

## Ordinance No. 21.

An ordinance proposing to the voters of the town of Yacolt that the town of Yacolt make, construct, maintain and operate a gravity water system from "Big Creek" in Clarke County, Washington; specifying and adopting the proposed plan and details of said Big Creek Gravity Water System and declaring the estimated cost thereof as near as may be; providing for the holding of an election at which said voters may vote for or against the said proposition; providing for the acquisition of the lands, water, water rights, easements, privileges and property necessary for the construction and perpetual control and operation of said Big Creek Gravity Water system in case the voters of said town voting at said election shall assent thereto; providing for the payment therefor in part by the issuance of the \$5800<sup>00</sup> bonds of said town, and in part by the issuance of special warrants in the sum of \$4423<sup>00</sup> payable only out of a fund to be established for the payment of the same, by setting aside therefor a fixed proportion of, or a fixed sum out of, the gross revenues derived by said town from the public water system owned and controlled by it until the payment of said sum of \$4423<sup>00</sup> shall be completed;

Whereas, it seems to be the general sentiment of the citizens of the town of Yacolt that the said town shall own and construct its public water system for supplying the said town and its inhabitants with water for public and domestic purposes; and

Whereas, the present water system of said town, owned by a private party is inadequate to the present and future needs of said town and the inhabitants thereof; and

Whereas, it has been practically determined that an adequate supply of water can be obtained for said town and inhabitants from the waters of Big Creek in Clarke County, Washington, and that a gravity water system for said town can be constructed and put in operating condition, with all necessary lands, rights of way, water rights, easements, dams, flumes, pipes, settling basins and storage reservoirs, at a cost about ten thousand two hundred twenty three dollars, and

Whereas, the economy of operation and maintenance, and provision for increasing consumption, and the welfare of said town and its inhabitants justify the construction of said gravity water system; and

Whereas, it is considered that the

Cash revenues to be derived by said town from the proposed water system, at reasonable rates charged therefor, will be sufficient to pay all expenses and maintenance thereof, and to further allow to be set aside Four thousand, four hundred twenty-three dollars out of the the annual revenue of said system into a special fund in part payment of the cost of said proposed gravity water system; and

Whereas, it is necessary that the system, plans and details of said proposed gravity water system, and the manner of payment thereof, be adopted and ratified by the voters of said town voting thereon at a special town election, and before the expenditures contemplated are made; Now, therefore,

Be it ordained by the council of the town of Yacolt;

Section 1. That the Mayor and Town Council of the town of Yacolt hereby propose and submit to the voters of said town for their ratification or rejection, by a majority of the voters voting on the question at a special election to be held in said town on the 14th day of September, 1900, the proposition that the town of Yacolt make and construct, own and operate a gravity water system set forth

and detailed in section 2 of this ordinance.

Section 2. That the plans and details of said proposed gravity water system are hereby specified and adapted and the estimated cost thereof as near as may be, is hereby declared as follows, to wit:-

It is proposed that the town of Yacolt, either by purchase or condemnation acquire, in the manner provided by law, all necessary lands, rights of way, waters, water rights, easements, privileges and property necessary and convenient for the construction maintenance and operation of the gravity water system hereinafter mentioned, and that it construct, own, control operate and maintain a gravity water system of a capacity of  $4\frac{1}{2}$  millions gallons per day, the water therefor to be furnished by the waters of Big Creek, in Clarke County, Washington taken from said Big Creek at the falls of said Big Creek at a point about one and one-half miles easterly from said town, the details of said gravity system to include about two acres of land described as follows:

Commencing at a point 753 feet South of  $\frac{1}{4}$  Corner on the East line of Section 1, Township 4N. R 3E. Thence N  $76^{\circ}$  E 600 ft, Thence South 500 ft Thence South  $76^{\circ}$  W 600 ft Thence North 150 ft, Thence S.  $76^{\circ}$  W 150 ft Thence N 200 ft

thence N. 76° E 150 ft., thence N. 150 ft to the point of beginning, also including the head works and diverting dam for taking out of said Big Creek on the northerly side thereof, at or about 100 3 feet south of the 1/4 corner of sections 1 and 36, T 4 N Range 3 and 4 East of the Willamette Meridian, and at an elevation of about 250 ft above town datum level, 4 1/2 millions gallons per day of waters of said creek; also a pipe of suitable size to carry said 4 1/2 millions gallons of water, about one and one-half mile in length, from said point of diversion to said town, and composed of wood, stave pipe, or pipes, or iron pipe or pipes, or of wood stave and iron pipes combined; also a storage reservoir of a capacity of 8 millions gallons; also all such connections, gates, houses, bridges and other appliances as may be requisite for the full use and service of said gravity water system, including distributing pipes through the town of Yacolt, with fire hydrants and fire taps, all as shown by the general plans and details now on file with the town clerk, and it is further proposed that said town of Yacolt provide for the making and

construction of said gravity water system, <sup>both</sup> by the issuance of Five thousand eight hundred dollars of its negotiable bonds payable between 15 and 20 years after date; the first one for \$1000<sup>00</sup> fifteen years after date, the second for \$1000<sup>00</sup> sixteen years after date, the third for \$1000<sup>00</sup> seventeen years after date, the fifth for \$1000<sup>00</sup> nineteen years after date; and the sixth for \$800<sup>00</sup> twenty years after date; all bearing interest at the rate of not exceeding six per centum (6%) per annum, payable semi-annually, and its special water fund warrants payable out of the revenues of said system, in the sum of Five Hundred Dollars per year, bearing interest at a rate <sup>not</sup> exceeding six per centum (6%) per annum.

Section 3. That the estimated cost of said gravity water system, with the lands, waters, water rights, easements, privileges and appurtenances therefor as aforesaid, as near as may be determined, is the sum of Ten thousand, two hundred twenty three Dollars (\$10223.00)

Section 4. That at said special election to be held on the 14th day of September, 1910, in the town of Yacolt, the said proposition to construct said gravity water system as set forth in Sections

1 and 2 of this ordinance, shall be submitted to the electors of said town for ratification or rejection, in accordance with the provisions of the general laws and Constitution of the State. The town clerk shall in the notices of Special election give notice of the submission of said propositions, including therein the form of the ballots to be cast for and against said propositions as prescribed in Section 5 of this ordinance.

Section 5. The propositions submitted to the voters of the town of Yacolt in and by Sections 1 and 2 of this ordinance, shall be voted upon in the manner following to wit: Every voter electing to vote in favor of said proposition that the town of Yacolt make, construct, maintain and operate said gravity water system as set forth and detailed in Section 2 of this ordinance, in the manner therein provided, shall vote a ballot containing the following words:

"In favor of the proposition as set forth in section 2 of Ordinance No 21 of said town, that the town of Yacolt make, construct, maintain and operate its gravity water system at a total estimated cost, as set forth in Section 3 of said ordinance of Ten Thousand, two hundred and twenty-

three dollars."

And every voter voting against said proposition last above specified shall vote a ballot containing the words:

"Against the proposition as set forth in Section 2 of Ordinance No 21, that the town of Yacolt, construct, maintain and operate its gravity water system, at a total estimated cost as set forth in Section 3 of said ordinance of Ten thousand, two hundred twenty three dollars"

And every voter electing to vote in favor of the proposition that the town of Yacolt become indebted in the sum of Fifty eight hundred dollars in payment of part of the cost and expense of said gravity water system and issue its negotiable bonds therefor, shall vote a ballot containing the following words:

"In favor of the proposition as set forth in Ordinance No 21 of the town of Yacolt that the said town become indebted in the sum of Fifty-eight Hundred Dollars in payment of part of the cost and expense of the construction of the Big Creek Gravity Water System"

And every voter electing to vote against said last named proposition shall vote a ballot containing the words:

"Against the proposition set forth in Ordinance No. 21 of the Town of Yakalt, that said Town become indebted in the sum of fifty-eight hundred dollars for the payment of part of the cost and expense of the construction of the Big Creek Gravity Water System".

