

ORDINANCE NO. 82

AN ORDINANCE TO CONTRACT AN INDEBTEDNESS ON BEHALF OF THE TOWN OF NUCLA, COLORADO, AND UPON THE CREDIT THEREOF, BY ISSUING BONDS OF SAID TOWN IN THE AMOUNT OF \$70,000.00 FOR THE IMPROVEMENT AND EXTENSION OF THE WATERWORKS SYSTEM OF SAID TOWN; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVYING OF TAXES TO PAY THE SAME; PROVIDING OTHER DETAILS CONCERNING SAID BONDS AND SAID SYSTEM; RATIFYING ALL ACTION HERETOFORE TAKEN IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Nucla now owns and operates a waterworks system; and

WHEREAS, the present waterworks system is inadequate, and in order that the present and future needs of the people may be met, it is necessary to purchase and construct additions thereto in order to supply 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 the necessary extensions and improvements to said waterworks system, and the Board of Trustees of said Town deems it advisable and necessary to issue coupon bonds of the said Town to provide funds with which to defray in whole or in part the cost of supplying the Town and its inhabitants with a proper and adequate supply of water, pursuant to Section 139-32-1(7), Colorado Revised Statutes, 1953, and all laws supplemental thereto; and

WHEREAS, said Board of Trustees of the Town of Nucla has determined, and does hereby determine:

(1) That the interest of the Town and the public demand:

(a) The improvement and extension of the municipal waterworks system; and

(b) The creation of a bonded indebtedness in the principal amount of \$70,000.00 to defray the cost of such improvements and extensions.

(2) That the estimated life of the said facilities to be so acquired with the proceeds derived from the issuance of said bonds is more than twenty years from the date of said bonds.

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

Section 1. That all action heretofore taken (not inconsistent with the provisions of this ordinance) by the Town of Nucla, and the officers of the Town, directed toward the supplying of said Town with water by the improvement and extension of the municipal waterworks system, and toward the issuance of its bonds for that purpose be, and the same hereby is, ratified, approved and confirmed, including, without limiting the generality of the foregoing, the sale of said bonds to Hanifan, Imhoff & Samford, Inc., Denver, Colorado.

Section 2. That for the purpose of providing funds for the adequate supplying of the Town with water by improving and extending the municipal waterworks system, the Town of Nucla shall issue its negotiable, coupon "Town of Nucla, General Obligation Water Improvement Bonds, Series June 1, 1962," consisting of 70 bonds numbered consecutively from 1 to 70, both inclusive, dated the first day of June, 1962, in the denomination of \$1,000.00 each, bearing interest at the rates hereinafter indicated, payable on the first day of December, 1962, and semiannually thereafter on the first days of June and December in each year, as evidenced from date to maturity by one set of coupons attached to said bonds, both principal and interest being payable at the Office of the Town Treasurer, Nucla, Colorado, being numbered, bearing interest and maturing in regular numerical order on the first day of June, as follows:

<u>Bond Numbers</u> <u>(All Inclusive)</u>	<u>Amounts</u> <u>Maturing</u>	<u>Interest Rate</u> <u>(Per Annum)</u>	<u>Years</u> <u>Maturing</u>
1 - 2	\$2,000.00	3-3/4%	1963
3 - 4	2,000.00	3-3/4%	1964
5 - 6	2,000.00	3-3/4%	1965
7 - 8	2,000.00	3-3/4%	1966
9 - 10	2,000.00	3-3/4%	1967
11 - 12	2,000.00	4%	1968
13 - 14	2,000.00	4%	1969
15 - 16	2,000.00	4%	1970
17 - 18	2,000.00	4%	1971
19 - 20	2,000.00	4%	1972
21 - 22	2,000.00	4-1/4%	1973
23 - 25	3,000.00	4-1/4%	1974
26 - 35	10,000.00	4-1/4%	1975
36 - 45	10,000.00	4-1/4%	1976
46 - 55	10,000.00	4-1/4%	1977
56 - 70	15,000.00	4-1/2%	1978

Section 3. That said bonds numbered 21 through 70, maturing on and after the first day of June, 1973, are subject to prior redemption in inverse numerical order, at the option of the Town, on the first day of June, 1972, or on any interest payment date thereafter, at a price equal to the principal amount thereof with accrued interest to the redemption date, together with a premium of three per centum (3%) of the principal amount so redeemed. Notice of the redemption shall be given by the Treasurer of the Town, in the name of the Town of Nucla, by publication of such notice at least once, not less than thirty days prior to the redemption date, in a newspaper of general circulation in said Town, and a copy of such notice shall be sent by registered mail, at least thirty days prior to the redemption date, to Hanifen, Imhoff & Samford, Inc., Denver, Colorado. Such notice shall specify the number or numbers of the bonds, if less than all are to be redeemed, and the date fixed for redemption, and shall further state that on such redemption date there will be due and payable upon each bond so to be redeemed at the Office of the Town Treasurer the principal amount thereof with accrued interest to the redemption date, and the stipulated premium, and that from and after such date, interest will cease to accrue.

