

ORDINANCE No. 572.

Ord. 572

And Ordinance providing for the execution and issuance of the negotiable Coupon Bonds of the City of Albany, Oregon, to an amount aggregating the principal sum of \$75,000, for the purpose of refunding a like amount of the Bonds of said City maturing on October 1, A.D. 1911; prescribing the form of said Bonds and of the interest Coupons to be thereto attached; providing for the levy and collection of a direct annual tax upon all of the taxable property in said City, in addition to all other taxes, sufficient to pay the interest on said Bonds as it falls due and also to constitute and maintain a sinking fund sufficient to pay the principal thereof at maturity; and fixing the other details of the issue; repealing all prior conflicting Ordinances, and declaring an emergency.

Whereas, under date of October 1, A.D. 1891, the City of Albany, in the County of Linn and State of Oregon, duly issued its negotiable coupon bonds to an amount aggregating the principal sum of \$75,000; said bonds being seventy-five (75) in number, numbered from 1 to 75, both inclusive, and of the denomination of \$1,000 each, and bearing interest at the rate of six (6) per centum per annum, payable semi-annually, and maturing on October 1, A.D. 1911. Said bonds were issued by said city for lawful municipal purposes under, by virtue of, and in strict compliance with the constitution and laws of the state of Oregon and the charter of said city, and the proceeds thereof, amounting to the sum of \$75,200, were received and expended by said city in and about the construction of the municipal improvements for which they were issued; and

Whereas, at the regular annual municipal election held in said city of Albany on December 5, A.D. 1910, more than a majority of the legal voters of said city voting thereat voted in favor of and adopted an amendment to Section 141 of Chapter 13 of the charter of said city, by adding thereto provisions authorizing the council of said city to issue the negotiable coupon bonds of said city to the amount of \$75,000 for the purpose of refunding the outstanding and matured bonds of said city hereinbefore mentioned, - all as shown by due canvass of the returns of said election and a certificate of the result thereof recorded as and in the manner provided by law and the charter of said city; and

* Whereas, by the terms and provisions of said Charter amendment the legal voters of said city have expressly

* Whereas, by proclamation of the mayor of said city, made on the 6th day of December, A.D. 1910 and duly filed in the office of the city recorder of said city, on the 7th day of December, A.D. 1910, for and against the proposed amendment to both chapters of said city charter, and the amendment to the charter of said city, which amendment is set forth in the said ordinance, and the same is hereby adopted and declared to be a part of the charter of said city; and

authorized the issuance of the aforesaid negotiable coupon refunding bonds of said city; and

Whereas, pursuant to due advertisement said bonds have been duly sold and awarded by the common council of said city to the Continental and Commercial Trust and Savings Bank, of the City of Chicago, Illinois, at and for a price above par and accrued interest; and

Whereas, it is now deemed necessary and advisable to prescribe more appropriate forms of said refunding bonds and of the interest coupons to be thereto attached, respectively, than those heretofore prescribed by ordinances passed by the council of said city; and also to make more specific provision for meeting the interest on and principal of said bonds when due; Now,

Therefore,

The People of the City of Albany Do Ordain as Follows:

Section 1. That for the purpose of refunding and paying that certain issue of bonds of the City of Albany, in the County of Linn and State of Oregon, aggregating the principal sum of \$75,000, dated October 1, A.D. 1897, and which matured on October 1, A.D. 1911, as mentioned in the preamble hereof, there shall be and there are hereby ordered and directed to be executed and issued the negotiable coupon bonds of said City of Albany to an amount aggregating the principal sum of \$75,000. Said bonds shall be seventy-five (75) in number, numbered from 1 to 75, both inclusive, and of the denomination of \$1,000 each, shall bear date of October 1, A.D. 1911, and shall become due and payable on October 1, A.D. 1931, but shall be redeemable at the option of said city on October 1, A.D. 1921, or on any interest payment date thereafter.

