

ORDINANCE NO. 143.

AN ORDINANCE PROVIDING FOR THE ISSUANCE, EXECUTION AND DELIVERY BY THE CITY OF POLSON, OF FLATHEAD COUNTY, MONTANA OF ITS NEGOTIABLE COUPON BONDS IN THE AGGREGATE SUM OF \$45,000.00, BEARING INTEREST AT THE RATE OF SIX (6) PER CENTUM PER ANNUM, PAYABLE SEMI-ANNUALLY TO BE DENOMINATED WATER BONDS FOR THE PURPOSE OF SECURING AN ADDITIONAL WATER SUPPLY AND CONSTRUCTING A PIPE LINE THEREFOR, TO BE OWNED AND CONTROLLED BY SAID CITY, PRESCRIBING THE FORM OF SAID BONDS, FIXING THE DATE AND DESIGNATING THE DENOMINATION THEREOF, RATE OF INTEREST, MATURITY AND THE PLACE OF PAYMENT OF SAID BONDS, PROVIDING FOR THE LEVY OF A DIRECT ANNUAL AD VALOREM TAX UPON ALL OF THE TAXABLE PROPERTY IN SAID CITY, IN ADDITION TO ALL OTHER TAXES SUFFICIENT TO PAY THE INTEREST ACCRUED ON SAID BONDS PROMPTLY WHEN AND AS THE SAME BECOMES DUE AND ALSO TO CONSTITUTE A SINKING FUND SUFFICIENT TO PAY THE PRINCIPAL THEREOF AT THE TIME OF THEIR MATURITY; REPEALING ALL ORDINANCES, RESOLUTIONS OR ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY/.

WHEREAS, the city council of the city of Polson, Montana at its meeting on January 3, 1922, by a vote of a majority of its members duly passed and adopted Ordinance No. 140 entitled, "An ordinance providing for the holding of a special election on the question of whether or not the indebtedness of the city of Polson, Montana shall be increased over and above the 3 per cent limit fixed by law by the issuance of water Bonds to the amount of Forty-five Thousand Dollars to be used for the purpose of procuring a pure, adequate and wholesome supply of water for said city from Big Creek, commonly known as Hell Roaring Creek; said city shall own and control said water and devote the revenue derived therefrom to the payment of the debt incurred therefor"; which said ordinance was duly approved by the Mayor of said city on the 3rd day of January, 1922, and

WHEREAS, a majority of the votes cast at the said election were in favor of the proposition to increase the indebtedness of the said city of Polson over and above the three per cent limit fixed by law, by the issuance of water bonds of said city to the amount of Forty-five Thousand Dollars (\$45,000.00) to be used for the purpose of procuring a water supply and constructing a water system for said city, which water supply and water system said city shall own and control and devote the revenue derived therefrom to the payment of the debt incurred therefor.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON, IN THE COUNTY OF FLATHEAD AND STATE OF MONTANA.

Section 1. That by virtue and in pursuance of Sections 3454-3464, Revised Codes of Montana of 1907, there shall be and there is hereby authorized, ordered and directed to be issued negotiable coupon bonds of said city of Polson, to be denominated "Water Bonds" in the aggregate principal amount of \$45,000.00 for the purpose of procuring an additional water supply and constructing a pipe line therefor to be owned and controlled by said city.

Section 2. That the Mayor and City Clerk of said city of Polson be and they are hereby authorized and directed to have prepared the negotiable coupon bonds of the city in the said aggregate amount of \$45,000.00.

Section 3. That said bonds hereby authorized shall be negotiable in form, payable to bearer, shall consist of forty-five bonds, numbered consecutively from 1 to 45, both inclusive, of the denomination of \$1000.00 each, shall bear date the first day of May 1922, shall be absolutely due and payable May 1, A.D. 1942 but redeemable at the option of said city as follows: - \$10,000. on May 1, 1927; \$10,000. on May 1, 1932 and \$25,000. on May 1, 1937, shall bear interest at the rate of six (6) per centum per annum, payable January 1, 1923 and semi-annually thereafter on the first days of July and January in each year and at maturity. The principal of said bonds and the interest accruing thereon shall be payable in gold coin of the United States of America of or equal to the present standard of weight and fineness at the office of the city treasurer in Polson, Montana, or at the National Bank of Commerce in the City and State of New York U.S.A. at the option of the holder. Said bonds shall be signed by

the Mayor and Clerk of the City and the corporate seal of said city shall be affixed to each bond. The interest accruing on said bonds will be evidenced by interest coupons attached, bearing the engraved facsimile signatures of said Mayor and Clerk, and when so executed such coupons shall be the binding obligations of the city according to their import.

