

2.

Ordinance No. ²¹⁵ 215. Burns

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF SPECIAL ASSESSMENT SEWERAGE IMPROVEMENT BONDS FOR LOCAL SEWERAGE IMPROVEMENT DISTRICT NO. 2 OF THE CITY OF PAYETTE, TO THE AGGREGATE AMOUNT OF \$15,000.00, FOR THE PURPOSE OF BUILDING, CONSTRUCTING AND MAINTAINING A SEWER SYSTEM IN SAID DISTRICT, AS AUTHORIZED BY ORDINANCE NO. 161 OF SAID CITY, APPROVED MARCH 31, 1910, AND ORDINANCE NO. 167 OF SAID CITY, APPROVED OCTOBER 12, 1910.

WHEREAS, by special ordinance No. 161 of the city of Payette, approved March 31, 1910, it was declared to be the intention of the city of Payette to establish within the limits of the city a local improvement district to be called Local Sewerage Improvement District No. 2, and to establish and construct therein a sewerage system as described in said ordinance; and,

WHEREAS, in full conformity with law and the terms of said ordinance, legal notice was given to all persons interested, fixing the time within which protests against said proposed improvements and work might be filed in the office of the city clerk; and,

WHEREAS, pursuant to such notice, no protests of any character were filed as required by law and no objection of any character made against the establishment of said local improvement district and the construction therein of such sewerage system; and,

WHEREAS, in full conformity with law, the said Local Sewerage Improvement District No. 2 has heretofore been created and established by ordinance No. 167 of said city, approved October 12, 1910, and a sewerage system has been established and constructed in said Local Sewerage Improvement District No. 2 at a total cost of \$ 24,407.86; and,

WHEREAS, in full conformity with law, an assessment roll has been made up, certified to the council and ratified and approved by the council, and notice thereof given to the owner or owners of property assessed in such assessment roll; and,

WHEREAS, at the time appointed for hearing objections to such assessment no objections of any kind were made; and,

WHEREAS, in full conformity with law, the council has heretofore made an order approving and confirming such proceedings and assessments and finding and establishing the regularity, validity and correctness of said assessment as to the amount thereof levied upon each lot or parcel of land therein set forth and described; and,

WHEREAS, it now appears that the total amount of said assessment was and is \$32,417.69; and,

WHEREAS, pursuant to law, the city treasurer published a notice in the official newspaper of the city that the assessment roll was in his hands for collection and that any assessment therein might be paid at any time within thirty days from the date of the first publication of such notice, without penalty, interest or cost, to-wit, within thirty days from and after the 5th day of October, A.D.1911; and,

WHEREAS, it now appears from the books of the city treasurer that pursuant to the notice aforesaid assessments to the amount of \$9,407.86 have been paid, leaving a balance of \$15,000.00 to be covered by the issuance of district bonds as provided by law, being the difference between the total assessment and the amount of assessments paid under the foregoing notice; and,

WHEREAS, the mayor and city council of said city now desire to prescribe the form of said bonds and provide for their issuance in accordance with law: Now therefore,

4.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF PAYETTE:

Section 1. That special assessment sewerage improvement bonds for Local Sewerage Improvement District No. 2 of the city of Payette be issued and sold as provided by law, for the purpose of paying that portion of the cost of the sewerage system constructed and established in said Local Sewerage Improvement District No. 2 not otherwise provided for.

Section 2. That said bonds and the interest coupons thereto attached shall be in substantially the following form:

UNITED STATES OF AMERICA.

STATE OF IDAHO.

COUNTY OF CANYON.

CITY OF PAYETTE.

No. _____.

\$500.00

SPECIAL ASSESSMENT SEWERAGE IMPROVEMENT BOND,
DISTRICT NUMBER TWO.

The city of Payette, in the county of Canyon and state of Idaho, for value received, will pay to the bearer five hundred dollars in lawful money of the United States, on the first day of February, A.D. 1922, subject to call and payment, however, at any time prior thereto, with interest at the rate of six per centum per annum, payable semi-annually on the first day of August and the first day of February in each year, both principal and interest payable at the office of the city treasurer or at the banking house of the Chase National Bank, New York City, at the option of the holder, upon the presentation and surrender of this bond and of the annexed coupons, as they severally become due.

This is one of a series of special assessment sewerage improvement bonds issued by the city of Payette pursuant to and in full conformity with title 13, chapter 14, of the Idaho Revised Codes, for the purpose of building, constructing and maintaining a sewer system in Local Sewerage Improvement District No. 2 of the city of Payette, as said district was created by ordinance No. 167 of the city of Payette, adopted and approved October 12, 1910. The holder of this bond shall have no claim therefor against the city of

Payette, in any event, except from collection of the special assessments made for the improvement for which this bond is issued, and his remedy in case of non-payment shall be confined to the enforcement of such assessments. The amount of the assessments made upon the real property in said district for the payment of the cost of said improvement, with accrued interest, is a lien upon said real estate in the respective amounts apportioned to said real estate and taxed and assessed by the ordinance of said city of Payette, said lien having priority over all other liens excepting other bonds heretofore issued by said city and the lien of general taxes.

