

Ord #203

THE STATE OF TEXAS :
COUNTY OF TAYLOR :
CITY OF ABILENE :

The Board of Commissioners of the City of Abilene, Texas,
convened in Regular meeting in the City Hall on this the 12th day of
April, 1946, with the following members present, to wit:

- Will W. Hair, Mayor,
- Ben Richey, :
- Tom McWhirter, : Commissioner,
- R. B. Leach, : :
- Tom R. Bacon, : :
- Lila Fern Martin, City Secretary,

with the following absent: None, constituting a quorum, at
which time the following proceedings were had:

The Mayor presented for the consideration of the Board of
Commissioners an ordinance.
The ordinance was read in full by the City Secretary.

Commissioner Leach made a motion that the Charter provision
requiring ordinances to be read and passed at two separate and distinct meet-
ings be suspended for the reasons stated in the emergency clause and that this
ordinance be read and passed twice at the same meeting. The motion was
seconded by Commissioner Bacon. The motion was carried by the
following vote:
AYES: Mayor Hair, Commissioners Leach, Bacon,
McWhirter and Richey.

NOES: None.
Commissioner Bacon made a motion that the
ordinance pass its first reading. The motion was seconded by Commissioner
McWhirter.

The motion was carried by the following vote:

AYES: Mayor Hair, Commissioners Leach, Bacon

McWhirter and Richey .

NOES: None.

The ordinance was read the second time.

Commissioner Leach made a motion that the

ordinance pass its second and final reading. The motion was seconded by

Commissioner McWhirter . The motion carried by the following vote:

AYES: Mayor Hair, Commissioners Leach, Bacon,

McWhirter and Richey .

NOES: None.

The Mayor announced the final passage of the ordinance.

The ordinance is as follows:

203
AN ORDINANCE

AUTHORIZING THE PURCHASE OF SEWER PIPE FROM THE CITY OF WINTERS; DIRECTING THE MAKING OF A CONTRACT FOR THE REMOVAL OF SAID PIPE TO THE CITY OF ABILENE; AUTHORIZING THE ISSUANCE OF \$14,350.00 OF CITY OF ABILENE, TEXAS, INTEREST-BEARING TIME WARRANTS FOR SAID PURPOSES; LEVYING A TAX TO PAY THE PRINCIPAL AND INTEREST THEREON; PROVIDING THE METHOD OF THE EXERCPTION, ISSUANCE AND DELIVERY THEREOF; ORDAINING OTHER MATTERS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY

WHEREAS, the Board of Commissioners of The City of

Abilene, Texas, has found that it is necessary for the City to construct certain improvements and extensions to the City owned sewer system in order to meet the present requirements of the City; and

WHEREAS, the City can purchase from the City of Winters 7,000 feet of pipe, needed for such extensions and improvements, for \$7,000.00; and

WHEREAS, the pipe to be purchased from the City of Winters is in the ground in and near that City; and

WHEREAS, W. L. Supulver has offered to remove said pipe from the ground and to haul it to Abilene for a price of \$7,350.00; and

WHEREAS, after diligent inquiry, the Board of Commissioners has found and determined that the amounts above stated are reasonable and are the best prices obtainable, and that said pipe will be worth the total cost thereof; and

WHEREAS, the City does not have money on hand or under its immediate control sufficient to pay for said improvements; and

WHEREAS, according to the Federal Census of 1940, the City of Abilene had a population of 26,612; and

WHEREAS, the City of Abilene has not issued any time warrants during the current calendar year; and

WHEREAS, it is necessary to proceed immediately to acquire pipe for the sewer improvements and extensions in order to protect the public health;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS:

1. That the City Engineer is hereby authorized to purchase, for the City of Abilene, from the City of Winters, seven thousand (7,000) feet of 16" Cast Iron pipe, in the ground in and near the City of Winters, for a price of Seven Thousand (\$7,000.00) Dollars.

2. That a contract be entered into between the City of Abilene and W. L. Supulver, substantially as follows:

THE STATE OF TEXAS :
COUNTY OF TAYLOR :
CITY OF ABILENE :

The City of Abilene, hereinafter called "City" and W. L.

Supulver, hereinafter called "Contractor" agree as follows:

1. The Contractor agrees to remove from the ground 7,000 feet of 16" Cast Iron sewer pipe situated in and near the City of Winters, Texas, and to haul said pipe to a place in or near the City of Abilene, Texas, such place to be designated by the City Engineer of the City of Abilene.