Said alternative propositions shall be printed upon the regular ballot provided by the laws of the State of Washington and the ordinances of said town, and opposite and to the right of each proposition there shall be printed a blank square one-half inch in size, within which the voter shall signify by <sup>the</sup> making of a cross, whether he votes for or against the proposition submitted.

Section 6. If at said election to be held as provided for in this ordinance, a majority of the voters in said town voting at said election and upon said proposition, shall vote in favor of the proposition set forth in Section 2 of this ordinance, thereupon said proposition for making and constructing said Big Creek Gravity Water System shall be and become adopted by said Town, but if a

majority of <sup>said</sup> ~~the~~ voters voting at said election upon said proposition shall vote against the proposition set forth in Section 2 of this Ordinance, said proposition shall not be adopted by said Town and this Ordinance shall thenceforth be Null and void. And if three-fifths of the voters voting at said election that upon the proposition that said town become indebted in the sum of \$5800<sup>00</sup> to pay part of the cost of said gravity water system and issue its negotiable bonds therefor, vote in favor of said proposition, thereupon said proposition shall be and become adopted by the town; but otherwise said proposition shall not be adopted and said bonded indebtedness shall not be created. And if said proposition for said gravity water system be adopted, but said proposition for becoming indebted by the issuance of negotiable bonds be not adopted by a three-fifths vote of the voters voting thereon at said election, then and in that event this Ordinance shall be Null and Void.

Section 7. If the said proposition for the making and construction of said gravity water system shall be adopted at said

election, it shall thereupon and under proper resolution of the Town Council, be the duty of the Town Engineer of said town to cause all necessary surveys and examinations of lands, rights of way, water rights, easements and privileges necessary and proper for the construction, maintenance and operation of said gravity water system to be made, and upon the conclusion of such survey to report the same to the Town Council.

Section 8- After the report of said survey and examinations by said Town Engineer, and upon the passage of <sup>an</sup> ordinance or ordinances necessarily preliminary thereto, the attorney for said town shall take such proceedings in the name of the <sup>said</sup> town, in the proper Superior Court, as may be necessary to acquire the said lands, rights of way, water rights, easements and privileges by eminent domain for said town, and in case of such condemnation the judgment or judgments, with all costs thereof, shall be paid out of money derived from the sale of said bonds.

Section 9- If the said proposition for making, constructing, maintaining and operating said gravity water system be adapted

at said election, it shall be the duty of the town engineer of said town after proper resolutions of the town council, to cause to be prepared full detailed plans and specifications for <sup>the</sup> said gravity water system, including head works, and diverting dam, pipes, settling basins, storage reservoir, and all such connections, gates, houses, bridges and other appurtenance as may be convenient or requisite for the maintenance and operation of said gravity water system, and file the said plans and specifications, with his estimate of the probable cost of the same in detail and as a whole with the clerk of the town of Yacolt.

Section 10. Whenever directed so to do by resolution of the Town Council, the said Town Engineer shall advertise for the bids for the construction of said gravity water system either complete and ready for acceptance and operation by said town, or in specified divisions as they may be advantageously defined, but all in accordance with said plans and specifications on file in the office of the Town Clerk, or as the same may have

been modified by resolution of the said Town Council. Said advertisement for bids shall stipulate that the contracts to be entered into for the material and work for constructing the said gravity water system shall provide for the payment thereof only in such funds as may be derived from the sale of the bonds hereinafter provided for, and in and from such special water <sup>fund</sup> warrants at par drawn upon and payable out of the Yacolt Special Water fund hereinafter created and established. That the contractor shall have no claim whatsoever against said town except for the said warrants drawn upon said Yacolt Special Water Fund and the monies derived from the sale of the said bonds; that, whenever during the progress of the work under any contract, any work or material not prescribed in the plans and specifications for said work shall be ordered by resolution of the Town Council the same shall be done or furnished by the contractor at actual cost and 15% added; that, whenever likewise, any work or material prescribed in said plans or specifications shall be omitted by resolution of the said Town Council (the same however not to substantially change the plan of the work.) a reduction

shall be made from the contract price equal to the cost of such work or material and 15% added.

