

*Order # 206*

The motion was carried by the following vote:

AYES: Mayor Hair, Commissioners Richey, McWhirter, Leach

and Bacon.

NOES: None.

The ordinance was read the second time.

Commissioner \_\_\_\_\_ made a motion that the

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

Commissioner \_\_\_\_\_ . The motion carried by the following vote:

AYES: Mayor Hair, Commissioners Richey, McWhirter, Leach

and Bacon.

NOES: None.

The Mayor announced the final passage of the ordinance.

The ordinance is as follows:

AN ORDINANCE

AUTHORIZING THE ISSUANCE OF \$236,000.00 OF CITY OF ABILENE, TEXAS, INTEREST-BEARING TIME WARRANTS, LEVYING A TAX TO PAY THE PRINCIPAL AND INTEREST THEREON; PROVIDING THE METHOD OF THE EXECUTION, ISSUANCE AND DELIVERY THEREOF AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Commissioners of the City of Abilene,

Texas, has determined heretofore that it is to the best interest of the City to construct certain improvements and extensions to the City owned sewer system; and

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

WHEREAS, the Board of Commissioners has heretofore on the 12th day of April, 1946, passed an ordinance authorizing and directing the Mayor to give notice of intention to issue interest-bearing time warrants in the amount and for the purpose indicated herein, which notice is in words and figures as follows, to wit:

"NOTICE OF INTENTION TO ISSUE  
INTEREST-BEARING TIME WARRANTS

Notice is hereby given that the Board of Commissioners of The City of Abilene, Texas, intends on the 3rd day of May, 1946, to pass an ordinance authorizing the issuance of City of Abilene Interest-Bearing Time Warrants in an amount not exceeding \$236,000.00, bearing interest at a rate not exceeding 2-1/2% per annum and maturing serially in such installments as may be fixed by the Commission, the maximum maturity or final installment to be not later than Twenty (20) years after the date of said warrants, for the construction of improvements and extensions to the sewer system of The City of Abilene, the purchase of material, equipment and rights of way therefor, providing for the delivery of said warrants to the contractors for such construction and to persons furnishing labor, services, material equipment, and rights of way, materials for the construction of extensions and improvements, or to the assignees of such contractors or persons. Said warrants are to be issued in accordance with the provisions of Chapter 163, Acts of the Regular Session of the Forty Second Legislature.

This notice is given in accordance with an ordinance duly passed by the Board of Commissioners of the City of Abilene, Texas.

Mayor, Abilene, Texas."

WHEREAS, said notice has been duly published in "The Abilene Reporter News", a newspaper published within said City in its issues of May 5, 1946, and May 12, 1946; and

WHEREAS, no petition for a referendum election has been filed with the Board of Commissioners as permitted under the provisions of Chapter 163, Acts of the Regular Session of the Forty Second Legislature, known as the Bond and Warrant Law of 1931; and

WHEREAS, it will be necessary for the City to deliver contractors or to each of the/persons who will furnish materials or perform labor or services in connection with said improvements and extensions or to his assignee, interest-bearing time warrants evidencing the City's indebtedness for the contract or performance of such/labor or services or for the furnishing of such materials; and

WHEREAS, of necessity the amount of money for which the City shall be indebted to said several persons will be in varying amounts and in most instances the amount will not be in multiples of One Thousand (\$1,000.00) Dollars each; and

WHEREAS, it is considered to be to the best interest of the City that said interest-bearing time warrants be of even denominations in the amount of One Thousand (\$1,000.00) Dollars each; and

WHEREAS, such condition renders necessary that the claims of contractors and those performing work, rendering services, and furnishing material for the improvements and extensions for which these warrants are being issued, be assembled in a bank which will hold said claims until the interest-bearing time warrants of even denominations can be substituted by the City for said claims, with proper provision for adjusting the credit balance occasioned by odd amounts of the claims and the even denomination of the warrants; and