Section 4. Said bonds and coupons attached thereto shall be in substantially the following form:-

UNITED STATE OF AMERICA.
STATE OF MONTANA COUNTY OF FLATHEAD
CITY OF POLSON
NO. _____ \$1000.
WATER BOND.

The city of Polson, in the County of Flathead and State of Montana, for value received, hereby acknowledges itself indebted and promises to pay to bearer the sum of One Thousand Dollars, in gold coin of the United States of America, of or equal to, the present standard of weight and fineness on the first day of May A. D. 1942, with interest thereon from the date hereof at the rate of Six (6) per centum per annum, payable in like gold coin on January 1, 1923 and semi-annually thereafter on the first days of July and January in each year and at maturity, as evidenced by interest coupons hereto attached, both principal and interest payable at the office of the City Treasurer in Polson, Montana, or at the National Bank of Commerce in the city and state of New York U.S.A., at the option of the holder, upon presentation of this bond or said coupons respectively.

This bond is issued by the City of Polson for the purpose of securing an additional water supply and constructing a pipe line therefor, to be owned and controlled by said city, under, by virtue of and in full conformity with the provisions of Sections 3454 to 3464 inclusive, Revised Codes of Montana of 1907, and the amendments thereto and all acts thereunto enabling, and pursuant to a vote of a majority of the qualified tax paying electors of said city voting at a special election duly and legally called, noticed and held therein on the 20th day of February, A. D. 1922 for that purpose, and also pursuant to an ordinance duly adopted by the council of said city and effective prior to the issuance of this bond.

It is hereby certified, recited and warranted that said city has been for many years past and is now a body politic and corporate, with the general powers of a municipal corporation, duly organized, existing and operating as a city under and by virtue of the Constitution and general laws of Montana, and is now and always has been under the control of a mayor and duly organized council as the duly constituted corporate authority thereof; that all things, acts and conditions required by the constitution and laws of the State of Montana to exist and to happen and be done and performed precedent to and in the issuance of this bond in order to constitute the same a valid and binding obligation of said city do exist and have happened and been done and performed in regular and due form and time; that the total indebtedness of said city of Polson, including this bond, does not exceed any constitutional or statutory limitation; and that provision has been made for the levy, assessment and collection of a direct annual ad valorem tax on all of the taxable property of said city, in addition to all other taxes, to create a fund sufficient to pay the interest accruing upon this bond promptly when and as the same becomes due and to establish a sinking fund with which to discharge the principal thereof at maturity.

The faith, credit and all of the taxable property of said city are hereby irrevocably pledged for the punctual payment of the interest and the redemption of the principal of this bond respectively as the same become due and are payable as aforesaid.

This bond is redeemable at the option of said city on, or on any interest payment date after May 1, 19__ after thirty (30) days' notice of the intention to exercise such option given by publication in a newspaper published in said city.

In witness whereof, the city of Polson, of Flathead County, Montana, by its Mayor and council, has caused this bond to be signed by its Mayor and Clerk, and sealed with its corporate

seal and has caused the annexed interest coupons to be executed with the engraved facsimile signatures of its said Mayor and Clerk, as of the first day of May A. D. 1922.

City of Polson, Montana

Mayor

City Clerk.

NO. _____

\$ _____

On January 1st,
May 1st, A. D. 19_____
July 1st,

The City of Polson, in the county of Flathead and State of Montana, for value received, promises to pay to bearer _____ dollars in gold coin of the United States of America of, or equal to, the present standard of weight and fineness, at the office of the Treasurer of said City or at the National Bank of Commerce in the City and State of New York U. S. A., at the option of the holder, being interest then due on its water bond, dated May 1, A. D. 1922.

