

ORDINANCE NO. 696

AN ORDINANCE RELATING TO THE SALE OF IMPROVEMENT BONDS UNDER THE BANCROFT BONDING ACT; PROVIDING FOR THE FORM OF BOND; PROVIDING FOR A CALL FOR BIDS; AND DECLARING AN EMERGENCY.

WHEREAS, the Common Council of the City of Canby, Clackamas County, Oregon, has pursuant to the authority vested in it by the laws of the State of Oregon, the Charter of the City of Canby and the Ordinances of said City constructed street improvements on N. Oak Street in Local Improvement District known as LID No. 8, and has also constructed street, storm sewer, sanitary sewer, curbing and sewer laterals in, on and along N.W. Third Avenue and N.W. Baker Drive in a Local Improvement District known as LID No. 9 and has also constructed sanitary sewer, street and storm drainage improvements in, on and along N.E. Territorial Road, N. Juniper Street and N. Locust Street in a Local Improvement District known as LID No. 10; and

WHEREAS, a part of the costs of all three improvement projects have been paid in cash by the benefited property owners and the aggregate of the residue owing on the construction costs for all three improvement projects is to be paid under the provisions of Oregon Revised Statutes Sections 223.205 to 223.295, inclusive, commonly known as the "BANCROFT BONDING ACT" and the property owners so indebted have made their respective applications to pay assessments in installments; and

WHEREAS, the City Recorder has made a bond lien docket as provided by ORS 223.230 for N. OAK STREET IMPROVEMENT PROJECT (LID No. 8) and for N.W. THIRD AVENUE and N.W. BAKER DRIVE IMPROVEMENT PROJECT (LID No. 9) and also for N.W. TERRITORIAL ROAD, N. JUNIPER STREET and N. LOCUST STREET IMPROVEMENT PROJECT (LID No. 10). The docket for project no. 8 (LID No. 8) shows total unpaid assessments in the amount of NINE THOUSAND TWO HUNDRED NINETY-ONE AND 04/100 (\$9,291.04), and the docket for

the improvement project no. 9 (LID No. 9) shows total unpaid assessments in the amount of TWO HUNDRED FORTY-FOUR THOUSAND FIVE HUNDRED THIRTY-FIVE AND 24/100 DOLLARS (\$244,535.24) and the docket for the improvement project number 10 (LID No. 10) shows total unpaid assessments in the amount of ONE HUNDRED THIRTY-THREE THOUSAND EIGHT HUNDRED SEVENTY-TWO AND 13/100 DOLLARS (\$133,872.13) and the aggregate amount of the total unpaid assessments for all three of said projects is THREE HUNDRED EIGHTY-SEVEN THOUSAND SIX HUNDRED NINETY-EIGHT AND 41/100 DOLLARS (\$387,698.41), NOW, THEREFORE,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the City of Canby, Clackamas County, Oregon, a municipal corporation, issue THREE HUNDRED EIGHTY-SEVEN THOUSAND SIX HUNDRED NINETY-EIGHT AND 41/100 DOLLARS (\$387,698.41) in general obligation bonds of said city to be dated June 1, 1981 to be numbered consecutively from 1 to 78, inclusive, to be in denominations of \$5,000 each except for a fractional bond to be numbered one (1) which shall be in the amount of \$2,698.41, and all of said bonds to mature serially in numerical order as follows:

\$ 27,698.41	on June 1, 1982
30,000.00	on June 1, 1983
30,000.00	on June 1, 1984
35,000.00	on June 1, 1985
35,000.00	on June 1, 1986
40,000.00	on June 1, 1987
40,000.00	on June 1, 1988
45,000.00	on June 1, 1989
50,000.00	on June 1, 1990
55,000.00	on June 1, 1991

With the right reserved to the City, however, at its option, to redeem in regular numerical order at par and accrued interest on June 1, 1987 and on any interest payment day thereafter, any or all of the bonds of such issue maturing after June 1, 1986.

Section 2: That the said bonds shall be issued to bear interest at a rate or rates of not to exceed ten percent (10% per annum payable semi-annually, June 1 and December 1, of each

year during which they are outstanding; and the difference between the highest and lowest coupon rates bid shall not exceed two percent (2%); that the interest accruing upon said bonds be evidenced by coupons attached thereto; that both the principal of and interest upon said bonds shall be paid at the office of the City Treasurer of Canby, Oregon.

Section 3: That each of said bonds shall be personally signed with his manual signature by the Mayor of the City of Canby, Oregon, in office at the time of the execution of said bonds; that each of said bonds shall further be countersigned in like manner by the duly chosen, qualified and acting City Recorder of said City in office upon such date; that the coupons appertaining to said bonds shall be executed with the engraved facsimile signatures of said Mayor and City Recorder.

Section 4: That the full faith and credit of said City be and it is hereby 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.

