

ORDINANCE NUMBER 90

AN ORDINANCE TO CONTRACT AN INDEBTEDNESS ON BEHALF OF THE TOWN OF ARRIBA, COLORADO, AND UPON THE CREDIT THEREOF BY ISSUING BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$14,000.00 FOR THE PURPOSE OF SUPPLYING THE TOWN WITH WATER; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND DECLARING AN EMERGENCY.

WHEREAS, a majority of the voters of the Town of Arriba, Colorado, who were taxpayers under the law, voting on the question at a municipal election heretofore held in said Town, 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 Town did erect and ever since said time has owned, operated and maintained a system of waterworks for said purpose: and

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

WHEREAS, there are not sufficient funds in the treasury of said Town to pay the costs and expenses of supplying the Town with water and the Board of Trustees deems it advisable and necessary to authorize the issuance of negotiable coupon bonds of said Town in the amount of \$14,000.00 for that purpose;

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO:

Section 1. That for the purpose of paying the costs and expenses of supplying the Town of Arriba, with water by extending and improving the waterworks system, the Town shall issue general obligation negotiable coupon bonds, dated August 15, 1968, in the principal amount of \$14,000.00 consisting of 14 bonds in the denomination of \$1,000.00 each, 1 to 14, inclusive, payable in lawful money of the United

States of America, bearing interest at the rate of 4-3/4 % per annum, payable on March 1, 1969, and semi-annually thereafter on the 1st day of March and the 1st day of September, each year, and maturing on September 1, \$2,000.00 in each of the years 1969 to 1975, inclusive.

Bonds of this issue shall not be callable for redemption prior to their maturity.

Said bonds and all coupons thereto attached shall be payable at The First National Bank of Hugo, in Hugo, Colorado.

The Bonds shall be signed by the manual signature of the Mayor, sealed with the official seal of said Town, attested and countersigned by the manual signature of the Town Clerk-Treasurer, and shall be recorded in a book kept by the Town Clerk for that purpose. All interest coupons shall bear a facsimile signature of the Treasurer of said Town. Should any officer whose manual or facsimile signature appears on said bonds, or the coupons attached thereto, cease to be such officer before delivery of the bonds to the purchaser, such manual or facsimile signature shall nevertheless be valid and sufficient for all purpose.

Section 2. That the bonds and coupons attached thereto shall be in substantially the following form:

(Form of Bond)

United States Of America

State of Colorado

County Of Lincoln

TOWN OF ARRIBA

GENERAL OBLIGATION WATER BOND

No \_\_\_\_\_

\$1,000.00

The Town of Arriba, in the County of Lincoln 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 September, 19\_\_\_\_, with interest thereon at the rate of four and three-fourths per centum (4-3/4 %) per annum, payable on March 1, 1969 and semi-annually thereafter on the 1st day of March and the 1st day of September, each year, both principal and interest being

payable in lawful money of the United States of America, at The First National Bank of Hugo, in Hugo, Colorado, upon presentation and surrender of the annexed coupons and this Bond as they severally become due.

Bonds of this issue are not callable for redemption prior to maturity.

This Bond is by the Board of Trustees of the Town of Arriba, Colorado, for the purpose of supplying water to said Town and its inhabitants, by extending and improving the waterworks system of the Town, under the authority of and in full conformity with the constitution of the State of Colorado, the provisions of Chapter 139, Article 32, Colorado Revised Statutes 1963, as amended, and all other laws thereunto enabling, and pursuant to an Ordinance of said Town duly adopted, published and made a law of the 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 of the 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 annual taxes on all the taxable property in said Town, sufficient to pay the interest and the principal of this Bond when the same become due.

The full faith and credit of the Town of Arriba, Colorado, 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 Arriba, Colorado, has caused this Bond to be signed by the manual signature of the Mayor of the Town, sealed with the seal of the Town, and countersigned by the manual signature of the Town Clerk-Treasurer, and the attached coupon to be signed with a facsimile signature of the Town Treasurer as of the 15th day of August, 1968.

( SEAL )

(Do not sign)

ATTESTED AND COUNTERSIGNED:  
(do not sinn)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk-Treasurer

( Form of Interest Coupons)

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the 1st day of March 19\_\_\_\_, the Town of  
September,  
Arriba, in the County of Lincoln and State of Colorado,  
will pay the bearer \_\_\_\_\_ Dollars  
in lawful money of the Unites States of America, at the  
First National Bank of Hugo, in Hugo, Colorado, being  
interest then due on its General Obligation Water Bond dated  
August 15, 1968, bearing

No. \_\_\_\_\_

\_\_\_\_\_  
Facsimile Signature

\_\_\_\_\_  
Town Treasurer

Section 3. That when said bonds have been duly  
executed as aforesaid, they shall be sold and delivered to  
the purchaser thereof, and the proceeds thereof shall be  
used for the purpose of paying the costs and expenses of  
supplying the Town of Arriba with water and for no other  
purpose whatsoever. Neither the purchaser of said bonds  
nor any subsequent holder of any of them shall be responsible  
for the application or disposal by said Town, or any officers,  
of any of the funds derived from the sale thereof.

Section 4. If necessary, the interest to become  
due on said bonds on March 1, 1969, shall be advanced from  
the water or other funds of said Town. For the purpose of  
reimbursing such fund, and for paying interest accruing on  
said bonds promptly as the same becomes due, and for  
providing for the ultimate payment and 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 1968 to 1974, inclusive,  
sufficient to produce the principal of and interest on  
outstanding bonds as the same become due and payable.

Said taxes when collected shall be deposited in a special fund to be known as " Arriba Water Bond Fund, 1968 ", and such Fund shall be applied solely to the purpose of the payment of the interest on and the principal of said bonds and for no other purpose whatever, until the indebtedness so contracted under this Ordinance, both principal and interest, shall be fully paid, satisfied and discharged. Nothing herein contained shall be so construed as to prevent the Town from applying any other funds or revenues that may be in the Town Treasury and available for that purpose, to the payment of said interest and principal, as the respectively mature, and upon any such payments the levy or levies herein provided may thereupon be diminished to that extent.

An amount necessary to pay all costs and expenses incidental to the issuance of said bonds and the amounts hereinbefore provided to meet the interest on said bonds and to discharge the principal thereof when due, are hereby appropriated for that purpose, and said amount 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 Board shall levy, certify and collect said 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 said taxes, when collected, shall be kept for and applied only to the payment of the interest 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 irrepealable until said bonds

and the interest thereon shall have been fully paid, satisfied and discharged.

Section 8. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 9. This Ordinance, immediately on its passage, shall be recorded in the Town Book of Ordinance kept for that purpose, authenticated by the signatures of the Mayor and Clerk and shall be published as required by law.

Section 10. By reason of the facts that the Town and its inhabitants must be properly and adequately supplied with water, and that it is necessary to issue and sell bonds of the Town to pay the costs of extending and improving the waterworks system, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect five days after publication.

ADOPTED AND APPROVED This 5th day of August, 1968.

( SEAL )

A. E. Cassen

Mayor

ATTEST:

Viola H. Eberle

Town Clerk

✓