Notice having been given in the manner hereinbefore provided

the bond or bonds so called for redemption shall become due and payable on the redemption date so designated and upon presentation thereof, at the Office of the Town Treasurer, together with all appurtenant coupons maturing subsequent to the redemption date, the Town of Nucla will pay the bond or bonds so called for redemption.

Section 4. That the bonds hereby authorized shall be fully negotiable and shall have all the qualities of negotiable paper, and the holder or holders thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Negotiable Instruments Law. Said bonds shall be executed in the name of said Town, signed by its Mayor, with the seal of the Town thereunto affixed and attested by the Town Clerk, shall be countersigned by the Town Treasurer, and shall be recorded in a book kept by the Town Clerk for that purpose. The interest coupons attached to said bonds shall be executed with the facsimile signature of the Town Treasurer, and shall be recorded in a book kept by the Town Clerk for that purpose. The interest coupons attached to said bonds shall be executed with the facsimile signature of the Town Treasurer of the Town of Nucla, which official, by the execution of said bonds, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons. Said bonds and the coupons bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the Town of Nucla, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices.

Section 5. That the said bonds and the coupons thereto attached shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MONTROSE

TOWN OF NUCLA
GENERAL OBLIGATION WATER IMPROVEMENT BOND
SERIES JUNE 1, 1962

NO. _____

\$1,000.00

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

for value received, on the first day of June, 19____, with interest thereon at the rate of

three and three-fourths per centum (3-3/4%)

* four per centum (4%)

four and one-fourth per centum (4-1/4%)

*

four and one-half per centum (4-1/2%)

payable December 1, 1962, and semiannually thereafter on the first days of June and December in each year, upon presentation and surrender of this bond and of the annexed coupons as they severally become due, both principal and interest being payable in lawful money of the United States of America at the Office of the Town Treasurer, Nucla, Colorado. If this bond remains unpaid at maturity, interest shall continue until paid at the rate herein designated.

** (This bond is subject to prior redemption, at the option of the Town of Nucla, on June 1, 1972, or on any interest payment date thereafter, at a price equal to the principal amount thereof, with accrued interest to the redemption date and a premium of three per centum (3%) hereof. Redemption shall be made upon not less than thirty days' prior notice by publication in a newspaper of general circulation in the Town of Nucla, Colorado, in the manner and upon the conditions provided in the ordinance authorizing the issuance of this bond.)**

This bond is issued by the Board of Trustees of the Town of Nucla for the purpose of supplying said Town with water by improving and extending the municipal water-works system in said Town under the authority of and in full conformity with the Constitution of the State of Colorado, the provisions of Section 139-32-1(7), Colorado Revised Statutes, 1953, and all acts amendatory thereof and supplemental thereto, and pursuant to an ordinance of said Town duly adopted, published and made a law of said Town prior to the issuance of this bond.

It is hereby certified and recited that all the requirements of law have been fully complied with by the proper officers in the issue of this bond, and 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 annual taxes sufficient to pay the interest on and the principal of this bond when the same become due.

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

IN TESTIMONY WHEREOF, the Board of Trustees of the Town of Nucla has caused this bond to be executed in the name of said Town, signed by its Mayor, with the seal of the Town hereunto affixed and attested by the Town Clerk, and countersigned by its Treasurer, and has caused the interest coupons hereto attached to be executed with the facsimile signature of the Town Treasurer, which official by the execution of this bond does adopt as and for his own proper signature his facsimile signature appearing on said coupons, all as of the first day of June, 1962.

(Do Not Sign)

Mayor

(SEAL)

Attest:

(Do Not Sign)
Town Clerk

Countersigned:

(Do Not Sign)
Town Treasurer

*(Insert proper interest rate from schedule on page 4.)

** (Insert in bonds numbered 21 through 70, maturing on and after June 1, 1973.)

(End of Form of Bond)

(Form of Coupon)

Coupon No. _____	\$18.75	\$21.25
	\$20.00	\$22.50

On the first day of June, 19__, *(unless the bond to 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 the bearer hereof the amount herein designated at the Office of the Town Treasurer, Nucla, Colorado, being six months' interest on its Town of Nucla, General Obligation Water Improvement Bond, Series June 1, 1962, and bearing Bond No. _____

(Facsimile Signature)
Town Treasurer

*(Insert in all coupons maturing on and after December 1, 1972.)

Section 6. That when said bonds have been duly executed, the Treasurer of the Town of Nucla shall deliver them to said Hanifen, Imhoff & Samford, Inc., the lawful purchasers thereof, on receipt of the agreed purchase price. The funds raised thereby shall be applied solely to the purpose aforesaid and for no other purpose whatsoever, but the purchasers of said bonds in no manner shall be responsible for the application or disposal by said Town, or any of its officers, of any of the funds derived from the sale thereof.

