order and will operate the same efficiently and will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State of Michigan, including the making and collection of sufficient rates for parking and the segregation and application of the revenues of the System in the manner provided in this Ordinance. The City will, from time to time, make all needful and proper repairs, replacements, additions and betterments to the equipment and facilities of the System, so that it may at all times be operated properly and advantageously and, whenever any parking meter or any other equipment or facility of the System shall have been worn out, destroyed or otherwise unfit for proper use, it shall be promptly replaced or repaired, so that the value and efficiency of the System shall at all times be fully maintained, and the City further convenants and agrees that it will enforce parking regulations on its public streets and the municipal parking lots of the System, and for that purpose will maintain, amend or adopt the necessary penal ordinance or ordinances to permit such enforcement.

(b) The City will maintain and keep proper books of record and account, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. Not later than three (3) months after the close of each operating year, the City Commission will cause to be prepared, on forms furnished by the Municipal Finance Commission, if such forms be available, a statement in reasonable detail, sworn to by its chief accounting officer, showing the cash income and disbursements of the System at the beginning and close of the operating year and such other information as may be necessary to enable any taxpayer of the City, user of the service furnished, or any holder or owner of the bonds, or anyone acting in their behalf, to be fully informed as to all matters pertaining to the financial operation of the System during such year. A certified copy of such statement shall be filed with the Municipal Finance Commission and such statement and books of record and account, shall, at all reasonable times, be open to inspection by any taxpayer of the City, user of the service, or holder or holders of any bonds, or anyone acting in their behalf. The City Commission will also cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant within ninety (90) days from the close of such operating year. Said annual audit shall be in such reasonable detail as will present the full financial condition of the System to the holders of the bonds and shall include the auditor's comments on the manner in which the management of the System has complied with the provisions of this Ordinance relating to the setting aside of moneys in the several funds established by Section 13 of this Ordinance, the acquisition of public liability and property damage insurance, and such other matters as an auditor might normally audit. A certified copy of such audit shall be sent each year to the manager of the syndicate or account purchasing the bonds herein authorized and the manager of the syndicate or account purchasing any bonds which may be hereafter authorized.

(c) The City will maintain and carry sufficient public liability and property damage insurance covering the operation of its various parking lots and facilities to protect the System against substantial loss or damage.

(d) The City will not sell, lease or dispose of the System or any substantial part thereof until all of the bonds have been paid in full, both as to principal and interest. The City will operate and maintain the System and all its component parts, including parking meters, parking lots and other equipment and facilities in accordance with the provisions of this Ordinance until all of the bonds have been paid in full, both as to principal and interest, and will take no action in relation to such System which would unfavorably effect either the security of the bonds or the prompt payment of principal and interest thereon.

(e) The holders of the bonds from time to time shall be entitled to exercise all rights and powers for which provision is made in Act 94, Public Acts of Michigan, 1933, as amended, including the right to apply for the appointment of a receiver for the System, in all respects as though said rights and powers were herein set out in full.

(f) The City agrees that during the time the bonds herein authorized are outstanding that it will not reduce the number of parking meters in said System below the number now installed or to be installed under this Ordinance, if such reduction would reduce the net revenue of the System below a sum equal to one hundred fifty (150%) per cent of the largest amount of principal and interest thereafter maturing in any fiscal year on all bonds then outstanding or authorized, which are payable from the net revenues of the System. Street parking meters are now located on the streets designated in Ordinance No. 405, and meter 442 parking spaces. Minor changes in the location of street meters may be made where necessary to facilitate the flow of traffic if such changes will not materially reduce the gross revenues.

Section 17. The statutory lien on the revenues for which provision is made in Section 8 of Act 94, Public Acts of Michigan, 1933, as amended, is hereby recognized and created in favor of the holders of the bonds and the interest coupons pertaining thereto. Such lien shall continue in existence until the payment in full of principal of and interest on the bonds and may be enforced in the manner for which provision is made in Section 9 of Act 94, aforesaid.

Section 18. The right is reserved to issue additional bonds having equal standing and priority of lien with the bonds of this authorized issue, but only for the following purposes and on the following conditions:

(a) To complete the acquisition and improvement of Municipal Parking Lot No. 1 in accordance with the plans and specifications therefor.

(b) To acquire and construct additional off-street parking facilities to be located in the area generally described as follows:

Municipal Parking Lot No. II: To be located on the north side of Martin Street between Bates and Henrietta Streets and to consist of all or parts of lots 25 through 30 of Merrill's Plat of the City of Birmingham.

Municipal Parking Lot No. III: To be located in the area north of Maple Road between Woodward Avenue and Hunter Boulevard in said City of Birmingham, either north or south of Hamilton Avenue.