No. _____

FACSIMILE SIGNATURE
MAYOR

FACSIMILE SIGNATURE

CITY CLERK

(To be printed on back of bonds)
Registered in the office of the City Clerk this _____ day of _____ 1922
City Clerk

Section 5. That said water bonds shall be delivered to Benwell, Phillips and Company of Denver, Colorado, the lawful purchaser thereof at not less than their par value and the proceeds thereof shall be applied only to the purpose for which said bonds were and are issued.

Section 6. The city of Polson, Montana hereby obligates itself to levy and collect, annually, and in due time, manner and form and season, a tax upon all taxable property in said city sufficient to pay interest on said bonds when due, and to create a sinking fund for the redemption of said bonds, and the taxes so levied and collected shall be used in payment of the principal and interest on said bonds, and for no other purpose. The said city further pledges the revenues derived from said water system and water supply to the payment of the principal and interest of said bonds.

Section 7. That the provisions of this ordinance and each of the bonds and the interest coupons issued pursuant thereto shall constitute and the same are hereby declared to be a binding and irrevocable contract between said city and the holder from time to time of each of said bonds and the interest coupons thereto appertaining.

Section 8. That this ordinance shall not be altered or repealed until the bonds hereby authorized shall have been fully paid, both principal and interest.

Section 9. That on the 15th days of June and December, respectively in each year hereafter, so long as any of the interest coupons appertaining to the bonds hereby authorized to be issued remain outstanding and unpaid, the City Treasurer shall and he is hereby ordered, authorized and directed to remit out of any moneys in his hands belonging to said city, in the form of check or draft payable in New York City U. S. A. to the National Bank of Commerce of New York, U. S. A., a sum sufficient to pay the ~~same~~ annual interest accruing on said bonds on the first days of July and January, respectively, in each year, and any and all escrow charges made by said bank for handling said coupons and on the 15th day of April in the year 1942, the said Treasurer shall, and he is hereby authorized, ordered and directed out of the sinking fund created under the provisions of this ordinance to remit by check or draft payable in New York, to the said

National Bank of Commerce of New York U. S. A., a sum sufficient to pay the principal amount of said bonds maturing on the first day of May A. D. 1942, together with interest accrued thereon, and any and all escrow charges made by said bank for handling the same.

Section 10. That it be and is hereby certified, recited and warranted that all conditions, acts and things necessary and essential to the validity of the bonds hereinbefore mentioned and required by law to be done, have been fully done and performed.

Section 11. That all resolutions, ordinances or orders, or parts thereof, in conflict with the provisions hereof, be and the same are hereby repealed, rescinded and annulled.

Section 12. That this ordinance, being for the purpose of providing said city with water, it is hereby determined and declared that said ordinance is immediately necessary for the preservation of the peace, health and safety, and therefore, this ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 8th day of May A. D. 1922.

L. L. Marsh, Mayor.

Attest:- Frank Napton,
(Seal)

AFFIDAVIT.

State of Montana,
County of Flathead,
City of Polson,-----SS:-

I, Frank Napton, being duly sworn, on oath depose and say; that I am a citizen of the United States, over the age of 21 years and was at all the times mentioned in this affidavit, the City Clerk of the City of Polson, Montana; that on the 11th day of May, 1922 in accordance with the order of the City Council of the City of Polson requiring copies of all resolutions and ordinances of said city to be posted in three of the most public places in said city, I posted certified copies of the foregoing ordinance No. 143 in the following places in said city, to wit:- one copy in the office of the City Hall, one copy in the office of the City Treasurer in the Security State Bank and one copy in the Post Office of the City of Polson.

That pursuant to the directions contained in the proceedings of the city council of said city and as required by law, I had published a full, true and correct copy of said Ordinance No. 143 in the Flathead Courier, the official paper of said city in its issue of May 11th, 1922.

Frank Napton

Subscribed and sworn to before me this 12th day of May, 1922.

H. P. Napton, Notary Public for the State
of Montana, residing at Polson, Montana. My
commission expires May 10th, 1923.

(NOTARIAL SEAL)