

ORDINANCE NO. 40

AN ORDINANCE TO CONTRACT AN INDEBTEDNESS ON BEHALF OF THE TOWN OF NUCIA, COLORADO, AND UPON THE CREDIT THEREOF, BY ISSUING NEGOTIABLE COUPON BONDS OF SAID TOWN IN THE PRINCIPAL SUM OF \$55,000, FOR THE PURPOSE OF EXTENDING AND IMPROVING THE WATERWORKS SYSTEM OF SAID TOWN, PRESCRIBING THE FORM OF SAID BONDS, PROVIDING FOR THE LEVY OF TAXES AND FOR THE APPLICATION OF THE NET REVENUES OF SUCH SYSTEM TO PAY SAID BONDS AND THE INTEREST THEREON, AND DECLARING AN EMERGENCY.

WHEREAS, a majority of the voters of the Town of Nucla, Colorado, who were taxpayers under the law, voting on the question at a municipal election held in said Town on the 15th day of July, 1955, by their vote approved and authorized the Board of Trustees of said Town to erect a system of waterworks for fire and domestic purposes, the same to be owned and operated by the Town; and

WHEREAS, the said Town did erect and ever since said time has owned, operated and maintained a system of waterworks for the purpose of supplying said Town and its inhabitants with water for fire and domestic purposes; and

WHEREAS, it is necessary to extend and improve the waterworks system in order to supply the said Town and the inhabitants thereof with a proper and adequate supply of water; and

WHEREAS, there are not sufficient funds in the treasury of said Town to provide for such purpose, and the Board of Trustees deems it advisable and necessary to issue negotiable coupon bonds of said Town for that purpose;

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCIA, MONTROSE COUNTY, COLORADO:

Section 1. That for the purpose of providing funds for supplying said Town with water by improving and extending the waterworks system of the Town, the Town shall issue the negotiable coupon bonds thereof in the principal sum of \$55,000, dated April 1, 1954, consisting of 55 bonds in the

denomination of \$1,000 each, numbered 1 to 55, inclusive, payable in lawful money of the United States of America, bearing interest from and after date, payable semi-annually on the 1st day of April and the 1st day of October of each year, evidenced by interest coupons attached to said bonds, and maturing on October 1st, as follows:

<u>Amount</u>	<u>Maturity</u>	<u>Interest Rate</u>
\$3,000	1955 to 1959, incl.	4 ¹ / ₂ %
\$5,000	1960 to 1967, incl.	5%

Bonds maturing in the years 1965 and thereafter being redeemable at the option of the Town on October 1, 1964, and on interest payment dates thereafter in inverse numerical order. Said bonds shall be signed by the Mayor, countersigned and attested by the Town Clerk and Treasurer, and shall be recorded in a book kept by said Town Clerk for that purpose. All coupons shall bear the facsimile signature of the Treasurer of said Town.

Section 2. That the said bonds and the coupons attached thereto shall be in substantially the following form, to-wit:

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MONTROSE

TOWN OF NUCIA
WATER EXTENSION BOND

No. _____ \$1,000

The Town of Nucla, in the County of Montrose and State of Colorado, acknowledges itself indebted and hereby promises to pay to the bearer hereof the sum of

ONE THOUSAND DOLLARS

on the 1st day of October, 19____, with interest thereon at the rate of _____ per centum (____%) per annum, payable semi-annually on the 1st day of April and the 1st day of October of each year, both principal and interest being payable in lawful money of the United States of America, at the office of the Town Treasurer, in Nucla, Colorado.

(The following clause to be inserted in bonds maturing in the years 1965 and thereafter.)

This bond is redeemable at the option of the Town on October 1, 1964, and on interest payment dates thereafter, in its inverse numerical order in the issue of which it is one.

This bond is issued by the Board of Trustees of the Town of Nucla,

It is hereby certified and recited that all the requirements of law have been fully complied with by the proper officers of said Town in the issuance of this bond; that the total debt of the Town, including that of this bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State of Colorado, and that provision has been made for the levy and collection of an annual tax and for the application of net revenues of such waterworks system sufficient to pay the interest on and principal of this bond when the same become due.