WHEREAS, T & M National Bank, Abilene, Texas, has agreed to purchase from the owners thereof, the claims (duly approved by the Board of Commissioners) of said contractors and persons furnishing materials or performing services or labor in connection with said improvements and extensions, the face amount thereof upon delivery to it, and to hold said claims until a sufficient amount thereof shall have been assembled to justify the delivery to it of said interest-bearing time warrants in substitution thereof;

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

1. That the warrants of the City of Abilene, to be called "City of Abilene, Sewer Warrants, Series 1946-B", be issued under and by virtue of the Constitution and Laws of the State of Texas in the amount of Two Hundred Thirty Six Thousand (\$236,000.00) Dollars, to evidence the City's indebtedness for the construction of improvements and extensions to the sewer system, of the City of Abilene, the purchase of material, equipment and rights of way therefor, providing for the delivery of said warrants to the contractors for such construction and to persons furnishing labor, services, material equipment, and rights of way, materials for the construction of extensions and improvements, or to the assignees of such contractors or persons.
2. Said warrants shall be numbered consecutively from One (1) to Two Hundred Thirty Six (236), both inclusive, shall be in the

denomination of One Thousand (\$1,000.00) Dollars each and shall become due and payable as follows:

<u>WARRANT NUMBERS</u>	<u>MATURITY DATES</u>	<u>AMOUNTS</u>
1 to 10, both incl.,	April 1, 1949	\$ 10,000.00
11 to 20, " "	April 1, 1950	10,000.00
21 to 31, " "	April 1, 1951	11,000.00
32 to 42, " "	April 1, 1952	11,000.00
43 to 54, " "	April 1, 1953	12,000.00
55 to 66, " "	April 1, 1954	12,000.00
67 to 77, " "	April 1, 1955	11,000.00
78 to 89, " "	April 1, 1956	12,000.00
90 to 101, " "	April 1, 1957	12,000.00
102 to 130, " "	April 1, 1958	29,000.00
131 to 135, " "	April 1, 1959	5,000.00
136 to 141, " "	April 1, 1960	6,000.00
142 to 154, " "	April 1, 1961	13,000.00
155 to 168, " "	April 1, 1962	14,000.00
169 to 182, " "	April 1, 1963	14,000.00
183 to 197, " "	April 1, 1964	15,000.00
198 to 221, " "	April 1, 1965	24,000.00
222 to 236, " "	April 1, 1966	15,000.00

3. The City reserves the right to redeem said warrants prior to maturity on any interest payment date, on and after ten (10) years from their date 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. X

4. That said warrants shall be dated May 1, 1946.

5. Said warrants shall bear interest from their date at the rate of Two and one-half (2½%) per cent per annum, payable April 1, 1947, and semi-annually thereafter On October 1, and April 1 of each year.

6. 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 & H National Bank, Abilene, Texas.

7. 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.

8. 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.

9. 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-B

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, 19\_\_\_\_, 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 Two Hundred Thirty Six (236) warrants of like tenor and effect except as to numbers and maturities, numbered from One (1) to Two Hundred Thirty Six (236), both inclusive, of the denomination of One Thousand (\$1,000.00) Dollars each, aggregating Two Hundred Thirty Six Thousand (\$236,000.00) Dollars, issued for the construction of improvements and extensions to the sewer system of the City of Abilene, the purchase of material, equipment and rights of way therefor, providing for the delivery of said warrants to the contractor for such construction and to persons furnishing labor, services, material, equipment, and rights of way,

materials for the construction of extensions and improvements, or to the assignees of such contractors or persons, 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 and after ten (10) years from ~~its~~ date 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 May, 1946.

AND IT IS HEREBY CERTIFIED AND RECEIVED 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 litho-

graphed 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.