That warrants shall be delivered to contractors monthly for work and materials actually done or put in place in construction, upon approved estimates made by the Town Engineer to the extent of eighty-five percent of such work or materials; that the remaining 15% of such warrants shall be delivered to the contractor when his work has been fully completed and accepted by said town, and all liens for labor and material fully satisfied. That said contractor shall accept partially matured coupons attached to warrants drawn on said town of Yacolt Special Water Warrant fund for the face value of such warrants and that the total of all bids shall not exceed the estimate of the cost thereof made by the said town Engineer. All bids for said Gravity Water system shall be reported to the Town Council for action thereon.

Section 11. That if the proposition that the town of Yacolt become indebted in the sum of five thousand, eight hundred dollars and issue its negotiable bonds therefor, be adopted by a

three-fifths vote at said election, then six bonds of the Town of Yacolt shall be prepared under the direction of the Mayor of said Town, said bonds shall be of the denomination of One Thousand dollars each, except one which shall be for Eight Hundred Dollars and shall be numbered from 1 to 6, inclusive of both numbers; shall bear interest at a rate not exceeding 6 per cent. per annum, payable semi-annually, shall be payable between fifteen and twenty years after date; the first one for \$1000<sup>00</sup>, fifteen years after date; the second for \$1000<sup>00</sup> sixteen years after date; the third for \$1000<sup>00</sup> seventeen years after date; the fourth for \$1000<sup>00</sup> eighteen years after date; the fifth for \$1000<sup>00</sup> nineteen years after date and the sixth for \$800<sup>00</sup> twenty years after date; shall in all respects comply with the laws of the State of Washington which authorize the issuance of such bonds by Municipal corporations, and shall be in substantially the following form, viz:

State of Washington  
Town of Yacolt  
Big Creek Gravity Water System Bond

No. \_\_\_\_\_

\$1000<sup>00</sup>

Know all men by these presents:  
That the Town of Yacolt,  
Municipal Corporation of the fourth

Class in the State of Washington, for value received promises to pay to beaver One Thousand Dollars (\$1000<sup>00</sup>) in Gold Coin of the United States on the first day of \_\_\_\_\_ 19\_\_\_\_, with interest thereon at the rate of 6 percent. per annum, payable semi-annually on the first days of \_\_\_\_\_ and \_\_\_\_\_ in each year, in like gold coin upon presentation of the Coupons hereto attached, as they severally become due; both principal and interest payable at the First State Bank of Yacolt, in the State of Washington.

This bond is one of an issue of the Town of Yacolt Big Creek Gravity Water System Bonds issued for the purpose of acquiring and constructing a water system of said town, to be owned controlled and operated by said town; all of which issue of bonds, which is limited to \$5800<sup>00</sup> is authorized by Ordinance No 21 of said town, passed by the Council thereof on the 10th day of August, 1910, approved by the Mayor on the 10th day of August, 1910, and ratified by a three-fifths vote of the qualified electors of the said town at a special election held on the 14th day of September, 1910 and is further authorized by the laws of the State of Washington



and the said Town of Yacolt for the further assurance of the purchaser of this bond and of each successive holder hereof, hereby finds and declares the same is issued in pursuance of and in strict compliance with Chapter 150 of the Laws of the State of Washington, approved March 17, 1909, and with other general laws of the State of Washington applying to the issuance of bonds for towns of the fourth class and with said Ordinance No 21, that all acts, things, elections orders, ordinances, resolutions and conditions precedent to the right of said Town of Yacolt to issue and deliver this bond as prescribed by said laws and ordinances, have happened, existed and been done and performed prior to the issuance hereof that this bond is issued in payment for property, labor and materials necessary to the acquisition and construction of necessary water system of said Town of Yacolt, and that its issue does not violate any condition, provision or limitation of the Constitution or laws of the State of Washington.

