

AMENDMENT TO BOND ORDER AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA (FEMA GRANTS PROJECT)

WHEREAS, the Board of Aldermen (the “*Board*”) of the Town of North Topsail Beach, North Carolina (the “*Town*”) previously determined that it was in the best interest of the Town to approve the issuance of special obligation bonds through the adoption of a bond order on February 3, 2022 (the “*Original Bond Order*”) and issue its Variable Rate Special Obligation Bond (FEMA Grants Project), Series 2022A (the “*2022A Bond*”) pursuant to Article 7A of Chapter 159 of the General Statutes of North Carolina (the “*Authorizing Statute*”) and the Original Bond Order;

WHEREAS, the proceeds of the 2022A Bond were used to finance the costs of the first segment of Phase 5 of certain beach erosion control and flood and hurricane protection works to be constructed in a municipal service district in the Town related to the repair of damage from Hurricanes Florence and Dorian, which includes the excavation, transport, placement, and grading of approximately 289,000 cubic yards of beach quality sand along approximately 12,175 feet of the Town’s shoreline (the “*2022A Project*”);

WHEREAS, the Board has determined there is a present need to issue its Variable Rate Special Obligation Bond (FEMA Grants Project), Series 2022C (the “*2022C Bond*”) pursuant to the Authorizing Statute and a bond order adopted by the Board on October 5, 2022 to finance the costs of the second segment of Phase 5 of beach erosion control and flood and hurricane protection works related to the repair of damage from Hurricanes Florence and Dorian, which includes the excavation, transport, placement, and grading of approximately 290,000 cubic yards of beach quality sand along approximately 6,800 feet of the Town’s shoreline; and

WHEREAS, because the 2022A Bond and the 2022C Bond are each secured by the same federal and state grant funds related to Hurricanes Florence and Dorian, the Board has determined that it is in the best interest of the Town to amend the Original Bond Order to specify that the secured sources under the Original Bond Order related to federal or state grant funds pertain solely to federal or state grant funds that are allocable to the 2022A Project.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, AS FOLLOWS:

Section 1. All references to “Special Obligation Bonds” in the Original Bond Order are amended to read the “2022A Bond” as such term is defined herein.

Section 2. All references to the “Current Project” in the Original Bond Order are amended to read the “2022A Project” as such term is defined herein.

Section 3. Section 3 of the Original Bond Order is modified to read as follows:

The 2022A Bond shall be a special obligation of the Town and the principal of, and interest and premium on, such 2022A Bond shall be secured solely by the following sources:

- (a) amounts received by the Town from the State of North Carolina as approved pursuant to U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) Federal grants for the State of North Carolina associated with Hurricane Florence - FEMA-DR-4393-NC (Hurricane Florence), including the amounts received by the Town from the State of North Carolina as the State of North Carolina’s matching portion of the Federal grants, for which the Town requested reimbursement for expenses related to the 2022A Project;

(b) amounts received by the Town from the State of North Carolina as approved pursuant to U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) Federal grants for the State of North Carolina associated with Hurricane Dorian - FEMA-DR-4465-NC (Hurricane Dorian), including the amounts received by the Town from the State of North Carolina as the State of North Carolina's matching portion of the Federal grants, for which the Town requested reimbursement for expenses related to the 2022A Project;

(c) amounts on deposit in the North Topsail Beach FEMA Beach Nourishment 2022A Loan Fund and North Topsail Beach FEMA Beach Nourishment 2022A Sinking Fund created in accordance with an issuance resolution adopted by the Board on February 3, 2022 and effective on the date of its adoption;

(d) one or more additional sources of funds identified by the Board in future proceedings of the Board, so long as (i) the pledge of such sources does not constitute a pledge of the taxing power of the Town and (ii) the pledge of such sources is first approved by the Local Government Commission of North Carolina as set forth in Article 7A of Chapter 159 of the General Statutes of North Carolina.

Section 4. This amendment to the Original Bond Order shall take effect on its adoption.

STATE OF NORTH CAROLINA)
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COUNTY OF ONSLOW) SS:

*I, MELINDA MIER, Town Clerk of the Town of North Topsail Beach, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a bond order entitled “AMENDMENT TO BOND ORDER AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA (FEMA GRANTS PROJECT)”* adopted by the Board of Aldermen of the Town of North Topsail Beach, North Carolina, at a meeting held on the 5th day of October, 2022.

WITNESS my hand and the corporate seal of the Town of North Topsail Beach, North Carolina, this the ___ day of October, 2022.

[SEAL]

Melinda Mier
Town Clerk
Town of North Topsail Beach, North Carolina