Section 5: That the proposed bonds and coupons attached thereto shall be in substantially the following form:

No. 1	STATE OF OREGON COUNTY OF CLACKAMAS CITY OF CANBY	<u>\$2,698.41</u>
	IMPROVEMENT BOND (LID NO. 8, LID NO. 9 and LID NO. 10)	

KNOW ALL MEN BY THESE PRESENTS that the City of Canby in the County of Clackamas, State of Oregon, for value received hereby promises and agrees to pay to the bearer the sum of TWO THOUSAND SIX HUNDRED NINETY-EIGHT AND 41/100 DOLLARS (\$2,698.41) in lawful money of the United States of America on the presentation and surrender of this obligation, on the 1<sup>st</sup> day of June, 1982, without grace, with interest thereon in like lawful money from date hereof until paid at the rate of        percent per annum payable semi-annually on the first day of June and the first day of December in each year. The first such interest payment to be made on the first day of December, 1981, on the presentation and surrender of the proper coupons hereto annexed. Principal and interest is payable at the office of the Treasurer of the City of Canby, Oregon.

The bonds of this issue of which this bond forms a part maturing after June 1, 1986 may be redeemed by the City,

at par value and accrued interest to date of redemption, on June 1, 1987, and on any interest payment day thereafter, in regular numerical order, upon notice given at least thirty (30) days prior to the redemption date specified therein, by publication thereof in one issue of a newspaper specializing in financial matters published in the City of Portland, Oregon, and in a newspaper published and generally circulated in the City of Canby, Clackamas County, State of Oregon. From the date of redemption designated in any such notices, interest upon the bonds so called for payment shall cease.

This is one of a series of bonds authorized by Sections 223.205 to 223.295, inclusive, ORS, commonly known as "BANCROFT BONDING ACT", and is the general obligation of the City of Canby, Oregon. It is hereby certified that all the requirements of the laws relating to the issuance hereof have been fully complied with by the proper officers of said City and that the total amount of this issue does not exceed the limit prescribed by said Act.

The full faith and credit of the said City of Canby are pledged for the fulfillment of the conditions of this obligation.

IN WITNESS WHEREOF the City of Canby has caused this bond to be signed by the Mayor and countersigned by the City Recorder of the City of Canby, Oregon, and to be sealed with its corporate seal, and the coupons hereto annexed to be signed by the facsimile signatures appearing on each of said coupons.

This bond is dated the first day of June, 1981.

CITY OF CANBY

By: [Signature]  
Mayor

COUNTERSIGNED:

By: [Signature]  
City Recorder

( S E A L )

FORM OF BOND COUPON

No. 1 On the first day of December, 1981, the City of Canby, Oregon, upon surrender of this coupon at the office of the City Treasurer of Canby, Oregon, will pay to bearer the sum of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_) in lawful money of the United States of America, for interest then due on its IMPROVEMENT BOND for LID NO. 8, LID NO. 9 and LID NO. 10 dated June 1, 1981, and bearing No. 1.

CITY OF CANBY

By: [Signature]  
Mayor

COUNTERSIGNED:

By: [Signature]  
City Recorder

Section 6: That the City Recorder cause to be published in The Canby Herald, a newspaper of general circulation printed and published in the City of Canby, Clackamas County, State of Oregon and having a general circulation in the City of Canby and in the Daily Journal of Commerce, a business and financial paper published in Portland, Oregon a Notice of the proposed sale of such bonds as provided by law, specifying that sealed bids will be received by such Recorder up to and including the hour of 8:00 p.m. on Wednesday, May 20, 1981 and that immediately thereafter the bids received will be publicly opened by the Canby City Council for the sale of such bonds at not less than the par value thereof and the accrued interest thereon, at an interest rate or rates in multiples of one-fourth (1/4) of one percent (1%) or one-tenth (1/10) of one percent (1%), not exceeding a net effective rate of ten percent (10%) per annum, payable semi-annually to be specified by the bidder, but the difference between the highest and lowest coupon rates shall not exceed two percent (2%); 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 EIGHT THOUSAND DOLLARS (\$8,000) to be forfeited to the City in case the bidder fails to complete the purchase in accordance with the terms of the bid; that bids must be unconditional except as to the qualification of 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 maturity dates thereof; that the bonds will be sold to the highest responsible bidder; that the City Council reserves the right to reject any or all bids; that the successful bidder

will be furnished with the written opinion of Messrs. Rankin, McMurry, Osburn, VavRosky & Doherty to the effect that the bonds constitute the valid and legally binding obligation of the City and said approving opinion will be printed on the reverse side of the bonds.


Section 7: It being deemed by the Common Council for the City of Canby that an emergency exists and that this Ordinance would be to the best interests of said City and the inhabitants thereof and for the best interests of the health, peace, safety and general welfare of the residents of said City, this Ordinance shall take effect immediately upon its final passage.

Submitted to the Council and read the first time at a regular meeting thereof on the 18th day of March, 1981; ordered posted as provided by the Canby City Charter and to come up for final reading and action of the Canby City Council at a regular meeting thereof on the 15th day of April, 1981 commencing at the hour of 7:30 o'clock p.m. at the Council's regular meeting place in the Council chambers next to the Canby City Hall.

  
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Harold A. Wyman - City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 15th day of April, 1981 by the following vote:

YEAS 6. NAYS 0.

  
\_\_\_\_\_  
Robert A. Swayze - Mayor

ATTEST:

  
\_\_\_\_\_  
Harold A. Wyman - City Recorder