2. In consideration therefor the City of Abilene agrees to pay the Contractor \$7,350.00, such payment to be evidenced by City of Abilene Sewer Warrants, Series 1946-A, numbers One (1) to Eight (8) of the denomination of \$1,000.00 each except No. 1 for \$350.00, dated April 1, 1946, maturing April 1, 1966, and being a portion of the warrants authorized by the same ordinance which authorized the making of this contract.

WITNESS OUR HANDS this the _____ day of April, 1946.

CITY OF ABILENE, TEXAS

BY _____
Mayor.

ATTEST:

City Secretary, Abilene, Texas

Contractor.

5. That the warrants of the City of Abilene, to be called "City of Abilene Sewer Warrants, Series 1946-A", be issued under and by virtue of the Constitution and Laws of the State of Texas in the amount of Fourteen Thousand Three Hundred Fifty (\$14,350.00) Dollars, to evidence the City's indebtedness to the City of Winters and to W. L. Sapulver for the purposes above authorized.

4. Said warrants shall be numbered consecutively from One (1) to Fifteen (15), both inclusive, shall be in the denomination of One Thousand (\$1,000.00) Dollars each except warrant No. 1 for \$350.00, and shall become due and payable on April 1, 1966.

5. The City reserves the right to redeem said warrants prior to maturity on any interest payment date, on or after April 1, 1956, at their par value plus accrued interest, provided thirty (30) days' notice in writing is given to the place of payment before the date so fixed for prior payment, and provided at the time said call is made, funds are placed in the place of payment sufficient to pay the warrants called and accrued interest thereon to the date fixed for prior payment. If, upon the happening of the above conditions said warrants are not presented for payment as hereinabove provided, they shall not thereafter bear interest.

6. That said warrants shall be dated April 1, 1946.

7. Said warrants shall bear interest from their date at the rate of Two and one-half ($2\frac{1}{2}\%$) per cent per annum, payable April 1, 1947 and semi-annually thereafter on October 1, and April 1, of each year.

8. That the principal and interest of said warrants shall be payable in lawful money of the United States of America upon presentation and surrender of warrant or proper coupon at the F & M National Bank, Abilene, Texas.

9. That each of said warrants shall be signed by the

Mayor and countersigned by the City Secretary, and the seal of the City shall be impressed upon each of them.

10. That the facsimile signatures of the Mayor and City Secretary may be lithographed or printed upon the coupons attached to said warrants and said printed or lithographed signatures shall have the same effect as if they had been executed manually by said officers.

11. The form of warrants shall be substantially as follows:

NO. _____

\$1,000.00

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF TAYLOR
CITY OF ABILENE SEWER WARRANTS
SERIES 1946-A

The City of Abilene, State of Texas, duly organized under the laws of the State of Texas, acknowledges itself indebted to, and promises to pay to the bearer hereof on the 1st day of April, 1966, the sum of

ONE THOUSAND DOLLARS

(\$1,000.00) in lawful money of the United States of America, with interest thereon from date hereof at the rate of Two and one-half (2½%) per cent per annum, interest payable April 1, 1947, and thereafter semi-annually on October 1, and April 1, of each year, and the Treasurer of said City is hereby authorized, ordered and directed to pay to bearer said principal sum together with interest thereon evidenced by coupons hereto attached, both principal and interest payable at the F & M National Bank, Abilene, Texas. The full faith and credit of the City of Abilene, Texas, and all of the taxable property in said City are hereby irrevocably pledged for the prompt payment of the principal of this warrant at maturity and the interest thereon as it accrues.

This warrant is one of a series of Fifteen (15) warrants

of like tenor and effect except as to numbers, denominations and maturities, numbered from One (1) to Fifteen (15), both inclusive, of the denomination of One Thousand (\$1,000.00) Dollars each, except No. 1 for \$350.00, aggregating Fourteen Thousand Three Hundred and Fifty (\$14,350.00) Dollars, issued for the purpose of acquiring pipe for the construction of improvements and extensions to the City owned sewer system, under and by virtue of the Constitution and Laws of the State of Texas and pursuant to an ordinance passed by the Board of Commissioners of the City of Abilene, Texas, duly recorded in the minutes of said Commission.

The City reserves the right to redeem this warrant prior to maturity while it is outstanding on any interest payment date on or after April 1, 1956, at its par value plus accrued interest, provided thirty (30) days' notice in writing is given to the place of payment before the date so fixed for prior payment, and provided at the time said call is made, funds are placed in the place of payment sufficient to pay this warrant and accrued interest thereon to date fixed for payment. If, upon the happening of the above conditions, this warrant is not presented for redemption, it shall not thereafter bear interest.

