

ORDINANCE NO. 148

AN ORDINANCE DECLARING NECESSARY CERTAIN IMPROVEMENTS AND EXTENSIONS TO THE WATER WORKS SYSTEM AND ORDERING SAID WORK TO BE DONE AND ORDERING THE CITY CLERK TO ADVERTISE FOR BIDS FOR SAME AND AUTHORIZING THE ISSUE AND SALE OF REVENUE BONDS IN ORDER TO FINANCE SAME AND TO FINANCE THE CALL FOR REDEMPTION OF OUTSTANDING BONDS OF THE DRY RIDGE WATER WORKS SYSTEM AND AUTHORIZING SAID CALL FOR REDEMPTION AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE SALE OF SAID BONDS AND PRESCRIBING THE METHOD OF SALE OF SAME.

WHEREAS, heretofore the city of Dry Ridge, Kentucky, has been notified by the Kentucky Inspection Bureau, that the present water system is inadequate to meet the needs for fire protection of the citizens of the City of Dry Ridge, Kentucky, and,

WHEREAS, said system is inadequate to meet the needs of the citizens of the City of Dry Ridge, Kentucky, for water for other purposes and,

WHEREAS, the said city is desirous of correcting aforesaid situation and,

WHEREAS, it will be necessary for the City of Dry Ridge, Kentucky, to borrow money and issue revenue bonds to secure said money and,

WHEREAS, the City of Dry Ridge, Kentucky, is authorized by the Kentucky Revised Statutes including among others K.R.S. 58.010 to K.R.S. 58.140 to have said work done and issue revenue bonds to finance same.

NOW THEREFORE THE BOARD OF TRUSTEES OF THE CITY OF DRY RIDGE, KENTUCKY, DOES ORDAIN AS FOLLOWS;

SECTION I..That it is hereby declared to be necessary that the City of Dry Ridge, Kentucky, improve its present water system by the laying of new water mains of larger size than some of the present ones and by the extension of certain of the present water mains and by the addition of certain new fire hydrants or plugs in accordance with the plans and specifications for said improvements and extensions as drawn and prepared at the request of this Board of Trustees by George Rossenfass, Jr., City Engineer, of the City of Dry Ridge, Kentucky. Said plans are hereby adopted by the City as the plans for the improvements herein provided for and are hereby made a part of this ordinance as though fully set forth herein.

SECTION II. It is therefore hereby ordered and declared that said improvements and extensions be made in accordance with said plans and specifications and that said improvements are a public project, within the meaning of and that this public project is being undertaken under, the provisions of K.R.S. 58.010 to 58.140. That bids for the doing of said work be called for;

said bids to be presented to the Clerk of the City of Dry Ridge, Kentucky, on or before July 1st, 1952, at 4:00 P.M., E.S.T.; said bids shall be opened and read at the regular meeting of this Board of Trustees on Tuesday Evening, July 1st, 1952, at 8:00 P.M., E.S.T., and a contract for the doing of said work shall be let to the lowest and best bidder provided however, that the City hereby reserves the right to reject any and all bids; each bid shall be accompanied by a bid bond or certified check in an amount equal to five percent (5%) of the bid to secure the performance of said contract, in the event said bid is accepted. The Clerk of the City of Dry Ridge, Kentucky, is hereby authorized and ordered to advertise for bids for the doing of said work in accordance with said plans and specifications in at least two issues of a newspaper of general circulation in the City of Dry Ridge, Kentucky, the last of said issues to appear at least ten days prior to July 1st, 1952.

SECTION III. It is hereby ordered and declared that it is necessary for the City of Dry Ridge, Kentucky, to call for redemption and to redeem the present outstanding bonded indebtedness of the Dry Ridge, waterworks system.

It is therefore hereby ordered and directed that all of the bonds heretofore issued by the City or Town of Dry Ridge, Kentucky, in order to finance the City or Town water works system and secured by said system and its revenues be called and redeemed and paid in full for both principal and interest to September 2nd, 1952, on said date; said call shall be made by the Clerk of the City of Dry Ridge, Kentucky, by the publishing of a notice in at least four issues of a newspaper of general circulation in the City of Dry Ridge, that said bonds are being called for payment and that payment of same will be made of both principal and interest on same to September 2nd, 1952, upon the surrender of said bonds and coupons on said date at the office of the City Clerk in Landrums Store in the City of Dry Ridge, Kentucky, between the hours of 8:00 A.M., E.S.T. and 5:00 P.M., E.S.T. The notice shall further state that any bonds not presented on that date shall cease to bear interest from said date.

