

ORDINANCE NO. 740

AN ORDINANCE AUTHORIZING THE CONTRACTING OF AN INDEBTEDNESS ON BEHALF OF THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, AND UPON THE CREDIT THEREOF, BY ISSUING THE NEGOTIABLE COUPON BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF \$430,000, FOR THE PURPOSE OF INCREASING THE WATER SUPPLY AND EXTENDING AND IMPROVING THE WATERWORKS SYSTEM OF THE CITY: PRESCRIBING THE FORM OF SAID BONDS: PROVIDING FOR THE LEVY AND COLLECTION OF A TAX TO PAY SAID BONDS AND THE INTEREST THEREON, AND DECLARING AN EMERGENCY.

WHEREAS, under the authority of the Constitution and laws of the State of Colorado, and the charter of the City of Grand Junction, Colorado, now in force, and the approving authority of the properly qualified electors of the City, voting upon the question at a special municipal election held in said City on July 9, 1946, the City of Grand Junction has the power to increase its water supply and extend and improve its waterworks system, and to contract an indebtedness by issuing its negotiable coupon bonds in the amount of \$930,000; and

WHEREAS, the City Council has heretofore issued \$500,000 of said bonds and has determined to issue the remaining \$430,000 of the bonds so authorized; and

WHEREAS, the sale of said \$430,000 of bonds has been duly advertised, and bonds bearing interest at the rate of 1 1/2% per annum have been duly awarded;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO:

Section 1. That the water supply of said City be increased and that its waterworks system be extended and improved in accordance with plans and specifications therefor.

Section 2. That for the purpose of providing funds for said purposes, the City shall issue its negotiable coupon bonds in the aggregate amount of \$430,000, each bond to be designated "Grand Junction Water Bond, Series B," consisting of 430 bonds in the denomination of \$1,000 each, numbered 1 to 430, inclusive, payable in lawful money of the United States of America and bearing interest from and after the first day of January, 1947, at the rate of 1 1/2% per annum, payable semi-annually on the first days of January and July of each year, as evidenced by coupons to be attached to said bonds. Said bonds shall be due and payable on January 1, \$25,000 in the years 1949 and 1950; \$35,000 in 1951; \$40,000 in the year 1952; \$50,000 in 1953; \$55,000 in each of the years 1954, 1955 and 1956; \$35,000 in the year 1957; \$25,000 in the year 1958; and \$10,000 in each of the years 1959, 1960 and 1961; bonds maturing in the years 1958 and thereafter to be redeemable on January 1, 1957 and on interest payment dates thereafter in inverse numerical order. Notice of redemption of bonds before maturity shall be published once in a newspaper of

general circulation in the City, thirty (30) days before the date of call and a copy of the notice shall be mailed to the original purchaser of said bonds. The principal of and interest on said bonds shall be payable at the office of the City Treasurer, in Grand Junction, Colorado. Said bonds shall bear date the 1st day of January, 1947, shall be signed by the President of the Council, countersigned by the City Treasurer, attested by the City Clerk, under the official seal of said City, and shall be recorded in a book to be kept by the City Clerk for that purpose. The interest coupons attached to said bonds shall be signed with the facsimile signature of the City Treasurer.

Section 3. The said bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION WATER BOND, SERIES B

NO. _____

\$1,000

The City of Grand Junction, in the County of Mesa and State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the first day of January, 19_____, with interest thereon at the rate of one and one-half per centum (1 1/2%) per annum, payable semi-annually in like medium, on the first days of January and July of each year, as evidenced by interest coupons attached hereto, both principal and interest being payable at the office of the City Treasurer, in Grand Junction, Colorado.

*(This bond is redeemable on January 1, 1957, and on any interest payment date thereafter in its inverse numerical order, in the series of bonds of which it is one.)

This bond is issued by the City of Grand Junction for the purpose of increasing the water supply and extending and improving the waterworks system of said City, under the authority of and in full conformity with the Constitution and laws of the State of Colorado, the provisions of the charter of said City, and pursuant to an ordinance of said City duly adopted, published and made a law thereof, prior to the issuance of this bond.

It is hereby certified and recited that the issuance of this

in lawful money of the United States of America, at the office of the City Treasurer, in Grand Junction, Colorado, being six months' interest on its Water Bond, Series B, dated January 1, 1947, bearing

No. _____

/s/(Facsimile Signature)

City Treasurer

*(This clause to appear in coupons due July 1, 1957 and thereafter.)