Section 7. That for the purpose of providing the necessary funds to meet the interest accruing on said bonds as the same becomes due, and for the purpose of providing for the payment of said bonds as they serially mature, there shall be levied on all the taxable property in the Town of Nucla, in addition to all other taxes, direct annual taxes sufficient in amount to pay said principal and interest promptly as the same become due, and said taxes when collected shall be deposited in a special fund to be kept separate and apart from all other accounts and to be known as the "Town of Nucla, Water Improvement Bond, General Tax Redemption Fund, Series June 1, 1962," and such fund shall be applied solely for the purpose of the payment of the interest on and the principal of said bonds, respectively, 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.

Nothing herein contained shall be so construed as to prevent said Town from applying any other funds that may be in the treasury and available for that purpose, to the payment of said interest or principal as the same respectively mature; and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished. The sums produced by the levies hereinabove provided to meet the interest on said bonds and to discharge the principal thereof when due are hereby applied for that purpose, and said amounts for each year shall 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 8. That 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 Board shall require the officers of and for said Town to levy, extend 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 interest thereon, and such taxes, when collected, shall be kept for and applied only to the payment of the interest and principal of said bonds as hereinbefore specified.

Section 9. That the officers of the Town of Nucla be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance, including, without limiting the generality of the foregoing, the printing of said bonds and the execution of such certificates as may be required by the purchasers thereof relating to the signing of the bonds, the tenure and identity of the municipal officials, the assessed valuation and indebtedness of the Town of Nucla, the receipt of the bond purchase price, and the absence of litigation, pending or threatened, if in accordance with the facts, affecting the validity thereof.

Section 10. That the provisions of this ordinance shall constitute an irrevocable contract between the Town of Nucla and the holder or holders of the bonds issued hereunder, and after the issuance of any of the bonds hereby authorized, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner.

Section 11. That if any one or more sections, sentences, clauses or parts of this ordinance shall for any reason be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions

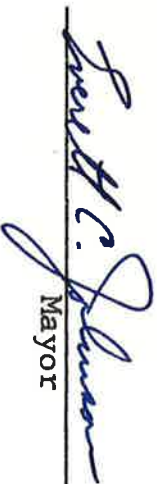
of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instances.

Section 12. That all ordinances, resolutions, by-laws and regulations of the Town of Nucla, in conflict with this ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, by-law, or regulation, or part thereof, heretofore repealed.

Section 13. That this ordinance, immediately on its final passage, shall be recorded in the Town book of ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk, and shall be published in the Nucla Forum, a weekly newspaper published and of general circulation in said Town.

Section 14. That by reason of the fact that the Town and its inhabitants are not properly or adequately supplied with sufficient water at the present time, an emergency is declared to exist, and this ordinance shall be in full force and effect five days after publication.

ADOPTED AND APPROVED this 8th day of May, 1962.



Mayor

(SEAL)

Attest:



Town Clerk

It was then moved by Trustee Brown and seconded by Trustee Scott that all rules of this Board which might prevent, unless suspended, the final passage and adoption of this ordinance at this meeting be, and the same are hereby, suspended for the purpose of permitting vote on 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: Everett C. Johnson
Eldred Staats
Victor B. Brown
Harry M. Johnson
W. A. Scott
Dale Woods

Those Voting Nay: None

All members of the Board of Trustees having voted in favor of said motion, the presiding officer declared said motion carried and the rules suspended.

Trustee Staats then moved that said ordinance be passed and adopted as read. Trustee Woods seconded the motion.

The question being upon the passage and adoption of said ordinance, the roll was called with the following result:

Those Voting Aye: Everett C. Johnson
Eldred Staats
Victor B. Brown
Harry M. Johnson
W. A. Scott
Dale Woods

Those Voting Nay: None

The presiding officer thereupon declared that at least three-fourths of all the Trustees elected having voted in favor thereof, the said motion was carried and the said ordinance duly passed and adopted.

On motion duly adopted, it was ordered that said ordinance be numbered 82, and after approval by the Mayor, shall be published and recorded according to law.



Mayor

(SEAL)

Attest:



Town Clerk

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

I, Mrs. Alice F. Case, Town Clerk of the Town of Nucla, Colorado, do hereby certify:

1. That the foregoing pages numbered 1 to 14, both inclusive, are a full, true and correct copy of the record of the proceedings of the Board of Trustees of said Town, taken at a regular meeting thereof, held on Tuesday, the 8th day of May, 1962, so far as said minutes relate to an ordinance, a copy of which is therein set forth; that said copy of said ordinance contained in said minutes is a full, true and correct copy of the original of said ordinance as passed by the Board of Trustees at said meeting; and that said original ordinance has been duly authenticated by the signatures of the presiding officer of said Board of Trustees and myself as Clerk and Recorder of said Town, and sealed with the corporate seal of said Town, signed and approved by the Mayor thereof and recorded in the book of ordinances of said Town kept for that purpose in my office, which record has been duly signed by the said officers and sealed with the seal of said Town.

2. That said ordinance was on the 24th day of May, 1962, published in full in the Nucla Forum, a newspaper published and of general circulation in the Town of Nucla.

3. That the Mayor and 5 members of the Board of Trustees were present at said meeting, and that 5 members of said Board voted on the passage of said ordinance, as in said minutes set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town this 25 day of May, 1962.

Alice F. Case