10. 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-B, dated May 1, 1946, No. \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

11. Said warrants in the authorized amount of Two

Hundred Thirty Six Thousand (\$336,000.00) Dollars shall be printed and with the printed or lithographed coupons attached shall be executed by the Mayor and countersigned by the City Secretary. The warrants thus executed shall be placed in the custody of the City Secretary and shall be delivered in installments, as and when, and in amount necessary from time to time to evidence the indebtedness of the City to the persons or assignees of persons performing contracts, labor and services, and furnishing materials and rights of way in the construction of improvements and extensions to the sewer system. Under no circumstances shall any of said warrants be delivered by the City except for such purposes. A finding by the Board of Commissioners that a specific item of indebtedness was incurred in connection with said improvements and extensions shall be final and binding when contained in an ordinance or resolution passed by the Board of Commissioners.

12. After claims shall have been approved by the Board of Commissioners for contractors, labor, services and materials furnished for said improvements and extensions, the Mayor and City Secretary shall issue to each claimant a certificate in substantially the following form:

Claim No. \_\_\_\_\_ \$ \_\_\_\_\_

This is to certify that the Board of Commissioners of the City of Abilene, Texas, at a meeting held on \_\_\_\_\_, audited, approved and allowed a claim in favor of \_\_\_\_\_ in the amount of \_\_\_\_\_ Dollars, for \_\_\_\_\_ furnished in the improvement and extension of the City's Sewer System, being a part of the improvements and extensions for which the City has authorized the issuance of "City of Abilene Sewer Warrants, Series 1946-B", dated May 1, 1946, and that said claimant is entitled to an undivided interest of said amount of said warrants not heretofore delivered.

ISSUED \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary.

13. As and when the City's liability for such services, labor and materials shall have been accumulated from time to time in amounts not less than One Thousand (\$1,000.00) Dollars, and when requested by the holder of said approved claims, the Board of Commissioners will pass an ordinance or adopt a resolution describing said items of liability consisting of approved claims and accounts, authorizing the delivery of said interest-bearing time warrants in an amount equivalent to said accumulated claims and accounts, specifying by numbers the time warrants to be delivered in exchange for said accumulated approved claims. Since the warrants are to be in the denomination of One Thousand (\$1,000.00) Dollars each and since the total amount of assembled claims in the hands of said bank at any one time may be in such amount that an exact exchange cannot be effected, in such instances



the City shall deliver to the bank, as nearly as possible, the amount of warrants equal to the amount of said assembled claims, but in no instance shall the City deliver warrants in excess of the amount of said claims.

Credit balances may be carried in favor of said bank for succeeding installment deliveries. On the occasion of the final installment delivery the City shall make cash adjustment with said bank out of funds available therefor.

14. On the occasion of each installment delivery of warrants, both the City and the bank shall execute certificates and receipts, each in favor of the other, to show the surrender to the City and the receipt therefor of said claims and the delivery by the City and receipt therefor of said warrants.

15. That a special fund to be designated "City of

-B-

Ablene Sewer Warrants, Series 1946/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 \_\_\_\_\_ ( ) 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 and principal to be paid 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.

16. The assignees of said claims and the holders of said warrants are hereby subrogated to all rights which the persons who furnished labor, services and materials had against the City of Abilene, and the assignment or sale of said claims or warrants shall constitute such subrogation.

17. 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.

18. The facts that the present sewer facilities are inadequate and that the improvements and extensions for the sewer system are necessary for the immediate preservation of the public health and safety in the City of Abilene creates an emergency requiring that this ordinance be designated an emergency measure, that the rule requiring ordinances to be read at two separate meetings be suspended, and that this ordinance take effect immediately from and after its passage, and it is so ordained.

PASSED AND APPROVED this the 3rd day of May, 1946.

W. H. Flowers  
Mayor, City of Abilene, Texas.

APPROVED:

E. J. Tom  
City Secretary, City of Abilene, Texas.

APPROVED AS TO FORM:

Th. Burkholder  
City Attorney.