The faith and credit of the Town of Nucla, Colorado, are hereby pledged for the punctual payment of the principal of and interest on this bond.

IN TESTIMONY WHEREOF, the Board of Trustees of the Town of Nucla, Colorado, has caused this bond to be signed by the Mayor of said Town, sealed with the seal of the Town, attested and countersigned by the Town Clerk and Treasurer, and the coupons hereto attached to be signed with the facsimile signature of the Town Treasurer as of the 1st day of April, 1954.

(S E A L)

Mayor

ATTESTED AND COUNTERSIGNED:

Town Clerk and Treasurer
(Form of Coupon)

No. _____

\$ _____

April, _____, *(unless the bond to
On the first day of October, A. D. 19_____,

which this coupon is attached has been called for prior redemption) the Town of Nucla, in the County of Montrose and State of Colorado, will pay to bearer

_____ DOLLARS

in lawful money of the United States of America, at the office of the Town Treasurer, in Nucla, Colorado, being six months' interest on its Water Extension Bond, dated April 1, 1954, bearing

Section 3. The Mayor and Town Clerk are hereby directed to deliver said bonds to the purchaser thereof upon receipt of the purchase price therefor. The proceeds of said bonds shall be used for the purpose of supplying the said Town and its inhabitants with water by extending and improving the waterworks system of the Town, and for no other purpose whatever, but neither the original purchaser of said bonds, nor the subsequent holder of any of them shall be in any way responsible for the application or disposal of the Town, or any of its officers, of any of the funds derived from the sale thereof.

Section 4. The interest due on said bonds on October 1, 1954, shall be advanced from the water or other funds of the Town available therefor. For the purpose of reimbursing such funds, and for paying the interest on said bonds as it shall thereafter become due, and providing for the ultimate redemption of said bonds, there shall be levied on all the taxable property in said Town, in addition to all other taxes, direct annual taxes in each of the years 1954 to 1966, inclusive, sufficient to reimburse such advance and to pay the interest on and principal of said bonds as the same become due and payable, respectively. Said taxes, when collected, shall be applied solely to the purpose of the payment of the interest on and principal of said bonds, and for no other purpose whatever, until the indebtedness so contracted under this Ordinance, both principal and interest, shall have been fully paid, satisfied and discharged.

Notwithstanding the foregoing provisions for tax levies, the Town shall apply to the payment of said bonds and the interest thereon, all of the revenues of said waterworks system as extended and improved, after the payment of reasonable costs of maintenance and operation. Such net revenues are irrevocably pledged for such purpose and the owners and holders of said bonds shall have a first and prior lien thereon. Upon the application of such net revenues or of any other funds that may be in the Town Treasury and available

for that purpose, to the payment of said interest or principal, as the same respectively mature, the levy or levies herein provided may thereupon to that extent be diminished. The sums herein provided to meet the interest on said bonds and to discharge the principal thereof when due, are hereby appropriated for that purpose, and said amounts for each year shall also be included in the annual budget and the appropriation bills to be adopted and passed by the Board of Trustees of said Town, in each year respectively.

Section 5. It shall be the duty of the Board of Trustees of said Town, annually, at the time and in the manner provided by law for levying other Town taxes, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levying and collection of taxes; and said Town shall levy, certify and collect such taxes in the manner provided by law, for the purpose of creating a fund for the payment of the principal of said bonds and the interest thereon, and such taxes, when collected, shall be kept for and applied only to the payment of the interest on and principal of said bonds, as hereinabove specified.

Section 6. All ordinances or parts thereof, in conflict with this Ordinance, are hereby repealed.

Section 7. After said bonds are issued, this Ordinance shall be and remain ir repealable until said bonds and the interest thereon shall have been fully paid, satisfied and discharged.

Section 8. This Ordinance, immediately on its passage, shall be recorded in the Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk, and shall be posted in three public places in said Town.

