

**ORDINANCE NO. 2421**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NEGOTIABLE GENERAL-OBLIGATION CITY OF ALBANY SEWER BONDS, SERIES 1952, IN THE PRINCIPAL SUM OF FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000) PAR VALUE; PROVIDING FOR THE PAYMENT FROM REVENUES OF THE SEWERAGE SYSTEM OF SAID CITY AND FROM TAXATION, OF THE PRINCIPAL OF AND THE INTEREST UPON SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS AND OF THE INTEREST COUPONS APPERTAINING THERETO; AND DECLARING AN EMERGENCY.**

**THE PEOPLE OF THE CITY OF ALBANY, OREGON, DO ORDAIN AS FOLLOWS:**

**Section 1.** That pursuant to chapter XVI of its charter, legally adopted by the voters of said city at a special election duly called and legally held therein on May 16, 1952, the City of Albany in the county of Linn, state of Oregon, issue and sell its general-obligation SEWER BONDS, SERIES 1952, in the principal sum of \$550,000 for the purpose of providing funds with which to defray the cost of a sewerage system consisting of an interceptor sewer, pumping stations, connecting sewers, main sewers, storm sewers, and a sewage treatment plant, to be constructed within and without the corporate limits of said city, and with which to pay the engineering and legal costs incidental to the construction of such system.

**Section 2.** That the said SEWER BONDS, SERIES 1952, shall be dated December 1, 1952, shall be in denominations of \$1,000 each, shall be numbered consecutively beginning with the number one (1) and ending with the number five hundred fifty (550), and shall be issued to mature serially in principal amounts as follows:

<u>Bond Numbers</u> <u>Inclusive</u>	<u>Maturity</u> <u>Dates</u>	<u>Amount</u>	<u>Bond Numbers</u> <u>Inclusive</u>	<u>Maturity</u> <u>Dates</u>	<u>Amount</u>
1 - 23	December 1, 1953	\$23,000	251 - 278	December 1, 1963	\$28,000
24 - 46	December 1, 1954	23,000	279 - 306	December 1, 1964	28,000
47 - 70	December 1, 1955	24,000	307 - 335	December 1, 1965	29,000
71 - 94	December 1, 1956	24,000	336 - 364	December 1, 1966	29,000
95 - 119	December 1, 1957	25,000	365 - 394	December 1, 1967	30,000
120 - 144	December 1, 1958	25,000	395 - 424	December 1, 1968	30,000
145 - 170	December 1, 1959	26,000	425 - 455	December 1, 1969	31,000
171 - 196	December 1, 1960	26,000	456 - 486	December 1, 1970	31,000
197 - 223	December 1, 1961	27,000	487 - 518	December 1, 1971	32,000
224 - 250	December 1, 1962	27,000	519 - 550	December 1, 1972	32,000

but with the right reserved to said city, at its option, to redeem for retirement or refunding purposes, in numerical order, at par value and accrued interest on December 1, 1959 and upon any semi annual interest-paying date thereafter, any or all outstanding bonds of said issue that mature on and after December 1, 1960, pursuant to notice of intention to exercise said option, specifying the numbers of the bonds so called for payment and the call date thereof, published at least thirty (30) days prior to the redemption date specified in said notice, in one issue of a newspaper printed and published in the county of Linn, state of Oregon; and that from the date of redemption designated in any such notice, interest on the bonds so called for redemption shall cease.

**Section 3.** That the sewer rental charges to be collected after the construction of the aforesaid sewage treatment plant shall be used first to pay for the maintenance of such plant and pumping stations, and the remainder thereof to pay the interest on and the principal of the bonds authorized by the said chapter XVI of the charter of said city. At the beginning of each budget year, the Council shall provide and budget for the maintenance costs of such plant, pumping stations, and interceptor sewer from rental charges, and the sum estimated as available thereafter from the said sewer rental fund shall be applied in payment of the interest upon and principal of the bonds issued pursuant to the provisions of said chapter, as the said bond obligations become due. Should the revenues derived from the said sewer rental charges, after construction of said plant, be insufficient to pay the said maintenance costs and the said bond interest and principal obligations when due, the Council shall levy taxes annually for the amount of the deficiency thereof, to provide the funds with which to meet the said bond obligations. The sewerage system revenues that are to be applied to the payment of bond obligations and the funds that are derived from the aforesaid tax levies, shall be carried by the treasurer of said city, in a separate book account and fund to be designated "SEWERAGE SYSTEM BOND INTEREST AND SINKING FUND". The said fund shall be used only in the payment of the interest on and the principal of said bonds, until all of the said obligations, including any bonds that have been issued to refund them, have been paid and redeemed or until due provision therefor shall have been made.

