

ORDINANCE NO. 143

AN ORDINANCE TO CONTRACT AN INDEBTEDNESS ON BEHALF OF THE TOWN OF CREEDE, COLORADO, AND UPON THE CREDIT THEREOF, BY ISSUING BONDS OF SAID TOWN IN THE PRINCIPAL SUM OF THIRTY THOUSAND DOLLARS (\$30,000.00) FOR THE CONSTRUCTION OF WATER WORKS FOR FIRE AND DOMESTIC PURPOSES, PRESCRIBING THE FORM OF SAID BONDS, PROVIDING FOR THE LEVY OF TAXES AND THE PLEDGE OF WATER AND ELECTRIC LIGHT REVENUES TO PAY THE SAME AND DECLARING AN EMERGENCY

WHEREAS, A majority of the voters of the Town of Creede, who were taxpayers under the law, voting on the question at the general election held in and for the Town of Creede on the 2nd day of April, A. D. 1940, by their vote have approved and authorized the Town Board of Trustees to erect a system of water works for fire and domestic purposes, the same to be owned and operated by the Town; and

WHEREAS, At said election a majority of such qualified property electors of said Town as in the next year preceding said election had paid a property tax therein, approved Ordinance No. 141 of said Town adopting a plan for the acquisition of water works to be owned and operated by the Town, and describing the property to be acquired, the method of payment and the total obligations to be incurred; and

WHEREAS, In order that the present and future needs of the people may be met, it is necessary to erect and construct a municipal water works system in order to supply the said Town and the inhabitants thereof with a proper and adequate supply of water for fire and domestic purposes; and

WHEREAS, The Board of Trustees deems it advisable and necessary to issue coupon bonds of the said Town to supply the said Town and its inhabitants with water as herein set forth;

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

Section 1. That for the purpose of providing funds for the construction of water works for fire and domestic purposes, the Board of Trustees on behalf of the Town and upon the credit thereof shall issue the negotiable coupon bonds of the Town in the principal sum of Thirty Thousand Dollars (\$30,000.00), consisting of thirty-three (33) bonds in denominations of One Thousand Dollars (\$1,000.00) and Five Hundred Dollars (\$500.00), payable in lawful money of the United States of America, and bearing interest from and after the first day of May, A. D. 1940 at the rate of Four and One-Quarter Per Centum (4 1/4%) per annum, payable semi-annually, on the first day of November and the first day of May in each year, and evidenced by interest coupons attached to said bonds. Said bonds shall be numbered and shall mature as follows:

<u>Bond Numbers</u>	<u>Denomination</u>	<u>Maturity Date</u>	<u>Total Amount Due per Year</u>
1	\$1,000.00	May 1, 1941	\$1,000.00
2	1,000.00	May 1, 1942	1,000.00
3	1,000.00	May 1, 1943	1,000.00
4, 5	1,000.00	May 1, 1944	2,000.00
6, 7	1,000.00	May 1, 1945	2,000.00
8, 9	1,000.00	May 1, 1946	2,000.00
10, 11	1,000.00	May 1, 1947	2,000.00
12, 13	1,000.00	May 1, 1948	2,000.00
14, 15	1,000.00	May 1, 1949	2,000.00
16, 17	1,000.00	May 1, 1950	2,500.00
18	500.00		
19, 20	1,000.00	May 1, 1951	2,500.00
21	500.00		
22, 23	1,000.00	May 1, 1952	2,500.00
24	500.00		
25, 26	1,000.00	May 1, 1953	2,500.00
27	500.00		

<u>Bond Numbers</u>	<u>Denomination</u>	<u>Maturity Date</u>	<u>Total Amount Due per Year</u>
28, 29	\$1,000.00	May 1, 1954	\$2,500.00
30	500.00		
31, 32	1,000.00	May 1, 1955	2,500.00
33	500.00		

Said bonds shall be redeemable at the option of said Town in inverse numerical order on any semi-annual interest payment date at the face value thereof, and accrued interest, plus a premium of Three Per Centum (3%), said premium to be payable only from the revenues derived from such water system.

Said bonds and the coupons thereto attached shall be payable at the Office of the Town Treasurer in Creede, Colorado; they shall bear date the First day of May, A. D. 1940, and shall be signed by the Mayor, attested by the Town Clerk and Recorder, under the official seal of said Town, countersigned by the Town Treasurer and shall be recorded in a book to be kept by the said Town Clerk for that purpose. All coupons shall bear the original or facsimile signature of the Treasurer of said Town.

Section 2. 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 MINERAL

TOWN OF CREEDE

WATER BOND

No. _____ \$1,000
500

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

ONE THOUSAND DOLLARS
FIVE HUNDRED DOLLARS

on the first day of May, A. D. 19____, with interest thereon at the rate of Four and One-Quarter Per Centum ($4\frac{1}{4}\%$) per annum, payable semi-annually, on the first day of November and the first day of May in 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 Creede, Colorado, upon presentation and surrender of the annexed coupons and this bond as they severally become due.