Section 9. By reason of the fact that said improvements and extensions are imperatively needed in order that the Town and its inhabitants may

be properly and adequately supplied with water, it is hereby declared that an emergency exists and that this Ordinance is necessary to the immediate preservation of the public health, peace and safety, and shall be in full force and effect five days after posting.

ADOPTED AND APPROVED This 25th day of February, 1954.

Stephan A. Strasser
Mayor

(S E A L)

ATTEST:

Naida Stephens
Town Clerk

It was then moved by Trustee Shell, and seconded by Trustee Fagan, that all rules of the Board which, unless suspended, might prevent the final passage and adoption of said Ordinance at this meeting, be and the same are hereby suspended for the purpose of permitting the final passage and adoption of said Ordinance at this meeting.

The question being upon the adoption of said motion and the suspension of the rules, the roll was called with the following result:

Those voting AYE:

Clerk: Naida Stephens

Trustees: Imogene Fagan

Walter A. Burns

Gifford C. Templeton

Andrew F. Ubell

Clarence L. Walisky

Those voting NAY: None - one trustee's office not filled due to resignation prior to this meeting
members of the Board of Trustees having voted in favor of said motion, the presiding officer declared said motion carried and the rules suspended.

Whereupon Trustee Fagan moved that said Ordinance be passed and adopted as read.

Trustee Shell seconded the motion and the question being upon the final passage and adoption of said Ordinance, the roll was called with the following result:

Those voting AYE:

5 members of the Board having voted in favor of the passage and adoption of said Ordinance, the presiding officer thereupon declared said Ordinance was duly passed and adopted.

On motion duly adopted, it was ordered that said Ordinance be numbered 42, and that after its approval by the Mayor and attestation by the Town Clerk, it be posted as in said Ordinance designated and recorded by the Town Clerk in the Ordinance Book according to law.

Thereupon Trustee Burns introduced and moved the adoption of the following resolution, which resolution was read in full and is as follows, to-wit:

R E S O L U T I O N

WHEREAS, there is no newspaper published or of general circulation in the Town of Nucla, Colorado;

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO:

That all ordinances hereafter adopted, including Ordinance No. 42, adopted the 25th day of February, 1954, shall be published by posting in the three following public and conspicuous places within the Town of Nucla, Colorado:

1. George S. Williams Store
2. Standard Store
3. Nucla Pharmacy

as required by law.

Trustee Walinsky seconded the motion and the question being upon the passing of said resolution, the roll was called with the following result:

Those voting AYE:

Clerk::: Naida Stephens

Trustees: Imogene Fagan

Walter A. Burns

Gifford C. Templeton

Andrew F. Ubell

Clarence L. Walisky

Those voting NAY: None - one trustee's office not held due to resignation prior to this meeting.
The presiding officer declared the motion carried and said resolution

STATE OF COLORADO)
)
 COUNTY OF MONTROSE)
)
 TOWN OF NUCLA)

ss.

I, Naida Stephens, Clerk of the Town of Nucla, Colorado, do hereby certify that the foregoing 12 pages constitute a true, full and correct copy of the record of the proceedings of the Board of Trustees of said Town of Nucla, taken at a continuing meeting thereof, held at Nucla Town Hall, in said Town, being the regular meeting place of said Board, on Thursday the 25th day of February, 1954, insofar as said proceedings relate to an Ordinance and Resolution, copies of which are therein set forth; that said copies of said Ordinance and Resolution contained in said minutes, are a full, true and correct copy of the original of said Ordinance and Resolution, as adopted at said meeting; that pursuant to said Resolution, the undersigned Town Clerk, on the 2nd day of March, 1954, has caused true and correct copies of said Ordinance to be posted in the following public places in said Town, to-wit:

1. George H. Wilson's Store
2. Stambler's Store
3. Nucla Pharmacy

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Town of Nucla, Colorado, this 8th day of March, 1954.

(S E A L)

Naida Stephens
 Town Clerk