

ORDINANCE NO. 1
BEING AN ORDINANCE SUBMITTING TO THE QUALIFIED
ELECTORS OF THE CITY OF FORT COLLINS GENERAL
IMPROVEMENT DISTRICT NO. 1, IN FORT COLLINS,
COLORADO, THE QUESTION OF ISSUING BONDS OF SAID
DISTRICT IN THE PRINCIPAL AMOUNT OF \$1,100,000,
FOR THE PURPOSE OF CONSTRUCTING AND PROVIDING,
WITHIN SAID DISTRICT, PARKING AND STREET AND
MALL BEAUTIFICATION IMPROVEMENTS, AND OTHER
INCIDENTAL AND APPURTENANT FACILITIES,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Fort Collins General Improvement District No. 1, in Fort Collins, Colorado, has been duly organized; and

WHEREAS, the Board of Directors of the District has determined and hereby determines and declares that the interests of the District and the public interest and necessity demand the acquisition of property and the construction and installation of parking facilities, and the construction of street and mall beautification improvements, to include canopies and other incidental improvements; and

WHEREAS, the present estimated cost of such improvements is the amount of \$1,100,000 and the maximum net effect interest rate to be paid on such indebtedness shall not exceed 6³/₄ % per annum; and

WHEREAS it is necessary to submit to the qualified electors of the District the question of issuing negotiable coupon bonds of the District in a principal amount not exceeding the estimated cost of improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS, COLORADO, EX-OFFICIO THE BOARD OF DIRECTORS OF THE CITY OF FORT COLLINS GENERAL IMPROVEMENT DISTRICT NO. 1:

1. That at a special bond election to be held at the Fort Collins Community Center, 145 East Mountain Avenue, in Fort Collins, Colorado, in said District, on Tuesday, the 23rd day of November, 1976, between the hours of 7:00 A.M. and 7:00 P.M. of said day, there shall be submitted to the qualified electors of the District, the question stated in the form of Ballot and Notice hereinafter set forth.

2. That for the purpose of this election it is hereby determined and declared that there are not more than 3000 persons qualified to vote at said special election and therefore the entire District shall constitute a single election precinct with a single polling place as hereinabove set forth.

3. Ballots to be used in voting upon the question to be submitted shall be prepared and furnished by the Secretary of the District to the Judges of Election, to be by them furnished to the electors, which Ballots shall be in substantially the following form:

O F F I C I A L B A L L O T
CITY OF FORT COLLINS GENERAL IMPROVEMENT DISTRICT NO. 1
FORT COLLINS, COLORADO
SPECIAL BOND ELECTION
NOVEMBER 23, 1976

QUESTION SUBMITTED:

"Shall the City of Fort Collins General Improvement District No. 1, Fort Collins, Colorado, issue its negotiable coupon bonds in the principal amount not exceeding \$1,100,000 for the purpose of acquiring land and constructing and installing parking facilities, and constructing street and mall beautification improvements, to include canopies and other incidental improvements, such bonds to bear interest at a net effective interest rate not exceeding 6³/₄ % per annum, payable semi-annually, to mature serially within twenty (20) years from their date, and to be redeemable at the option of the District at such time or times and in such manner, upon payment of such premium or premiums, if any, not exceeding 3% of principal, as may later be determined by the Board of Directors?"

----- : :
FOR THE BONDS : :
----- : :
: :
AGAINST THE BONDS : :
----- : :
: :

(The elector shall indicate his or her vote by placing a cross (x) in the square opposite the words expressing his or her choice.)

(TO APPEAR ON BACK OF OFFICIAL BALLOT) "Official Ballot of the City of Fort Collins General Improvement District No. 1, Fort Collins, Colorado, Special Bond Election, November 23, 1976.

(Facsimile Signature)
City Clerk
Ex-officio Secretary"

4. No ballot will be received by the Judges of Election unless the person offering the same shall be a qualified elector of the District. An elector of the District is a person who, at the time of the election, is qualified to vote in general elections in the State of Colorado, and

(a) Who has been a resident of the district for not less than thirty-two days;

or

(b) Who or whose spouse owns taxable real or personal property within the district, whether said person resides within the district or not.

A person who is obligated to pay general taxes under a contract to purchase real property within the district shall be considered an owner within the meaning of subsection (b). The ownership of property on which a specific ownership tax is paid pursuant to law shall not qualify a person as an elector, nor as a taxpaying elector. Taxable property shall mean real or personal property subject to general ad valorem taxes.

Registration pursuant to the general election laws or any other laws shall not be required.

Each elector shall be required to execute an affidavit as to his or her qualifications for voting, before being allowed to vote.

5. That Chris W. Ferguson, Arthur Grovert and Richard White, qualified electors of the District,

shall act as Judges of said election and they shall appoint one of their number to act as Clerk of said election. Each Judge shall receive \$25.00 for their services.

6. That the election shall be held and conducted and the results thereof declared in the manner provided in Section 32-1-108, Colorado Revised Statutes, 1973, as amended.

7. That immediately after the closing of the polls, the Judges of election shall open the Ballot Boxes, and count and canvass the ballots therein. The Judges of election shall promptly thereafter certify the results to the Secretary of the District. The returns of said election shall be canvassed and the result declared at the next regular or special meeting of the District Board.