In Witness whereof, the Town of Yacolt has caused this bond to be signed by the Mayor of said Town and attested by the Town Clerk under the seal of said Town, and has caused the coupons

hereto attached to be signed and attested by the lithographed signatures of said Mayor and Clerk respectively, under the seal of said Town, this first day of \_\_\_\_\_ 19\_\_.

sqd W. J. Hoag  
Mayor of the Town of Yacolt

Attest

Wm W Eaton

Town Clerk of the Town of Yacolt

(Seal)

And said coupons shall be in substantially the following form:

"For value received the Town of Yacolt, State of Washington will pay to bearer at First State Bank of Yacolt in the State of Washington, thirty-Dollars in Gold Coin of the United States, bearing one-half years interest due on the first day of \_\_\_\_\_ 19\_\_ on its Big Creek Water System Bond No \_\_\_\_\_.

(Sgd) W. J. Hoag

(Seal)

Attest:

Wm W Eaton

Town Clerk of the Town of Yacolt

Mayor of the Town of Yacolt

And said coupons may be executed and attested by the lithographed or engraved signatures of the said Mayor and

Town Clerk respectively.

Section 12. If the issuance of said bonds be authorized at said election, the bonds may be sold and the proceeds thereof shall be wholly devoted to the purposes hereinabove declared, and upon resolution and instruction of the Council and Mayor shall negotiate the sale of said bonds, after having duly advertised the same for sale at thirty days preceeding the day of sale, provided that said bonds shall not be sold for less than par and accrued interest. Said Mayor shall immediately upon receipt of the monies received for said bonds, pay all monies so received into the treasury of the Town of Yacolt.

Section 13. That provided the issuance of said bonds be authorized at said election that there is hereby created and established in the treasury of the Town of Yacolt, a fund called the "Town of Yacolt Special Water Warrant Fund", which fund is created and is to be drawn upon for the sole purpose of defraying the cost and expense of the purchase and construction of the said gravity water system as specified and adopted by Sections 1 and 2 of this Ordinance, together with such interest as shall accrue from the warrant

obligations issued in payment therefor. Whenever the Town of Yacolt shall have sold any Warrants upon the said town of Yacolt Special Water Warrant fund or shall have contracted with any person or Corporation for the construction of said gravity water system, or any part thereof, and agreed to pay therefor with warrants on said fund, or with money derived from the sale of such warrants, and thereafter as long as any obligations are outstanding against said fund, the Town Treasurer shall shall set aside into said fund from the gross revenues, earnings and Credits derived from the water system, which may hereafter belong to said town, the sum of \$500<sup>00</sup> and interest each year after first year. All monies so set aside and placed in said fund shall be <sup>applied</sup> solely to the payment of the principal and interest of the warrants issued against said fund in payment of said gravity water system; and in case of the issuance of any of said warrants, said Town <sup>heretofore irrevocably</sup> bonds itself not to sell, lease or in any manner dispose of said water system, until the obligations issued

therefor hereunder, with the interest thereon, shall have been paid in full or otherwise disposed of <sup>the</sup> said water system before such payment, and said Town agrees to pay out any money derived from the sale or other disposal thereof, all of such obligations as shall then remain unpaid; and that in any event it shall not sell said system for a sum not less than enough to pay all outstanding obligations with the interest accrued thereon.

And said town further binds itself not to reduce its rates or charges for water so that the sum of Four thousand four hundred and twenty-three Dollars may not be paid out of the annual gross revenues thereof as herein defined without injury to the reasonable operation of the water system by said town, until said obligation shall have been fully liquidated and discharged.

