

ORDINANCE No 1 1919

BEING AN EMERGENCY ORDINANCE PROVIDING FOR THE CONTRACTING OF AN INDEBTEDNESS BY THE CITY OF FORT COLLINS, COLORADO, AND UPON THE CREDIT THEREOF FOR THE ISSUANCE OF NEGOTIABLE COUPON BONDS OF SAID CITY FOR \$100,000 OF FOR THE PURPOSE OF PURCHASING THE RAILWAY PROPERTY OF THE DENVER & INTERURBAN RAILROAD COMPANY IN THE CITY OF FORT COLLINS OR CONNECTED THEREWITH AND TO EQUIP THE SAME FOR OPERATION BY THE CITY OF FORT COLLINS FOR THE BENEFIT OF SAID CITY AND TO BE DESIGNATED AS FORT COLLINS MUNICIPAL RAILWAY PURCHASE BONDS

WHEREAS, At the special election of the qualified electors of the City of Fort Collins duly called and held on the 7th day of January, 1919, the following questions were submitted to the duly qualified electors of said city pursuant to the provisions of Ordinance No 11, Series of 1918 and Section 21 of Article XVIII of the City Charter

QUESTION No 1 Shall the City of Fort Collins acquire by purchase the railway property of the Denver & Interurban Railroad Company in the City of Fort Collins or connected therewith for the purpose of operating the said railroad for the benefit of the inhabitants of said City? According to the canvass of the vote duly returned from said election and duly made by the City Council on the 11th day of January, 1919, there were one thousand seventy-two (1,072) votes cast upon said question, of which nine hundred forty (940) were cast in favor of said purchase and

one hundred thirty-two (132) votes against the purchase, showing a majority of eight hundred eight (808) in favor of the purchase of said railway property.

QUESTION No 3 Shall the City of Fort Collins incur a bonded indebtedness in the sum of \$100,000 00 for the purpose of paying for the railway property of The Denver & Interurban Railroad Company in the City of Fort Collins or connected therewith to be operated by the City of Fort Collins? According to the canvass of the vote duly returned from said election and duly made by the City Council on the 11th day of January, 1919, it appears that six hundred ninety-one (691) qualified tax paying electors voted on said question, of which five hundred eighty-one (581) votes were cast in favor of said question and one hundred ten (110) votes were cast against the same as ascertained and determined by the canvass duly made by the City Council, and

WHEREAS, The City Council, at a regular meeting held upon the 11th day of January, 1919, duly authorized by resolution the negotiation and purchase of the railway property of The Denver & Interurban Railroad Company in the City of Fort Collins and connected therewith pursuant to the authority granted by the qualified electors under the provisions of Section 21 of Article XVIII of the City Charter, and

WHEREAS In order to consummate said purchase of the railway property, it is necessary to authorize the issuance of bonds pursuant to the authority granted by the qualified electors of the City of Fort Collins, as shown by the canvass of the votes of said electors to obtain funds to make said purchase Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS

Section 1 That the City of Fort Collins issue its negotiable coupon bonds in the sum of One Hundred Thousand Dollars (\$100,000 00) for the purpose of furnishing funds with which to purchase the railway property of The Denver & Interurban Railroad Company in the City of Fort Collins or connected therewith and thereby contract an indebtedness in said amount for said purpose

Section 2 The said bonds shall consist of four hundred and seventy (470) bonds and shall be issued in denominations and numbered as follows: Three Hundred (300) bonds of the denomination of Fifty Dollars (\$50 00) each numbered from one (1) to three hundred (300) inclusive and one hundred and seventy (170) bonds of the denomination of Five Hundred Dollars (\$500 00) each numbered from three hundred and one (301) to four hundred and seventy (470) inclusive and shall bear date March 1, 1919, and be absolutely due and payable fifteen years after the date thereof and redeemable at the option of said city ten (10) years after the date thereof, to-wit, March 1, 1929, at the office of the City Treasurer in said city, and shall bear interest at the rate of five (5) per cent per annum payable semi-annually on the first days of September and March of each year until paid at the office of the City Treasurer of the City of Fort Collins or the banking house of Kountze Brothers in the City and State of New York at the option of the holder of the coupons thereto attached and shall have printed across the face thereof the words FORT COLLINS MUNICIPAL RAILWAY PURCHASE BOND The said city, however,

reserves the right to pay this bond at any time after the first day of March, A D 1939