Said bonds shall bear interest from their date until paid at the rate of five (5) per centum per annum, payable semi-annually on the first days of April and October in each year, which installments of interest to date of maturity of principal shall be evidenced by appropriate coupons attached to each bond; provided, however, that the first interest coupon attached to each bond and covering six months interest, shall be detached and canceled prior to the delivery of said bonds. Both the interest on and principal of said bonds shall be payable in gold coin of the United States of America of or equal to the present standard of weight and fineness at the Park National Bank, the fiscal agency of the state of Oregon, in the city and state of New York.

Sec. 2. That each of said bonds and each of

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the interest coupons to be thereto attached shall be in substantially the following forms, respectively, to-wit:

(Form of Bond)

United States of America
State of Oregon County of Linn.
City of Albany

No. Municipal Refunding Bond \$1,000

The City of Albany, in the County of Linn and State of Oregon, acknowledges itself to owe a debt for value received hereby promises to pay to bearer the principal sum of One Thousand Dollars on the First day of October, A.D. 1931, together with interest on said sum from the date hereof until paid, at the rate of Five Per Centum per annum, payable semi-annually on the First days of April and October in each year, as evidenced by and upon the presentation and surrender of the interest coupons hereto attached as they severally become due. Both said principal and interest are payable in Gold coin of the United States of America, of or equal to the present standard of weight and fineness at the Park National Bank, the fiscal agency of the state of Oregon, in the city and state of New York; and for the prompt payment of said principal and interest when due as aforesaid, the full faith, credit and resources of said city are hereby irrevocably pledged.

This bond is one of an issue of seventy five (75) bonds of like date, tenor and amount, issued by said City for the purpose of refunding and paying a like amount of its validly outstanding and matured bonded indebtedness, in accordance with an ordinance duly passed by the council of said city on March 20, A.D. 1912, and duly approved and recorded; and it is under, pursuant to the authority of, and in all respects in strict compliance with the charter of said city, being an act entitled: "An Act to incorporate the City of Albany, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved February 16, A.D. 1901, and all legislative enactments amendatory thereof and supplementary thereto, and particularly of that certain amendment to Section 141 of Chapter 13 of the Charter of said city duly enacted and adopted by more than a majority affirmative vote of the legal voters of said city voting at the regular municipal election held therein on December 5, A.D. 1910, and of that certain amendment to paragraph 2 of section 34 of

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the interest coupons to be thereto attached shall be in substantially the following forms, respectively, to-wit:

(Form of Bond)

United States of America
State of Oregon County of Linn.
City of Albany

No.

Municipal Refunding Bond

\$1,000

The City of Albany, in the County of Linn and State of Oregon, acknowledges itself to owe a and for value received hereby promises to pay to bearer the principal sum of One Thousand Dollars on the First Day of October, A. D. 1931, together with interest on said sum from the date hereof until paid, at the rate of Five Per Centum per annum, payable semi-annually on the First days of April and October in each year, as evidenced by and upon the presentation and surrender of the interest coupons hereto attached as they severally become due. Both said principal and interest are payable in Gold coin of the United States of America, of or equal to the present standard of weight and finess at the Bank National Bank, the fiscal agency of the state of Oregon, in the city and state of New York, and for the prompt payment of said principal and interest when due as aforesaid, the full faith, credit and resources of said city are hereby irrevocably pledged.

This bond is one of an issue of seventy five (75) bonds of like date, tenor and amount, issued by said City for the purpose of refunding and paying a like amount of its validly outstanding and matured bonded indebtedness, in accordance with an ordinance duly passed by the council of said city on March 20, A. D. 1912, and duly approved and recorded; and in order, pursuant to the authority of, and in all respects in strict compliance with the charter of said city, being an act entitled: "An Act to incorporate the City of Albany, and to provide a charter therefor, and to repeal all acts or parts of acts in conflict therewith," approved February 16, A. D. 1906, and all legislative enactments amendatory thereof and supplementary thereto, and particularly of that certain amendment to Section 141 of Chapter 13 of the Charter of said city duly enacted and adopted by more than a majority affirmative vote of the legal voters of said city voting at the regular municipal election held therein on December 5, A. D. 1910, and of that certain amendment to paragraph 2 of section 34 of

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The charter of said city duly enacted and adopted by more than a majority affirmative vote of the legal voters of said city voting at the regular municipal election held therein on December 24, A.D. 1911, - both of said charter and amendments being enacted and adopted in all respects in strict conformity with the constitution and laws of the state of Oregon and now in full force and effect, pursuant to said vote and the several proclamations of the mayor of said city duly made, filed and recorded.