Provided, however, that the total amount of bonds issued and outstanding for the purpose of acquiring or constructing **Municipal Parking Lot No. I, Municipal Parking Lot No. II and Municipal Parking Lot No. III**, shall never at any one time exceed in aggregate principal amount the sum of Four Hundred Thousand ($400,000.00) Dollars, with aggregate serial maturities not exceeding the following, to-wit:

$10,000.00 July 1, 1958;

$15,000.00 July 1st of each year from 1959 to 1961, inclusive;

$20,000.00 July 1st of each year from 1962 to 1969, inclusive;

$25,000.00 July 1st of each year from 1970 to 1974, inclusive;

$30,000.00 July 1st of each year of the years 1975 and thereafter.

(c) For acquiring, constructing and making available for public use additional parking lots or structures, or improving and extending parking lots or structures already acquired: Provided, however, that such additional bonds shall not be issued unless the average net revenues for the then last two (2) preceding operating years of the System, or the net revenues for the last preceding operating year, whichever shall be the lower, shall be equal to at least one hundred fifty (150%) per cent of the largest amount of principal and interest thereafter maturing in any operating year on the bonds herein authorized for constructing **Municipal Parking Lot No. I, Municipal Parking Lot No. II, and Municipal Parking Lot No. III**, on any previously issued and outstanding bonds of equal standing and priority of lien, and on such additional bonds then being issued. Permission of the Municipal Finance Commission (or such other Commission as shall have jurisdiction over the issuance of municipal bonds) to issue such additional bonds, shall constitute a conclusive presumption of the existence of conditions permitting the issuance thereof.

No additional bonds of equal standing shall be issued pursuant to the authorization contained in this Section if the City shall then be in default in making its required payments to the Operation and Maintenance Fund or the Bond and Interest Redemption Fund.

Section 19. Said bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF BIRMINGHAM
AUTOMOBILE PARKING SYSTEM
REVENUE BOND, SERIES I

No. $1,000.00

KNOW ALL MEN BY THESE PRESENTS that the CITY OF BIRMINGHAM, Oakland County, Michigan, for value received hereby promises to pay to bearer, or if registered, to the registered holder hereof, but only out of the revenues hereinafter specified, the sum of

ONE THOUSAND DOLLARS

on the first day of July, A. D., 19.., with interest thereon from the date hereof until paid at the rate of ---- per cent per annum, payable on July 1, 1955, and semi-annually thereafter on the first day of January and July of each year, on presentation and surrender of the proper interest coupons hereto annexed as they severally become due. Both principal of and interest on this bond are payable in lawful money of the United States of America at ...., Michigan, and for the prompt payment thereof, the gross revenues of the City of Birmingham Automobile Parking System, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance, are hereby irrevocably pledged, and a statutory first lien thereon is hereby created.

This bond is one of a series of two hundred sixty (260) bonds of even date and like tenor, except as to date of maturity .... aggregating the sum of $260,000.00, issued pursuant to Ordinance No. ----, duly adopted by the City Commission on ...., 1954, and now in full force and effect, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying part of the cost of the acquisition and construction of an additional municipal off-street parking lot for the Automobile Parking System of the City of Birmingham. For a complete statement of the revenues and conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinance.

This bond is a self-liquidating bond and is not a general obligation of the City of Birmingham and does not constitute an indebtedness of the City of Birmingham within any constitutional or statutory limitations and is payable, both as to principal and interest, solely from the revenues of said Automobile Parking System. The principal and interest on this bond are secured by the statutory lien hereinbefore mentioned.

Bonds numbered 161 to 260, inclusive, maturing in the years 1970 to 1973, inclusive, shall be subject to redemption prior to maturity at the option of the City, in inverse numerical order on any interest payment date on or after January 1, 1956, but only out of funds other than net income, if such redemption is made prior to January 1, 1960.

Bonds numbered 21 to 260, inclusive, maturing in the years 1960 to 1973, inclusive, shall be subject to redemption prior to maturity at the option of the City, out of any funds available for such purpose, in inverse numerical order on any interest payment date on or after January 1, 1960.

Bonds called for redemption in accordance with the foregoing provisions shall be redeemed at par and accrued interest plus a premium as follows:

$30.00 on each bond called for redemption prior to January 1, 1960.

$25.00 on each bond called for redemption on or after January 1, 1960, but prior to January 1, 1963.

$20.00 on each bond called for redemption on or after January 1, 1963, but prior to January 1, 1966.

$15.00 on each bond called for redemption on or after January 1, 1966, but prior to January 1, 1969.

$10.00 on each bond called for redemption on or after January 1, 1969, but prior to January 1, 1972.

$5.00 on each bond called for redemption on or after January 1, 1972, but prior to maturity.

Thirty days' notice of the call of any bonds for redemption shall be given by publication of such notice in a newspaper or publication circulated in the State of Michigan which carries as part of its regular service, notices of sale of municipal bonds and in case of registered bonds, thirty days' notice shall be given by mail to the registered address. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

The City of Birmingham has covenanted and agreed, and does hereby covenant and agree, to maintain at all times while any of said bonds are out-