Section 3 That said bonds shall be sealed with the corporate seal of said city, signed by the Commissioner of Safety and Ex-Officio Mayor, attested by the City Clerk and countersigned by the Treasurer of said city, each of said bonds shall have attached thereto thirty (30) coupons numbered from one (1) to thirty (30) inclusive, each representing a semi-annual installment of interest upon the said bond and securing the payment of interest as it accrues, which said coupons shall bear the signature of the Treasurer of said City, either original, stamped, printed or lithographed, and the number of the bond to which they are attached Said coupons when so made, executed and delivered as a part of said bonds shall be the lawful obligations of said City securing the payment of said interest in the hands of all persons to whom they may lawfully come

Section 4 That the form of said bonds and coupons shall be substantially as follows, to-wit

UNITED STATES OF AMERICA

No _____

\$ _____

City of Fort Collins

Larimer County

State of Colorado

FORT COLLINS MUNICIPAL RAILWAY

PURCHASE BOND

The City of Fort Collins in the County of Larimer and State of Colorado, for value received, acknowledges itself to owe and hereby promises to pay to bearer

(insert amount) Dollars lawful money of the United States of America, on the first day of March, A D 1934 at the office of the City Treasurer in said City of Fort Collins with interest thereon at the rate of five per centum per annum, payable semi-annually on the first days of September and March at the office of the City Treasurer aforesaid, or at the banking house of Kountze Brothers in the City and State of New York, U S A , at the option of the holder upon presentation and surrender of the annexed coupons as they severally become due

This bond is issued by the said City of Fort Collins for the purpose of securing funds with which to purchase the railway property of The Denver & Interurban Railroad Company in the City of Fort Collins in pursuance of an ordinance of said city duly passed, adopted, published and made a law of said city prior to the issuance hereof, and under, by virtue of and in strict compliance with the constitution of the State of Colorado and the power and authority contained in Section 15 of Article XIX of the City Charter respecting the matter of incurring indebtedness in behalf of the city, and it is hereby certified that the purchase of said railway property of The Denver & Interurban Railroad Company was, at a special election duly called and held on the 7th day of January, 1919 in said city according to law prior to the issuance of this bond duly approved by a majority of the qualified electors voting at said election and the determination of the question of incurring the indebtedness provided for in this ordinance was duly approved by the vote of a majority of the qualified electors of said city, who were taxpayers under the law, voting on

the question at said special election, that all conditions required to exist and acts and things required to be done precedent to and in the issuance of this bond to render the same lawful and valid did exist and have been properly done and performed in regular and due time, form and manner as required by law, that the total debt of said city, including that of this bond, except the debt incurred in supplying the city with water and water works, does not exceed any limit of indebtedness prescribed by the constitution or the laws of the State of Colorado, and the said ordinance provides for the levying of a tax sufficient to pay the annual interest on this bond and extinguish the principal thereof within the time limited for the same to run and containing such other provisions as are required by law And said bonds before delivery thereof to the purchaser shall be duly registered by the City Treasurer in a book provided for that purpose The said City, however, reserves the right to pay this bond at any time after the first day of March, A D 1929

IN TESTIMONY WHEREOF, The said City of Fort Collins has caused this bond to be sealed with its corporate seal, signed by its Commissioner of Safety and Ex-Officio Mayor, attested by its City Clerk and countersigned by its City Treasurer this first day of March, A D 1919