**Section 4.** That the said bonds shall be the general obligations of the City of Albany and shall bear interest payable semiannually on June 1 and December 1 of each year, beginning with the year 1953, at a rate or rates not exceeding THREE PER CENT (3%) per annum; that both the interest on and the principal of said bonds shall be paid at the office of the treasurer of said city in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America; that the said bonds shall be signed by the Mayor

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and be attested by the recorder of said city and shall be registered by the treasurer of said city, and that the interest coupons appertaining to said bonds shall be executed by the mayor and be attested by the recorder of said city with the facsimile signatures of the said mayor and recorder; and that, except as to numbers, maturities, interest rates, and such modifications as may be necessary to conform the said bonds to the terms of the successful bid therefor, the said bonds shall be of uniform tenor and shall read substantially as follows:

No. \_\_\_\_\_ UNITED STATES OF AMERICA \$1,000  
 STATE OF OREGON  
 COUNTY OF LINN  
 CITY OF ALBANY  
 SEWER BOND, SERIES 1952

THE CITY OF ALBANY in LINN COUNTY, OREGON, for value received, hereby promises to pay to bearer the sum of \_\_\_\_\_

ONE THOUSAND DOLLARS (\$1,000) upon the FIRST DAY OF DECEMBER, 1953, with interest thereon from the date hereof to maturity at the rate of \_\_\_\_\_ PER CENT ( %) per annum payable semiannually upon the FIRST DAYS OF JUNE AND DECEMBER of each year hereafter to the bearer of the respective coupons therefor hereto attached, upon presentation and surrender thereof as the said coupons respectively mature. Both the principal hereof and the interest hereon are payable AT THE OFFICE OF THE TREASURER OF SAID CITY in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America.

THE BONDS of the issue of which this bond forms a part, maturing on and after December 1, 1960, may be redeemed by said city at par value and accrued interest upon December 1, 1959 and upon any interest day or days thereafter, in numerical order or in the entire amount of the issue outstanding at call date, upon notice given by said city at least thirty (30) days prior to the redemption date specified therein, by publication thereof in one issue of a newspaper printed and published within the county of Linn, state of Oregon. From the date of redemption designated in any such notice, interest upon the bonds so called for payment shall cease.

THIS BOND is a general obligation of the City of Albany, payable both as to principal and interest from the sewer rental charges collected after construction of the sewage treatment plant of said city that remain after payment of the maintenance costs of such plant and of the sewage pumping stations and interceptor sewer of said city and, in case of insufficiency of such remaining revenues for the payment of the interest on and the principal of the bonds of the issue of which this bond is a part, from taxes levied annually upon all of the taxable property within said city for the amount of the deficiency thereof.

THIS BOND is issued in accordance with the statutes of the state of Oregon thereunto appertaining, and with chapter XVI of the charter of said city duly adopted by the legal voters of said city at a special election duly called and legally held therein on May 16, 1952, and with Ordinance No. \_\_\_\_\_ of said city duly adopted by the Council of said city and approved by the mayor thereof on \_\_\_\_\_, 1952, for the purpose of providing funds to defray the cost of an interceptor sewer, pumping stations, connecting sewers, main sewers, storm sewers, and a sewage treatment plant for said city, within or without its corporate limits, or both, and of paying the engineering and legal costs incidental to the construction thereof.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this bond have existed, have happened, and have been performed in due time, form, and manner as required by the constitution and statutes of the state of Oregon and by the charter and the aforesaid ordinance of said city, and that the issue of which this bond is a part and all other obligations of said city are within every debt limitation and other limit prescribed by the said constitution, statutes, and city charter.