The date of this warrant in conformity with the ordinance above mentioned is the 1st day of April, 1946.

AND IT IS HEREBY CERTIFIED AND RECITED that the issuance of this warrant and the series of which it is a part is duly authorized by law and that all acts, conditions and things required to be done precedent to and in the issuance of this series of warrants and of this warrant have been properly done and performed and have happened in regular and due time, form and manner as required by law, and that the City of Abilene has received full value for this warrant; that due provision has been made for levying and collecting annually by taxation an amount sufficient to pay the interest on these warrants as it falls due and to provide a sinking fund for the final

redemption of said warrants at maturity; that the issue of warrants of which this is one, together with all indebtedness of said City is within every debt and other limit prescribed by the Constitution and laws of the State of Texas.

IN WITNESS WHEREOF, The City of Abilene by its Board of Commissioners has caused the seal of said City to be affixed hereto and this warrant to be signed by its Mayor and countersigned by its City Secretary and the interest coupons hereto attached to be executed by the printed or lithographed facsimile signatures of the Mayor and City Secretary as of the date last above written.

Mayor, City of Abilene, Texas.

COUNTERSIGNED:

City Secretary, City of Abilene, Texas.

12. The form of coupon shall be substantially as follows:

NO. _____

\$ _____

ON THE 1ST DAY OF

_____, 19__

The Treasurer of The City of Abilene, Texas, will pay to bearer at the F & M National Bank, Abilene, Texas, the sum of _____ (\$ _____) Dollars, in lawful

money of the United States of America, being _____ months' interest on City of Abilene, Texas, Sewer Warrant, Series 1946, dated April 1, 1946, No. _____.

City Secretary.

Mayor.

13. Said warrants in the authorized amount of Fourteen Thousand Three Hundred Fifty (\$14,350.00) Dollars shall be printed and with the printed or lithographed coupons attached shall be executed by the Mayor and countersigned by the City Secretary.

Upon purchase of the pipe from the City of Winters, \$7,000.00 of said warrants shall be delivered to said City. Upon completion of the contract for removal of the pipe to the City of Abilene to the satisfaction of the City Engineer, \$7,350.00 of said warrants shall be delivered to the said W. I. Supulver. Accrued interest to the date of delivery of the warrants shall be paid to the City of Abilene.

14. That a special fund to be designated "City of Abilene Sewer Warrants, Series 1946-A Fund", shall be created and is hereby created, and the proceeds of all taxes collected for or on account of this series of warrants shall be credited to said fund for the purpose of paying the interest on and providing a sinking fund for the redemption of said warrants at maturity, and said fund shall be used for no other purpose; that to create said fund a tax of One (1 ¢) Cents on the One Hundred Dollars' valuation of taxable property in The City of Abilene is hereby levied for the current year 1946; that for the year 1947, and each year thereafter while any of said warrants or interest are unpaid, and at the time other City taxes are levied during the said years, there shall be computed and ascertained what rate of tax, based upon the latest approved tax rolls of said City, will be necessary, requisite and sufficient fully to make, raise and produce in each of said years the amount of interest to be paid in that year, and the proportionate amount of sinking fund to be accumulated in that year, and for each of said years there is hereby levied and ordered to be assessed and collected a tax at such rate as shall be necessary as aforesaid, and that such taxes when collected shall be appropriated and applied to the purposes named.

15. All holders of said warrants are hereby subrogated to all rights which the City of Winters and the said W. I. Supulver had against The City of Abilene, and the transfer or sale of said warrants shall constitute such subrogation.

16. The Mayor and City Secretary are ordered to do any and all things necessary to accomplish the transfer of said moneys to the interest and sinking fund of this issue in ample time to pay such items of principal and interest.

PASSED AND APPROVED this the 12th day of April, 1946.



Mayor, City of Abilene, Texas.

ATTEST:



City Secretary, City of Abilene, Texas.

THE STATE OF TEXAS :
COUNTY OF TAYLOR :

I, the undersigned, City Secretary of the City of Abilene, Texas, do hereby certify that the above and foregoing is a true, full and correct copy of an ordinance passed by the Board of Commissioners of said City (and of the minutes pertaining thereto) on the 12th day of April, 1946, authorizing the issuance of \$14,350.00 of City of Abilene Sewer Warrants, levying a tax to pay the principal and interest thereof and providing the method of the execution, issuance and delivery thereof, as is recorded in the minutes of the Board of Commissioners, Volume 9, page 413, at seq.

EXECUTED UNDER MY HAND and seal of said Court this the
13th day of April, 1946.

Ella Jew Martin
City Secretary, City of Abilene, Texas.