(CITY SEAL) _____ Commissioner of Safety
and Ex-Officio Mayor
Attest: _____ City Clerk
Countersigned _____ City Treasurer

FORM OF COUPON

No _____ \$ _____
On the first day of _____, A D 19__, for

value received, the City of Fort Collins in the County of Larimer and State of Colorado will pay to the bearer _____ Dollars lawful money of the United States of America at the office of the City Treasurer in said City or at the banking house of Kountze Brothers in the City and State of New York U S A , at the option of the holder, being six months' interest on its Municipal Railway Purchase Bond No _____

City Treasurer

Section 5 That said bonds be sold according to law and the proceeds thereof are hereby appropriated and shall be applied solely to the purpose aforesaid of purchasing the railway property of The Denver & Interurban Railroad Company in the City of Fort Collins and connected therewith and equipping the same for operation for the use and benefit of the inhabitants of the City of Fort Collins, and the proceeds from said bonds shall be, when received, deposited to the credit of the Municipal Railway Purchase Investment Fund, but the purchaser of said bonds shall in no manner be responsible for the application or disposal by said city or any of its officers of any of the funds derived from the sale thereof

Section 6 That there be and hereby is levied upon each and every dollar of valuation of taxable property within said city annually in addition to all other taxes, a tax sufficient to produce in the aggregate the sum of Five Thousand Dollars (\$5,000 00) per year for the payment of the interest accruing on said bonds as it falls due until said bonds are fully paid, and there is also hereby levied upon each and every dollar of valuation of taxable property

within said city, in addition to all other taxes beginning with the year 1924, a tax sufficient to produce in the aggregate the sum of Five Thousand Dollars (\$5,000 00) in each of the years 1924, 1925, 1926 1927, 1928 and 1929, and to produce in the aggregate the sum of Fifteen Thousand Dollars (\$15,000.00) in each of the years 1930, 1931, 1932, 1933 and 1934 for the purpose of extinguishing the principal of said bonds within fifteen (15) years of the date of said bonds And the taxing and collection officers of said city are hereby authorized and required to compute, levy, extend and collect such taxes annually as they shall become necessary and due under this ordinance, and the said taxes when collected shall be applied only to the payment of said interest and the principal of said bonds respectively and for no other purpose whatever until the indebtedness contracted under this ordinance principal and interest be fully paid and discharged This section, however, shall not be construed so as to prevent the said city from applying any other funds that may be in the city treasury and available for that purpose to the payment of the interest and principal of the said bonds as the same respectively become payable

Section 7 It shall be the duty of the City Council of the said city annually at the time and in the manner provided by law for levying other city taxes, if such additional taxes shall be necessary to effectuate the provisions of this ordinance, to ratify and carry out the provisions hereof with reference to the levying of the taxes and requiring the officers of and for said city to compute, levy and collect such taxes in the manner provided by law for the purpose of creating a fund for the payment of the

interest upon and the principal of said bonds, and said taxes when collected shall be kept for and only applied to the payment of said interest and principal of said bonds as hereinabove specified, and the fund so created by the collection of taxes shall be placed to the credit of the Fort Collins Municipal Railway Purchase Bonds Sinking Fund and shall be so named and kept by the City Clerk and City Treasurer upon the respective books of said officers and shall be held subject to investment by the City Council under the provisions of Section 3 of Article XIX of the City Charter

Section 8 This ordinance shall be irrevocable until the indebtedness herein provided for shall be fully paid, satisfied and discharged.

Section 9 In the opinion of the City Council, an emergency exists for the preservation of the public health peace and safety, and this ordinance shall take effect upon its passage and publication under and by virtue of the authority contained in Sections 6 and 7 of Article IV of the City Charter

Introduced, read at length and adopted by the unanimous vote of all the members of the City Council this 18th day of January, A D 1919

/s/ Fred W. Stover
Commissioner of Safety
and Ex-Officio Mayor

ATTEST

/s/ A. J. Rosenow
City Clerk