The Town of Creede reserves the right to redeem bonds of this issue in their inverse numerical order on any semi-annual interest payment date by the payment of the principal and accrued interest, plus a premium of Three Per Centum (3%) of the principal amount hereof.

This bond is issued by the Board of Trustees of the Town of Creede for the purpose of supplying said Town with water for the construction of water works for fire and domestic purposes, under the authority of and in full conformity with the Constitution of the State of Colorado, the provisions of Article 6, Chapter 137 and Chapter 163, Colorado Statutes Annotated, 1935, and all acts amendatory thereof and

Supplemental thereto, and pursuant to ordinances of said Town duly adopted, published and made laws 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 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, 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, and for the pledge of the net revenues derived from the operation of its waterworks and electric light and power systems to such purposes, as provided in the ordinance authorizing the issuance of this bond.

The faith and credit of the Town of Creede 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 Creede, on behalf of said Town, has caused this bond to be signed by the Mayor of said Town, attested by the Clerk thereof, under the seal of the Town, and countersigned by its Treasurer, and the attached coupons to be signed with the facsimile signature of the Town Treasurer, as of the first day of May, A. D. 1940.

(DO NOT SIGN)

Mayor

ATTEST:

COUNTERSIGNED:

(DO NOT SIGN) _____ (DO NOT SIGN)
Town Clerk Town Treasurer

(SEAL)

(Form of Coupon)

No. _____ { \$1,000 bonds } \$21.25
 { \$ 500 bonds } 10.63-\$10.62

On the First day of November, A. D. 19____, unless the bond to which this coupon is attached has been called for prior redemption, the Town of Creede, in the County of Mineral and State of Colorado, will pay the bearer

 TWENTY-ONE AND 25/100 DOLLARS
 TEN AND 63/100 DOLLARS
 TEN AND 62/100 DOLLARS

In lawful money of the United States of America, at the Office of the Town Treasurer, in Creede, Colorado, being six months' interest on Town of Creede, Colorado, Water Bond, dated May 1, A. D. 1940,
No. _____.

(Facsimile Signature)
Town Treasurer

Section 3. That when said bonds have been duly executed, so many thereof as may be necessary to raise funds for the construction of said waterworks system shall be sold and delivered to the purchaser thereof, and the funds realized from the sale shall be applied solely to the purpose of the construction of water works for fire and domestic purposes within and for said Town, and for no other purpose whatsoever, but the purchaser of said bonds shall in no manner 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 4. That the interest which becomes due on said bonds on November 1, 1940 shall be paid out of the general fund of said Town, and for the purpose of reimbursing said general fund for said interest and to meet the interest accruing on said bonds promptly as the same shall become due after November 1, 1940, and for the purpose of creating a sinking fund for the redemption of said bonds as they mature, there shall be levied on all the taxable property in said Town, in addition to all other taxes, direct annual taxes sufficient to produce the following amounts and at the following times, to-wit:

<u>Year of Levy</u>	<u>For Interest</u>	<u>For Principal</u>	<u>Total Levy Per Year</u>
1940	\$ 637.50--To reimburse General Fund	\$1,000.00	\$2,891.25
	1,253.75		
1941	1,211.25	1,000.00	2,211.25
1942	1,168.75	1,000.00	2,168.75
1943	1,105.00	2,000.00	3,105.00
1944	1,020.00	2,000.00	3,020.00
1945	935.00	2,000.00	2,935.00
1946	850.00	2,000.00	2,850.00
1947	765.00	2,000.00	2,765.00
1948	680.00	2,000.00	2,680.00
1949	584.38	2,500.00	3,084.38

<u>Year of Levy</u>	<u>For Interest</u>	<u>For Principal</u>	<u>Total Levy Per Year</u>
1950	\$ 478.13	\$2,500.00	\$2,978.13
1951	371.88	2,500.00	2,871.88
1952	265.63	2,500.00	2,765.63
1953	159.38	2,500.00	2,659.38
1954	53.13	2,500.00	2,553.13

And said taxes, when collected, shall be deposited in a special fund to be known as the "Water Bond Fund", and such fund shall be applied solely to 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, but nothing herein contained shall be so construed as to prevent said Town from applying 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, and upon such payments the levy or levies herein provided may thereupon to that extent be diminished.

And the sums 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 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 6. All revenues derived by the Town from the operation of its waterworks system, after paying the necessary cost and expense of operation, repairs and maintenance, shall be deemed and considered net revenues, and such net revenues shall be and the same are hereby irrevocably pledged for the payment of the indebtedness evidenced by said bonds and the interest thereon, and for the payment of the premium of Three Per Centum (3%) of the principal amount of any bonds redeemed prior to maturity, as provided in this ordinance. Upon the use of said net revenues for the payment of the principal of said bonds and the interest thereon, the tax levies hereinbefore specified may be reduced as provided in Section 4 of this ordinance.