And it is hereby certified, recited and warranted that the indebtedness for the refundment and payment of which this bond and the other bonds of the issue of which forms a part as aforesaid, was lawfully incurred for strictly municipal purposes, and at the time of its refundment and payment by the issuance of this bond and the other bonds of the issue constituted the valid, binding, outstanding and matured indebtedness of said city; that said city of Albany is a duly politic and corporate and duly organized and operating as a chartered city under and by virtue of the constitution and laws of the state of Oregon; that all things, acts and conditions required by the constitution and laws of said state and the charter of said city to exist and to happen as to be done and performed precedent to and in the issuance of this bond and the other bonds of the issue, in order to constitute the same the valid and binding obligations of said city do exist and have happened and been properly done and performed in regular and due form, manner and time; that the total indebtedness of said city, including this bond and said entire issue, does not exceed any constitutional, statutory or charter limitation; and that due provision has been made for the levy and collection of a direct annual tax upon all of the taxable property in said city, in addition to all other taxes, sufficient to pay the interest on this bond as it falls due and also to constitute and maintain a sinking fund for the payment of the principal hereof at maturity.

This bond is redeemable at the option of said city on October 1, A.D. 1921, or on any interest payment date thereafter.

In Witness Whereof, said City of Albany, by its council, has caused this bond to be signed by its mayor and countersigned by the recorder of said city under the seal of said city, and each of the interest coupons hereto attached to be executed by the lithographed fac-simile signatures of said mayor and recorder, the first day of October, A.D. 1911.

(Seal)

Countersigned

Mayor

Recorder

(Forms of Coupons)

No.

\$25.00

Dno April 1st A.D. 19
October 1st

The City of Albany, in the County of Linn and State of Oregon, will pay to bearer the sum of Twenty Five Dollars in gold coin of the United States of America of or equal to the present standard of weight and fineness at the Park National Bank, the fiscal agency of the state of Oregon, in the city and state of New York, being six months interest then due on its Municipal Refunding Bonds, dated October 1, A.D. 1911, No.

Countersigned:

Mayor

Recorder

Sec. 3. That each of said bonds shall be signed by the mayor and countersigned by the city recorder, under the corporate seal of said city, and each of the interest coupons to be attached to said bonds shall be executed by the lithographed 100-simile signatures of the said mayor and city recorder; and said officers are hereby authorized and directed to cause said bonds and interest coupons to be prepared and to execute the same for and on behalf of said city, substantially in the form, respectively, and in the manner aforesaid.

After their execution said bonds shall be delivered to the purchaser of the same aforesaid upon payment of the purchase price thereof. The proceeds derived from the sale of said bonds shall be used solely for the purpose of redeeming and paying the \$25,000 Municipal Gold Bonds of said city dated October 1, A.D. 1891, and matured October 1, A.D. 1911, as hereinabove mentioned; provided, however, that the issuance of the refunding bonds hereby authorized and the payment of said outstanding bonds thereby refunded shall be made simultaneously; and said bonds so paid and refunded shall be immediately canceled.

Provided, further, that the first interest coupon attached to each of said refunding bonds, covering interest from October 1, A.D. 1911 to April 1, A.D. 1912, shall prior to the delivery of said refunding bonds be detached and canceled.

Sec. 4. That since under the charter of said city and the laws of the state of Oregon the taxes to be levied by said City of Albany in this year cannot be collected in time to meet the interest accruing on the refunding bonds hereby authorized on October 1st of this year and April 1st in the year 1913, there shall be and there is hereby appropriated and set apart from the General fund tax levied by said city for the year 1912, the sum of \$3,750, to be used solely for the payment of the first year's interest on said refunding bonds; and in order to reimburse said General fund for the amount of one year's interest so taken from it, and also in order to pay the interest on said bonds falling due subsequently to April 1, A.D. 1913, and to constitute and maintain a sinking fund sufficient to discharge the principal of said bonds at maturity, there shall be and there is hereby ordered levied upon all of the taxable property in said city of Albany, in addition to all other taxes, the following direct annual tax, to-wit:

In the year 1912 a tax sufficient to produce the net sum of \$7500 for interest.

In each of the years 1914 to 1920, both inclusive, a tax sufficient to produce the net sum of \$6,000, being \$3750 for interest and \$2250 for sinking fund for principal.

In each of the years 1921 to 1925, both inclusive, a tax sufficient to produce the net sum of \$6250, being \$3750 for interest and \$2500 for sinking fund for principal.

In each of the years 1926 to 1929, both inclusive, a tax sufficient to produce the net sum of \$13,750, being \$3750 for interest and \$10,000 for sinking fund for principal.

In the year 1930 a tax sufficient to produce the net sum of \$15,625, being \$1875 for interest and \$13,750 for sinking fund for principal.

And in each of said years 1912 to 1930, both inclusive, the tax hereinabove provided for such year shall be included in the tax levy made by the council (or other proper legislative body) of said city for such year, and shall be certified and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general city purposes of said city in each of said years are certified, extended

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and collected. The funds derived from said annual bond tax shall be placed in a separate fund to be designated "Refunding Bonds of 1911 Interest and Sinking Fund," which shall be irrevocably pledged to and used solely for the payment of the interest on and principal of the refunding bonds hereby authorized so long as any of said bonds or the interest coupons thereto appertaining remain outstanding and unpaid.

Provided, however, that in case of the redemption of any of said bonds prior to their absolute maturity, the tax hereinabove provided for shall thereafter be reduced pro tanto.

Sec. 5. That all ordinances, resolutions and orders, or parts thereof, heretofore passed, adopted or made by the council of said city in conflict with the provisions of this ordinance be and the same are hereby repealed.

Sec. 6. That this ordinance shall be irrevocable until the bonds hereby authorized and the interest thereon shall be fully paid, satisfied and discharged; and the provisions of this ordinance and of each of the bonds and interest coupons hereby authorized shall be and the same are hereby declared to constitute a valid and binding contract between said city of Albany and the purchasers or holder from time to time of each of said bonds and interest coupons.

Sec. 7. That inasmuch as the credit of said City of Albany is endangered by reason of its outstanding and unpaid matured bonded indebtedness as aforesaid, and said city is thereby seriously hampered in the making of necessary and improvements and in performing its municipal functions, it is deemed necessary for the immediate preservation of the public peace, health and safety that the bonds hereby authorized should be immediately executed and issued; wherefore an emergency is hereby declared to exist and this ordinance shall take effect and be in full force immediately upon its passage and approval.

Attest:
F. Van Tassel

City Recorder
(Seal)

Passed the 20th day of March, A.D. 1912.

Approved this 20th day of March, A.D. 1912

P. D. Siegel

Mayor

CITY RECORDER'S CERTIFICATE

STATE OF OREGON,

COUNTY OF LINN.

} ss.

I, *F. Van Tassel*, Recorder of the City of Albany, in Linn County, and

State of Oregon, do hereby certify that the foregoing and annexed copy of

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has been by me carefully compared with the original *Ordinance Bill No. 633*

now on file in my office, and that it is a true and correct copy of all and the whole of said

Ordinance Bill No. 633, as passed by the Council of the City of Albany, Oregon, March 20th 1912.

WITNESS, my hand and official signature and the seal of the City of Albany, this

20th day of *March* 191*2*

F. Van Tassel

Recorder of the City of Albany.