IN WITNESS WHEREOF, the said CITY OF ALBANY, OREGON, has caused this bond to be signed by its mayor and attested by its recorder under its corporate seal, and to be registered by its treasurer, and has caused the annexed interest coupons to be executed by its mayor and attested by its recorder with their engraved facsimile signatures on the first day of December, 1952.

ATTEST:

*M. Bain* (SEAL)  
 Mayor of the City of Albany,  
 Oregon.

*E. J. Fairweather*  
 Recorder of the City of Albany, Oregon.

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Registered:

Treasurer of the City of Albany,  
Oregon.

The interest coupons annexed to said bonds shall be in substantially the following form, to wit:

COUpons

(All coupons maturing up to and including December 1, 1959)

No. \_\_\_\_\_ ON THE FIRST DAY OF JUNE, 1953 \$ \_\_\_\_\_

THE CITY OF ALBANY, in Linn County, Oregon, will pay the bearer

\_\_\_\_\_ DOLLARS

AT THE OFFICE OF THE TREASURER OF SAID CITY for six (6) months' interest then due on City of Albany SEWER BOND, SERIES 1952, No. \_\_\_\_\_.

*Tom Bain*  
Mayor of the City of Albany, Oregon

ATTEST:

Recorder of the City of Albany,  
Oregon.

(All coupons maturing after December 1, 1959 shall be in the following form)

No. \_\_\_\_\_ ON THE FIRST DAY OF JUNE, 1960 \$ \_\_\_\_\_

Unless the bond hereinafter designated shall have been previously called for redemption and due provision made for the payment thereof, the CITY OF ALBANY, in Linn County, Oregon, will pay the bearer

\_\_\_\_\_ DOLLARS

AT THE OFFICE OF THE TREASURER OF SAID CITY for six (6) months' interest then due on CITY OF ALBANY SEWER BOND, SERIES 1952, No. \_\_\_\_\_.

ATTEST:

*Tom Bain*  
Mayor of the City of Albany,  
Oregon

Recorder of the City of Albany,  
Oregon.

Section 5. As provided by section 95-1603, O.C.L.A., as amended by chapter 227, Oregon Laws 1943, the recorder hereby is authorized to advertise the said SEWER BONDS, SERIES 1952, for public sale thereof at a price of not less than NINETY EIGHT DOLLARS (\$98) for each ONE HUNDRED DOLLARS (\$100) PAR VALUE THEREOF AND THE FULL AMOUNT OF THE ACCRUED INTEREST THEREON, the said sale to be held on such date as the Council shall direct, and the notice of said sale to specify that the city reserves the right to reject any or all bids for the said bonds. The city shall furnish, without cost, to the purchaser of said bonds the unqualified, written legal opinion of accredited bond attorneys approving the validity of said bonds.

Section 6. The recorder shall record the sale of said bonds in a record book to be kept in his office for that purpose, and shall enter in the said book the numbers and the optional and final maturity dates of said bonds, the name or names of the purchaser thereof, the amount including accrued interest for which they were sold, the interest rates they bear, the date of their delivery, and such additional data as he may deem necessary properly to describe the issue.

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Section 7. The funds received from said bonds shall be used by said city for no other purpose than that of defraying the costs of an interceptor sewer, pumping stations, connecting sewers, main sewers, storm sewers, and sewage treatment plant, and of the engineering and legal costs incidental to the acquisition thereof. Should a surplus remain after payment of the said costs, it shall be credited to the sinking fund created under section 3 of this ordinance.

Section 7. WHEREAS, it is necessary for the purposes of proper sanitation and for immediate preservation of the peace, health, and safety of the City of Albany that this ordinance become effective at the earliest possible date after enactment and approval thereof, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council, and approval by the mayor.

Passed and unanimously adopted by the Council of the City of Albany, Linn County, Oregon, on this 12th day of November, 1952, with all members of the Council, upon roll call, voting therefor.

Passed by the Council 11-12-52

Approved by the Mayor 11-12-52

ATTEST:

*E. J. [Signature]*  
Recorder

*J. M. Bain*  
Mayor