Section 7. All revenues derived by the Town from the operation of its electric light and power system, after paying the necessary cost and expense of operation, repairs and maintenance, shall be deemed and considered net revenues, and such net revenues shall be and the same are hereby irrevocably pledged for the payment of the indebtedness evidenced by said bonds and the interest thereon. Upon such use of said net revenues, the tax levies hereinbefore specified may be reduced as provided in Section 4 of this ordinance.

Section 8. All ordinances, or parts thereof, in conflict with this ordinance, are hereby repealed.

Section 9. After said bonds are issued, this ordinance shall be and remain irrevocable until said bonds and the interest thereon shall have been fully paid, satisfied and discharged.

Section 10. This ordinance, immediately on its 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 full in the "Del Norte Prospector", a newspaper of general circulation in the Town of Creede, in its issue of May 3, 1940.

Section 11. If it should ever be judicially determined that any part or provision of this ordinance is ineffective or unenforceable, such determination shall not affect the remaining parts, the intention being to make each part and provision hereof severable.

Section 12. By reason of the fact that the Town and its inhabitants are not properly or adequately supplied with sufficient water at the present time, 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 (5) days after publication.

PASSED, ADOPTED AND APPROVED This 30 Day of April,
A. D. 1940.

(SEAL)



Mayor

ATTEST:



Town Clerk

It was then moved by Trustee P. Brygaw Beck and seconded by Trustee L. E. Brunel 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 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: Trustees

L. E. Brunel, A. J. Lewis, P. Brygaw Beck, Paul Jencke

Those voting Nay:

None.

Yins 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 P. Brygaw Beck then moved that said ordinance

heretofore introduced and read in full at this meeting be now placed upon its passage.

Trustee

L. E. Brunel seconded the motion.

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

Those voting Aye: Trustees

A. J. Lewis, A. J. Lewis, P. Brygaw Beck, Paul Jencke

Those voting Nay:

None

The presiding officer declared the motion carried and the ordinance placed upon its passage.

Trustee B. Bryan Beck then moved that said ordinance be passed and adopted as read.

Trustee L. E. Bruner 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: Trustees

J. D. Shuster, L. E. Bruner

Those voting Nay:

None

The presiding officer thereupon declared that Five 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 143, and after approval by the Mayor, be published and recorded according to law.

(SEAL)

Mayor

ATTEST:

Sarvie E. Vanaken
Town Clerk

STATE OF COLORADO)
)
COUNTY OF MINERAL) SS.
)
TOWN OF CREEDE)

I, Garric E. Hanken Town Clerk of the Town of Creede, Colorado, do hereby certify that the foregoing pages numbered twenty-nine (29) to forty-one (41), inclusive, are a full and correct copy of the record of the proceedings of the Board of Trustees of said Town, taken at a Special meeting thereof, held on the 30th day of April, A. D. 1940, 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; that said 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, 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; that said ordinance was on May 3- 1940 published in full in the "Del Norte Prospector", a newspaper of general circulation in the Town of Creede.

I further certify that the Mayor and Five members of the Board of Trustees were present at said meeting and that Five 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 6th day of May, A. D. 1940.

(SEAL)

Garric E. Hanken
Town Clerk and Recorder

AFFIDAVIT OF PUBLICATION OF ORDINANCE NO. _____

Section 8. All ordinances, or parts thereof, in conflict with this ordinance, are hereby repealed.

Section 9. After said bonds are issued, this ordinance shall be and remain irrevocable until said bonds and the interest thereon shall have been fully paid, satisfied and discharged.

Section 10. This ordinance, immediately on its 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 full in the "Del Norte Prospector", a newspaper of general circulation in the Town of Creede, in its issue of _____, 1940.

Section 11. If it should ever be judicially determined that any part or provision of this ordinance is ineffective or unenforceable, such determination shall not affect the remaining parts, the intention being to make each part and provision hereof severable.

Section 12. By reason of the fact that the Town and its inhabitants are not properly or adequately supplied with sufficient water at the present time, 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 (5) days after publication.

PASSED, ADOPTED AND APPROVED This 30th day of April,
A. D. 1940.

(SEAL) _____
Mayor

ATTEST:

Sarah E. Hankens
Town Clerk

STATE OF COLORADO)
)
COUNTY OF MINERAL) SS.
)
TOWN OF CREEDE)

The Board of Trustees of the Town of Creede, Colorado, met in Special session, in full conformity with law and the ordinances and rules of the said Town, at the Town Hall in said Town,

being the regular place of meeting of said Board, on _____ the 30th day of April, A. D. 1940, at One o'clock

P. M., at which meeting there were present and answering at roll call:

Mayor:

Thomas Henry

Trustees:

Wesley Ken

Ed Brumba

M. J. Lewis

B. Bryan Beck

Paul A. Jensen

Also Present:

Carrie E. Vanatus

Town Clerk

Absent:

Elmo Tucker

Thereupon, the following proceedings, among others, were had and taken, to-wit:

Trustee B. Bryan Beck introduced an ordinance, which was read in full, and is as follows, to-wit: