

RESOLUTION No. III

RESOLUTION AUTHORIZING ISSUANCE OF SEWER BONDS

WHEREAS, HERETOFORE in the manner and form prescribed by City Ordinance No. 380, a resolution of the Common Council for the City of Canby, Clackamas County, Oregon, was duly adopted submitting to the legal voters of said City the question of amending the City Charter to allow the issuance of a general-obligation bond issue in an amount not to exceed \$165,000.00 to be paid by a general tax levy not to exceed 5 mills per annum on all the taxable real property in the said City, and the proceeds thereof to be expended in the construction of a sewer system, a sewage treatment plant, together with the necessary intercepting and discharging sewers, appropriate pumping and other necessary facilities, and a special City election was called for that purpose, and the said Common Council thereupon directed the Recorder of said City to cause to be published a Notice of Election for such purpose in the manner and form prescribed by said Ordinance No. 380, which said election notice was duly and regularly published; and

WHEREAS, the said election was duly and legally held in said City on the 2nd day of November, 1954, and the Judges and Clerks of said election, duly appointed for the conducting of said election, received and counted the votes cast, and thereafter the Common Council for said City canvassed the votes cast thereat, and have certified the results thereof, and

WHEREAS, the Common Council has examined and investigated the regularity of the proceedings for the said election, and finds that only duly qualified legal voters were allowed to vote at said election; that there was no fraud or conspiracy in the conducting of or voting at said election; that said election was duly called and legally held; that notice thereof required by Ordinance to be given was duly and regularly given in the form, for the time, and in the manner required by Ordinance; that said election was held in strict conformity with the requirements of Law; that the votes cast

at said election have been counted and the results of said election canvassed and returns thereof filed, recorded and reported and proclaimed as provided by Ordinance; that 452 votes cast at said election were in the affirmative, and 332 votes were in the negative; and that the proposition of amending Chapter XI of the Charter for the said City of Canby, Clackamas County, Oregon, by adding 3 new sections numbered 4, 5 and 6 to allow for the contracting of a bonded indebtedness of said City in the sum of (\$165,000.00) One Hundred and Sixty Five Thousand and no/100 Dollars in order to provide funds for the purposes hereinabove stated, accordingly has received the assent of a majority of votes cast at said election;

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Canby, Clackamas County, Oregon, that for the aforesaid purposes the Common Council of said City directs that there be issued One Hundred and Sixty Five Thousand and no/100 Dollars (\$165,000.00) in Bonds of said City to be dated February 1st, 1955, to be numbered consecutively from One (1) to One Hundred and Sixty Five (165) inclusive, to be in denominations of \$1,000 each, and to mature serially in numerical order as follows:

\$6,000 on February 1st, 1957  
6,000 on February 1st, 1958  
6,000 on February 1st, 1959  
7,000 on February 1st, 1960  
7,000 on February 1st, 1961  
7,000 on February 1st, 1962  
8,000 on February 1st, 1963  
8,000 on February 1st, 1964  
8,000 on February 1st, 1965  
9,000 on February 1st, 1966  
9,000 on February 1st, 1967  
9,000 on February 1st, 1968  
10,000 on February 1st, 1969  
10,000 on February 1st, 1970  
10,000 on February 1st, 1971  
11,000 on February 1st, 1972  
11,000 on February 1st, 1973  
11,000 on February 1st, 1974  
12,000 on February 1st, 1975

BE IT FURTHER RESOLVED that the said Bonds be issued to bear interest at a rate or rates of not to exceed  $3\frac{1}{4}$  per cent per annum payable semi-annually February 1st and August 1st of each year during which they are outstanding; that the interest accruing upon said Bonds be evidenced by coupons

attached thereto; that both the principal of and interest upon the said Bonds be paid at the office of the City Treasurer of Canby, Oregon.

BE IT FURTHER RESOLVED that each of said Bonds be personally signed with his manual signature by the Mayor of the said City of Canby, Oregon, in office upon the date of execution of said Bonds; that each of said Bonds further be countersigned in like manner by the duly chosen, qualified, and acting Recorder of said City in office upon such date; that the coupons appertaining to the said Bonds be executed with the engraved facsimile signatures of said Mayor and Recorder; and

BE IT FURTHER RESOLVED that the full faith and credit of said City, not to exceed a 5 mill tax levy, be and they hereby are pledged to the successive holders of each of said Bonds and of the interest coupons appertaining thereto, for the punctual payment of said obligations, when due; and that the net revenues derived from charges and rates for the use of and connection with the sewerage system of said City, and of all improvements thereto and enlargements thereof as provided in Section 5, Chapter XI of the Charter for the City of Canby, are hereby pledged to the payment of the principal of and the interest upon the aforesaid Bonds; and that said City shall levy annually, as provided by Law, a direct ad valorem tax upon all of the taxable real property within said City, but not to exceed 5 mills, which together with receipts from said sewer service charges are to be used to pay said Bond and Bond interest obligations promptly as they respectively mature; and that the said City does hereby covenant with the aforesaid holders of its Bonds, to levy such a tax annually during each year that any of the said Bonds and Bond interest obligations are outstanding, and to also prescribe, charge and collect monthly a sewer service charge from each water user within the City of Canby, and in an amount additionally necessary to meet such obligations when due, and for so long as any of the Bonds issued remain unpaid.

BE IT FURTHER RESOLVED that the said proposed Bonds and coupons attached thereto be in substantially the following form, to-wit:

No. 1

UNITED STATES OF AMERICA  
STATE OF OREGON  
COUNTY OF CLACKAMAS  
CITY OF CANBY

\$1,000

SEWER SYSTEM BOND

THE CITY OF CANBY, in Clackamas County, Oregon, for value received hereby promises to pay to bearer the sum of ONE THOUSAND DOLLARS (\$1,000) upon the FIRST DAY OF FEBRUARY, 1957, with interest thereon from the date hereof to maturity at the rate of \_\_\_\_\_ per cent (% \_\_\_\_\_) per annum, on the FIRST DAYS OF FEBRUARY AND AUGUST in each year until maturity, upon surrender of the annexed interest coupons as they severally become due. Both the principal of and the interest upon this Bond are payable at the office of the City Treasurer of Canby, Oregon, \_\_\_\_\_ in any coin or currency which, at the time of payment, is the legal tender for the payment of public and private debts within the United States of America.

THIS BOND is one of a series aggregating the sum of One Hundred and Sixty Five Thousand Dollars (\$165,000) par value, issued to provide funds to construct a sewer system, including a sewage treatment plant, together with the necessary intercepting and discharging sewers, appropriate pumping and other necessary facilities within and without said City, pursuant to the Statutes of the State of Oregon thereunto appertaining, and Chapter XI of the Charter of said City as amended by the legal voters of said City at a special election regularly called and legally held therein on the 2nd day of November, 1954, and with a Resolution numbered III, dated December 6, 1954, which was duly approved by the Common Council of said City on said date.

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; 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 and Statutes; and that the Common Council of said City, by resolution duly adopted, has provided for the levying annually of a direct ad valorem tax upon all the taxable real property within said City, but not to exceed 5 mills per annum, and has also provided

by said resolution for the monthly collection of a sewer service charge in an amount as may be additionally necessary to pay the interest upon and the principal of the Bonds of said issue, as the said obligations respectively become due and payable.

IN WITNESS WHEREOF, the said City of Canby, Clackamas County, Oregon, has caused this Bond to be signed by its Mayor and countersigned by its Recorder and under its corporate seal, and has caused the annexed interest coupons to be engraved with the facsimile signatures of its said officers this 1st day of February, 1955.

\_\_\_\_\_  
Mayor of the City of Canby,  
Clackamas County  
Oregon ( S E A L )

Countersigned:

\_\_\_\_\_  
Recorder of the City of Canby,  
Oregon

Form of Coupon

No. 1 ON THE FIRST DAY OF AUGUST, 1955, the City of Canby, Clackamas County, Oregon, will pay to bearer the sum of \_\_\_\_\_  
\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), in lawful money of the United States of America at the office of the City Treasurer of Canby, Oregon, for interest then due on City of Canby Sewer System Bond No. \_\_\_\_\_.

\_\_\_\_\_  
Mayor

Countersigned:

\_\_\_\_\_  
Recorder

BE IT FURTHER RESOLVED THAT all the recitals and statements contained in the aforesaid Bond and coupon be and they hereby are approved as true and correct.

BE IT FURTHER RESOLVED that the Recorder of said City shall cause to be published in the Canby Herald, a newspaper of general circulation

printed and published in the City of Canby, Clackamas County, Oregon, a notice of proposed sale of said Bonds, as provided by Law, specifying that sealed bids will be received by the said Recorder up to and including the hour of 8:00 o'clock P. M., Standard Oregon Time, on the 29th day of December, 1954, and that immediately thereafter the bids will be publicly opened by the Common Council, for the sale of said Bonds, at not less than par value thereof and the accrued interest thereon, at an interest rate or rates in multiples of one-fourth of one per cent, not exceeding  $3\frac{1}{4}$  per cent per annum payable semi-annually, to be specified by the bidder; that such bids shall be accompanied by a cashier's check or certified check, of or upon a bank doing business in the State of Oregon, in the sum of \$3,300.00 to be forfeited to the City in case the bidder fails to complete his purchase in accordance with the terms of his bid; that bids must be unconditional except as to qualifications as to approval of validity of the Bond issue by Bond attorneys; that bids must show the total cost of the bond issue to the City, including interest less premium offered, if any, provided the bid be accepted and no callable bonds of the issue are redeemed prior to the final maturity dates thereof; that the bonds will be sold to the highest responsible bidder; and that the said City reserves the right to waive informalities in bids and to reject any or all bids.