Section 4. That after the execution of said bonds as provided herein, the same shall be delivered by the City Treasurer to the lawful purchasers of said bonds on the payment of the purchase price thereof; that said Treasurer shall hold the proceeds of said bonds in the separate fund created for that purpose, subject to the order of the City Council of said City of Grand Junction, and such proceeds shall be used exclusively for the purpose of increasing the water supply and extending and improving the waterworks system now owned and operated by the City, but the purchasers of said bonds, or any subsequent holder shall in no wise be responsible for the application of the proceeds of said bonds by the City Council, or any of the officers of said City, and when said bonds shall have been delivered to the said purchasers, their legality or the legality of the indebtedness created by said bonds shall not be open to contest by any one for or on behalf of, or by the said City for any reason whatever.

Section 5. That the interest falling due on said Water Bonds, on the first day of July, 1947 and the first day of January, 1948, shall be and the same is hereby ordered appropriated and paid by the City Treasurer out of the general or water fund of the City; and for the purpose of providing the necessary funds to reimburse said fund for the amount so borrowed and taken from it, and to pay the interest accruing on said bonds after January 1, 1948, promptly when and as the same shall fall due, and to discharge the principal thereof at their respective maturities, there shall be and there is hereby levied upon all the taxable property in said City, in addition to all other taxes, the following direct annual ad valorem taxes, to-wit: In the year 1947, a levy sufficient to produce two years' interest on all of said bonds and \$25,000 of principal due January 1, 1949, and in each of the years 1948 to 1960, inclusive, a levy sufficient to produce one year's interest on all outstanding bonds and the installments of principal as they respectively become due and payable. Said taxes, when collected, shall be kept by the Treasurer of said City in a separate fund to be known and designated as "Water Bonds, Series B, Interest and Sinking Fund," and shall be applied solely to the payment of the interest on and principal of said bonds hereby authorized, when due, so long as any of said bonds or the interest thereon remain

outstanding and unpaid, but nothing contained herein shall be so construed as to prevent the said City from applying any other available funds that may be in the City treasury to the payment of said interest or principal, as the same respectively mature, and upon any such payment the levy or levies herein provided may thereupon to that extent be diminished. 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 amounts for each year shall also be included in the annual budget and appropriation bills passed by the City Council of said City in each year, respectively.

Section 6. It shall be the duty of the City Council of said City, annually, at the time and in the manner provided by law for levying other City 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 levy and collection of taxes; and the City Council shall require the officers of and for said City to extend and collect such taxes in the manner provided by law for the purpose of creating a fund for the payment of the interest on and principal of said bonds as hereinbefore provided.

Section 7. All ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Section 8. By reason of the fact that the City is not adequately supplied with water and that it is imperative to remedy the situation at the earliest possible moment, it is hereby declared that a special emergency exists, that this ordinance is necessary for the preservation of the public peace, health and safety, and that it shall take effect upon passage and shall be published in The Daily Sentinel, on the day following its passage.

ADOPTED AND APPROVED this 16th day of January, 1947.

/s/Porter Carson
President of the City Council

(SEAL)

ATTEST:

/s/Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance, entitled, "AN ORDINANCE AUTHORIZING THE CONTRACTING OF AN INDEBTEDNESS ON BEHALF OF THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, AND UPON THE CREDIT THEREOF, BY ISSUING THE NEGOTIABLE COUPON BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF \$430,000, FOR THE PURPOSE OF INCREASING THE WATER SUPPLY AND EXTENDING AND IMPROVING THE WATERWORKS SYSTEM OF THE CITY: PRESCRIBING THE FORM OF SAID BONDS: PROVIDING FOR THE LEVY AND COLLECTION OF A TAX TO

PAY SAID BONDS AND THE INTEREST THEREON, AND DECLARING AN EMERGENCY," was introduced, read, passed, numbered 740, and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular adjourned meeting of said Council held on the 16th day of January, A. D. 1947.

IN WITNESS WHEREOF, I have hereunto set my hand & affixed the official seal of said City, this 16th day of January, A. D. 1947.

/s/Helen C. Tomlinson
City Clerk