Section 14- That in case contracts authorized by section 10 of this ordinance be duly entered into as therein provided, warrants shall be drawn payable out of the said Yacolt Special Water Warrant Fund in such amount and at such time as may be required for the construction and completion of said Gravity Water System

as authorized by this ordinance and in accordance with the contracts therefor, provided always that the said proposition that the town of Yacolt become indebted in the sum of Fifty eight hundred Dollars and issue its negotiable bonds therefor, be adopted at said election.

The said Town Council of Yacolt may sell and dispose of warrants in such amounts as may be required for the purpose of the payment and completion of said Gravity Water System and make the same payable to the contractor or assignee, who shall take the contract and put in the said gravity Water System for the town of Yacolt.

Warrants issued and delivered to the contractor shall be issued and delivered only upon properly approved estimates and claims presented to the town Council and by it allowed to an amount not exceeding his contract price, and such additions as may be lawfully made thereto. Said warrants shall be signed by the Mayor and attested by the Town Clerk of the Town of Yacolt and the seal of said town

shall be thereto affixed, and they shall be of substantially the following form:

State of Washington  
Town of Yacolt  
Yacolt Special Water Warrant Fund  
No. \_\_\_\_\_ \$ \_\_\_\_\_

Know all Men by these Presents:  
That the Town of Yacolt, a Municipal Corporation of the fourth class in the State of Washington, for value received promises to pay to bearer \_\_\_\_\_ Dollars (\_\_\_\_\_) in Gold Coin of the United States, of the present standard weight and fineness, on the first day of \_\_\_\_\_ 19\_\_\_\_, with interest thereon at the rate of six percent, per annum, payable annually, in like gold coin, upon presentation of the Coupons hereto attached as they severally become due; both principal and interest payable at First State Bank of Yacolt and payable only out of revenues from the water system of said Town of Yacolt, as provided herein and in Ordinance No 21 of said town passed by the town Council on the 10<sup>th</sup> day of August 1910, approved by the Mayor on the 10<sup>th</sup> day of August 1910, and ratified by vote of the

electors of said town at a special election duly held on the 14<sup>th</sup> day of September, 1910, and the Town Treasurer is hereby directed to pay the same as herein provided.

This warrant is a part of an issue of Town of Yacolt Special Water Warrant Fund Warrants which are payable only out of said Fund provided by said Town for the purpose of making and constructing a Gravity Water System owned and controlled by said Town, all of which issue of warrants is authorized by the ordinance aforesaid and by said ordinance limited to Four Thousand Four hundred and twenty-three Dollars.

The Town of Yacolt hereby covenants and agrees with the holder of this warrant, and each and every person who may become the holder hereof, that the said Town will from time to time, each year after the issuance of any warrants of this series, and before the annual installment of interest on said installments become due, set aside from the revenues of this water system, which may hereafter own, control, or operate by it, so long as

any obligations are outstanding against said Fund, into the town of Yacolt Special Water Warrant Fund Five Hundred Dollars and interest and the town hereby absolutely and irrevocably pledges out of the revenues from its said water system as aforesaid Five Hundred Dollars and interest of its yearly revenues to pay the principal and interest of said warrants as aforesaid, when and as the same shall become due.

The Town of Yacolt hereby further covenants and agrees with the holder of this warrant and each and every person who may become the holder, punctually and faithfully to keep and perform all of its duties, obligations and covenants, as set forth in this warrant and in said ordinance.

In witness whereof, the Town of Yacolt has caused this warrant to be signed by the Mayor of said Town and attested by the Town Clerk and has caused its corporate seal to be hereto affixed.

Read First and Second Times

Aug 8, 1910

Read Third Time and passed

Aug 10, 1910

approved  
(sd) W. J. Hoag  
Mayor

Attest:  
Wm W. Eaton  
Clerk

Voted by Roll call:

P. Counacher: aye

E. Eaton: aye

J. A. Williams: aye

O. P. Love: absent

P. Heitzman: aye

I hereby certify the foregoing to be a true and correct copy of said ordinance as read

Wm W. Eaton

Town Clerk

Town of Yacolt.