SECTION IV. That to provide funds for the payment of the cost of the improvements and additions to the Dry Ridge water works system and to provide for the payment of the cost of the redemption of aforesaid outstanding bonded indebtedness. It is hereby ordered that there be issued THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) in water works improvement bonds dated September 2nd, 1952, and in the denomination of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) each, numbered from 1 to 140 inclusive, bearing interest at the rate of  $3\frac{1}{2}$  per centum per annum; said interest payable September 2nd, 1953, and annually thereafter until all of said bonds shall have been paid and retired; said bonds shall be payable and mature as follows:

SERIES	BOND NOS.	AMOUNT	DUE DATE
1	1-3	\$750.00	1953
2	4-6	750.00	1954
3	7-9	750.00	1955
4	10-12	750.00	1956
5	13-15	750.00	1957
6	16-19	1000.00	1958
7	20-23	1000.00	1959
8	24-27	1000.00	1960

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## ORDINANCE NO. 148 (Continued)

SERIES	BOND NOS.	AMOUNT	DUE DATE
9	28-31	\$1000.00	1961
10	32-35	1000.00	1962
11	36-40	1250.00	1963
12	41-45	1250.00	1964
13	46-50	1250.00	1965
14	51-55	1250.00	1966
15	56-60	1250.00	1967
16	61-66	1500.00	1968
17	67-72	1500.00	1969
18	73-78	1500.00	1970
19	79-86	2000.00	1971
20	87-94	2000.00	1972
21	95-103	2250.00	1973
22	104-112	2250.00	1974
23	113-121	2250.00	1975
24	122-130	2250.00	1976
25	131-140	2500.00	1977

Said bonds shall be signed by the Chairman of the Board of Trustees and sealed with the corporate seal of the City; attested by the City Clerk and the interest coupons attached to said bonds shall be executed with the facsimile signatures of said Chairman of the Board of Trustees and said City Clerk, and said bond, together with the interest thereon, shall be payable only out of the Dry Ridge Waterworks Bond Redemption Fund hereinafter created and shall be a valid claim of the holder thereof against said fund and the fixed portion or amount of the revenues of the water system of the City of Dry Ridge hereinafter pledged to such fund.

SECTION V. The aforesaid bonds and coupons shall be in substantially the following form to-wit:

## (FORM OF THE BOND)

UNITED STATES OF AMERICA  
STATE OF KENTUCKY  
COUNTY OF GRANT  
CITY OF DRY RIDGE

## WATER WORKS IMPROVEMENT BOND

NO. \_\_\_\_\_ \$250.00

The City of Dry Ridge, Kentucky, for value received hereby promises to pay to the bearer the sum of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) on or before the 2nd day of September, 19\_\_\_\_, and to pay interest thereon at the rate of  $3\frac{1}{2}$  per centum per annum on September 2nd, 1953, and annually thereafter on September 2nd, of each year upon presentation and surrender of the interest coupon at the Citizens Bank in the City of Dry Ridge, Kentucky, as the same severally mature, both principal and interest being payable in any coin or currency which, on the respective dates of payment of the principal and interest of this bond, is legal tender for the payment of public and private debts.

This bond is issued for the purpose of providing a fund for the payment for certain improvements and additions to the water works system of the City of Dry Ridge, Kentucky, and for the providing of a fund for the redemption of the outstanding bonded indebtedness of the Dry Ridge water works system under and in full compliance with the Constitution of Kentucky and .K.R.S. 58.010 to K.R.S. 58.140.

This bond is one of an authorized issue bonds of like tenor and date and is payable only from a fixed portion of the income and revenue to be derived from the operation of said water works system shall have been set aside as a special fund for that purpose and identified as "The Dry Ridge Water Works Bond Redemption Fund", and this bond does not constitute an indebtedness of the City of Dry Ridge, within the meaning of any constitutional provisions or limitations.

This bond is exempt from all taxation.

The mortgage lien which is hereby recognized as valid and binding on said water system, including all future additions thereto, is created and granted to and in favor of the holder, of this bond and the issue of which it forms a part and in favor of the holder or holders, of the coupons attached to said bonds, and the entire water system, including all future additions thereto shall remain subject to such mortgage lien until the payment in full of the principal and interest of this bond and the issue of which it forms a part.