8. The Secretary of the District shall cause a Notice of said election to be published once a week in three consecutive weekly editions of the Fort Collins Coloradoan, Fort Collins, Colorado, a newspaper of general circulation in the District, the first publication of such Notice to be not less than twenty (20) days prior to the date of the election. As nearly as possible the publications shall be on the following dates:

Tuesday, November 2, 1976;

Tuesday, November 9, 1976; and

Friday, November 19, 1976.

Such Notice shall be in substantially the following form:

"NOTICE OF SPECIAL BOND ELECTION
TO BE HELD IN
CITY OF FORT COLLINS GENERAL IMPROVEMENT DISTRICT NO. 1
FORT COLLINS, COLORADO
ON
NOVEMBER 23, 1976

"PUBLIC NOTICE IS HEREBY GIVEN That on Tuesday, the 23rd day of November, 1976, between the hours of 7:00 A.M. and 7:00 P.M., there will be submitted to the qualified electors of the City of Fort Collins General Improvement District No. 1, in the City of Fort Collins, Colorado, the following question:

"Shall the City of Fort Collins General Improvement District No. 1, Fort Collins, Colorado, issue its negotiable coupon bonds in the principal amount not exceeding \$1,100,000 for the purpose of acquiring land and constructing and installing parking facilities, and constructing street and mall beautification improvements, to include canopies and other incidental improvements, such bonds to bear interest at a net effective interest rate not exceeding 6³/₄ % per annum, payable semi-annually, to mature serially within twenty (20) years from their date, and to be redeemable at the option of the District at such time or times and in such manner, upon payment of such premium or premiums, if any, not exceeding 3% of principal, as may later be determined by the Board of Directors?

"The polling place for the reception of ballots on said question shall be the Fort Collins Community Center, 145 East Mountain Avenue, Fort Collins, Colorado, in said District. The entire District shall constitute a single election precinct for the election.

"Ballots to be used in voting on the foregoing question will be furnished by the Secretary of the District to the Judges of Election, to be by them furnished to the electors. Each elector voting at the election shall deposit in the ballot box a ballot whereon shall be printed the question to be voted upon and the words 'FOR THE BONDS' and 'AGAINST THE BONDS' following such question. The elector shall indicate his or her vote on such question by placing a cross (x) in the square opposite the words on the ballot which express his or her choice.

"No ballot will be received by the Judges of Election unless the person offering the same shall be a qualified elector of the District. An 'elector' shall be defined as a person who, at the time of election, is qualified to vote in general elections in the State of Colorado, and

"(a) Who has been a resident of the district for not less than thirty-two days;

or

"(b) Who or whose spouse owns taxable real or personal property within the district, whether said person resides within the district or not.

"Persons obligated to pay general taxes under a contract to purchase real property within the District shall be considered owners. Electors otherwise fully qualified need not be registered in order to vote.

"Persons who are otherwise fully qualified to vote on said question at such election, but who, on election day, shall be absent from the precinct, or by reason of their work or the nature of their employment are likely to be absent and fear they will be absent from said precinct on said day, or because of serious illness or physical disability, or for reasons based upon the doctrines of established religions shall be unable to attend the polls, or who reside more than ten miles from the polling place by the most direct route of public travel, may apply in writing to the Secretary of the District, c/o the City Clerk, Municipal Building, 300 Laporte Avenue, Fort Collins, Colorado, 80521, for an absentee ballot not later than the Friday immediately preceding the election.

"IN WITNESS WHEREOF, the Board of Directors of the City of Fort Collins General Improvement District No. 1, Fort Collins, Colorado, has caused this Notice to be given as of the 26th day of October, 1976.

/s/ Verna Lewis
City Clerk
Ex-Officio secretary

" (SEAL)

"Publish in: Fort Collins Coloradoan

"Publish on: November 2, 9 and 19, 1976"

9. Persons who are otherwise fully qualified to vote at the election on said question but who shall be absent from the precinct on election day, or by reason of their work or the nature of their employment are likely to be absent and fear they will be absent from said precinct on said day, or because of serious illness or physical disability, or for reasons based upon the doctrines of established religions shall be unable to attend the polls on said day, or who reside more than ten miles from the polling place by the most direct route of public travel, may apply in writing to the Secretary of the District for absentee ballots.

Application for said ballots shall be made to the Secretary of the District, c/o Verna Lewis, City Clerk,

Municipal Building, 300 Laporte Avenue, Fort Collins, Colorado, 80521, and must be made not later than the Friday immediately preceding the Election.

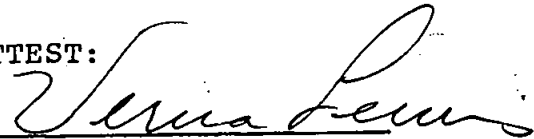
Separate Ballot Boxes shall be used at the polls for ballots cast in person by voters at the polls and for absentee ballots.

10. That if any one or more sections or parts of this ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, it being the intention that the various provisions hereof are severable.

11. Inasmuch as it is necessary to submit the question of issuing bonds to the qualified electors of the District and to obtain the approval of a majority of such electors voting on the bond question, prior to the construction of the project and the issuance of bonds, the Board of Directors hereby finds and determines that the passage and adoption of this ordinance is for the immediate preservation of the public health, safety and welfare, and that the ordinance should be passed as an emergency ordinance, and become effective upon its passage.

Introduced and finally passed and adopted this 26th day of October, A.D. 1976.

ATTEST:


City Clerk
Ex-Officio Secretary


Mayor, Ex-Officio President