This bond is issued pursuant to, upon the authority of and in full and strict compliance with the constitution and laws of the state of Idaho and the laws and ordinances of the said city, and it is hereby certified and recited that all acts and things required to be done, and conditions and things required to exist precedent to and in the issuance of this bond to render the same lawful and valid, have happened and been properly done and performed, and did exist in regular and due time, form and manner as required by law, and that the total issue of the bonds of said city of Payette for said district, including this bond, does not exceed the amount authorized by law.

IN TESTIMONY WHEREOF, the city of Payette has caused this bond to be signed by its mayor, attested by its city clerk, countersigned by its city treasurer, and the seal of said city affixed, as of the first day of February, A.D.1912.

ATTEST:

MAYOR.

CITY CLERK.

COUNTERSIGNED:

CITY TREASURER.

(Form of Coupon)

\$15.00

No. _____.

On the first day of _____,
 A.D. 19____, the city of Payette, in the state of Idaho, will
 pay to the bearer fifteen dollars in lawful money of the
 United States of America, at the office of the city treasurer
 or at the banking house of the Chase National Bank, New York
 City, at the option of the holder, being six months' interest
 on its special assessment sewerage improvement bond No. _____,
 dated February 1, 1912, issued for the construction of a
 system of sewers in Local Sewerage Improvement District No. 2
 of said city, provided this bond shall not have been thereto-
 fore paid.

(Fac-simile signature)

 CITY TREASURER.

Section 3. The city clerk is hereby authorized and directed to have printed thirty bonds in the denomination of five hundred dollars each, numbered consecutively from one to thirty, inclusive, to meet the estimated cost of said improvement to be paid out of the proceeds of sewer bonds, as herein provided, and when the same are prepared, to deposit the same with the city treasurer, to be by him delivered to William E. Sweet and Company of Denver, Colorado, in accordance with the contract for the purchase of said bonds now existing between the city and said William E. Sweet and Company, and the proceeds thereof shall be used to pay the contractor for the construction of the sewerage system established and constructed in said Local Sewerage Improvement District No. 2. And said purchaser shall not be required to see to the application of the purchase price of said bonds to the purpose above mentioned.

Passed and adopted this 26th day of

March

, A.D. 1912.

H. J. Brammoch
MAYOR.

ATTEST:

Martina Luther
CITY CLERK.

It was moved by Councilman W.A. Hutchinson and seconded by Councilman Compton that the reading of said ordinance on three different days, as required by section 2276 of the Revised Codes of Idaho, be dispensed with.

The question being upon the adoption of said motion, the roll was called, with the following result:

Those voting aye: Councilmen R.M. Hutchinson
Gorham, Burns, W.A. Hutchinson,
Woodward and Compton.

Those voting nay: None.

The mayor declared that three-fourths of the city council had voted in the affirmative, and that said motion was duly carried and that the further reading of said ordinance was dispensed with.

Thereupon Councilman Woodward moved that said ordinance be placed upon its passage, which motion was duly seconded by Councilman W.A. Hutchinson, and the roll was called upon said motion, with the following result:

Those voting aye: Councilmen R.M. Hutchinson,
Gorham, Burns, W.A. Hutchinson,
Woodward and Compton

Those voting nay: None.

The mayor declared the said motion carried and the said ordinance placed upon its passage. Thereupon Councilman Gorham moved that said ordinance be passed as read and the motion was seconded by Councilman

Compton.

The question being upon the passage of said ordinance, the roll was called, with the following result:

Those voting aye: Councilmen R.M. Hutchinson,
Garham, Burns, W.A. Hutchinson,
Woodward and Compton

Those voting nay: None

The mayor declared that a majority of all the members elected to the city council had voted for the passage of said ordinance and that said motion was carried and said ordinance duly passed.

On motion, said ordinance was numbered 215 and ordered published in The Fayette Enterprise a newspaper published in said city of Fayette, according to law.

On motion, the meeting adjourned.

MAYOR.

ATTEST:

Martin Luther
CITY CLERK.

STATE OF IDAHO,
 County of Canyon, } SS.
 CITY OF PAYETTE.

I, Martin Luther, city clerk of the city of Payette, in the state of Idaho, do hereby certify that the foregoing is a full, true and correct copy of the record of proceedings taken by the city council of said city at the regular meeting thereof held on the 26th day of March A.D.1912; that the ordinance therein set forth was duly passed by said city council at said meeting, was approved by the mayor by his original signature thereon, was attested by me as city clerk, and was recorded in the ordinance book of said city.

I further certify that said ordinance was duly published in The Payette Enterprise, a newspaper published in said city, and of general circulation therein, on the 28th day of March, A.D.1912.

WITNESS my hand and the seal of said city this 28th day of March, A.D.1912.

Martin Luther
 CITY CLERK.

(CITY SEAL)