Any bonds of this issue maturing on and after September 1st, 1954, shall be subject to payment and redemption at any interest payment date thereafter. The City Clerk shall give notice to the owner of any bonds proposed to be redeemed at least 10 days notice thereon by publishing a notice that said bond will be redeemed in any newspaper having a general circulation in the City of Dry Ridge, Kentucky. The bond specified in such notice shall bear no interest after the date fixed for its redemption.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed, precedent to and in the issuance of this bond, have existed, have happened and have been performed in due time, form and manner, as required by law and that the amount of this bond together with all other obligations of said City does not exceed any limit prescribed by the Constitution or Statutes of the Commonwealth of Kentucky and that a sufficient amount of said revenues from the operation of said water system have been pledged to and will be set aside in the said special fund of said city for the prompt payment of the principal of and interest on said bonds.

In witness whereof the City of Dry Ridge, Kentucky, acting by and through its Board of Trustees has caused this bond to be signed by its Chairman and attested by its Clerk and sealed with the official seal of said city and the coupons hereto attached are to be executed with the facsimile signatures of said Chairman of the Board of Trustees and said Clerk which officials by the execution of this bond do adopt as and for their own proper signatures those appearing on said coupons. This bond to be dated the 2nd day of September, 1952.

\_\_\_\_\_  
Chairman of Board of Trustees

Attest:

\_\_\_\_\_  
City Clerk

## (FORM OF COUPON)

NO. \_\_\_\_\_

\$ \_\_\_\_\_

On the second day of September, 19\_\_\_\_, the City of Dry Ridge, Kentucky, will pay to the bearer \$\_\_\_\_\_ in any coin or currency which on the date of payment of this coupon, is legal tender for the payment of public and private debts out of its Dry Ridge Water Works Bond Redemption Fund at the Citizens Bank, Dry Ridge, Kentucky, as heretofore provided, for interest then due on its Water Works Improvement Bond dated September 2nd, 1952, No. \_\_\_\_\_.

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Chairman of Board of Trustees

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City Clerk

SECTION VI. From and after the delivery of any bonds issued under the provisions of this ordinance the gross income and revenues of said water works system of the City of Dry Ridge, Kentucky, shall be set aside in a separate fund to be used in maintaining and operating said system and in payment of aforesaid bonds, which revenues shall be apportioned as follows, to-wit:

FIFTY-NINE per cent (59%) of the gross income and revenues of said system shall be set a side and used for the proper operation and maintenance of said system. The Board of Trustees of the City of Dry Ridge, Kentucky, hereby finding and determining that fifty-nine per cent (59%) of the revenues of said system are necessary for the proper operation and maintenance thereof, but not in excess of the amount required for said purpose.

FIVE per cent (5%) of the gross income and revenues of said water system shall be set a side to the depreciation fund and shall be expended in making good any depreciation in said water system. The Board of Trustees of the City of Dry Ridge, Kentucky, hereby finding and determining that five per cent of the income and revenues of said system is sufficient for said purpose.

TWENTY-EIGHT per cent (28%) of the gross income and revenues of the said system from month to month as the same shall accrue and be received shall be paid into the fund in the Treasury of the City of Dry Ridge, Kentucky, and be identified as "The Dry Ridge Water Works Bond Redemption Fund", said fund shall be used only for the purpose of paying the principal and interest of the bonds herein authorized to be issued.

EIGHT per cent (8%) of the gross income and revenues of said water system from month to month as the same shall accrue and be received shall be paid into a sinking fund heretofore established by ordinance for the purpose of creating a fund for the eventual building of a reservoir and filtration plant, and major repairs to the present system as provided in a previous ordinance.

While the bonds authorized herein or any of them remain outstanding and unpaid the rates for all services rendered by the said water works system to the City of Dry Ridge, Kentucky, or to its citizens, corporations, or other customers, shall be reasonable and just, taking into account and consideration the value of said water system, the cost of maintaining and operating the same and the proper and necessary allowance for depreciation thereof and a sufficient and adequate return upon the capital invested and the reasonable cost and value of any services rendered to the City of Dry Ridge, Kentucky, by said water works system by furnishing water for public service, there shall be charged against said city and shall be paid for by it in monthly installments as the service accrues, out of the current funds or proceeds of taxes which such city is authorized to levy to meet its necessary current expenses. Compensation for such service rendered to the said city shall, in the manner hereinabove provided be paid into the separate and special fund created by this ordinance and shall be subject to apportionment to the operation and maintenance, depreciation, sinking fund, and bond and interest redemption accounts.

SECTION VII. It is hereby covenanted and agreed by the City of Dry Ridge, Kentucky, with the holder or holders of the bonds herein authorized to be issued, or any of them, that it will faithfully and punctually perform all duties with reference to the said water works system required by the Constitution and Statutes of the State of Kentucky, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by said water works system, segregating the income and revenues of said system and the application of the respective funds created by this ordinance and said city hereby pledges and sets aside said funds as hereinabove provided to the payment of the principal and interest on said bonds herein provided for and the city hereby irrevocably covenants, binds and obligates itself not to sell, lease or in any other manner dispose of said water works system including any extensions or additions that may be made thereto until all the bonds herein authorized to be issued have been paid in full, both principal and interest, unless and until provision shall have been made for the payment of said bonds and the interest thereon in full and the City further agrees with the holders of said bonds to maintain in good condition and operate said water works system and to change and collect such rates and charges for the service rendered by said system, within the limits prescribed by law so that twenty-eight per cent (28%) of the gross revenue of said water works system will be sufficient to provide for the payment of the bonds herein authorized to be issued and the interest thereon as the same become due and payable.

SECTION VIII. That for the further protection of the holders of the bonds herein authorized to be issued and the coupons thereto attached, a mortgage lien upon said system and all properties connected therewith and extensions thereof and belonging thereto is hereby granted and created and is hereby recognized and declared to be valid and binding upon the city and all the property constituting the system, and shall take effect immediately upon the delivery of any bonds authorized to be issued under the provisions of this ordinance. Any holders of said bonds or any of the coupons may, either at law or in equity, by suit, action, mandamus or other proceedings enforce and compel performance of all duties required by this ordinance including the making and collecting of sufficient rates and segregation of the income and revenues and the application thereof.

SECTION IX. The bonds authorized to be issued hereunder shall not be entitled to priority, one or the other in the application of said revenues of said water works system regardless of the time or times of their issuance and sale, it being the intention of the Board of Trustees that there shall be no

priority among the bonds authorized to be issued under the provisions of this ordinance regardless of the fact that they may be issued and sold at different times.

SECTION X. It is hereby ordered that there be exposed for sale, to the highest and best bidder at least THIRTY TWO THOUSAND AND FIVE HUNDRED DOLLARS (\$32,500.00) of the afore-said bonds, these being the first twenty-four series of said bonds and being bonds numbered 1 through 130 inclusive, with the balance of said issue being held for sale under the same terms and provisions of this ordinance, if and when same may be needed to be sold in order to complete said water works improvements; said sale shall be consummated at the regular meeting of this Board of Trustees at 8:00 P.M., E.S.T., July 1st, 1952, and the Clerk of the City of Dry Ridge, Kentucky, is hereby ordered to advertise for bids for \$32,500 of the bonds of this issue. Said advertisement to state that sealed bids for the purchase of said bonds will be received by the City of Dry Ridge, Kentucky, up to 4:00 P.M., E.S.T., July 1st, 1952, said advertisement is to state that the City of Dry Ridge, Kentucky, reserves the right to reject any and all bids and said city does hereby reserve the right, and that each bid must be accompanied by a bid bond or a certified check in an amount equal to five per cent (5%) of the bid to secure the performance by the successful bidder; said advertisement shall also state that no bid of less than par will be accepted or considered and said advertisement shall appear in at least two issues of a newspaper of general circulation in the City of Dry Ridge, the last of such issues to appear at least 10 days prior to July 1st, 1952.

SECTION XI. That if any section, paragraph, clause or provision of this ordinance shall be held to be invalid or ineffective for any reason, the remainder thereof shall remain in full force and effect, it being expressly hereby found and declared that the remainder of this ordinance would have been adopted despite the invalidity of such section, paragraph, clause or provision.

SECTION XII. That all ordinances, resolutions and orders, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and that this ordinance shall take effect from and after its adoption and approval as provided by law.

This ordinance to be in full force and effect from and after its passage and publication as required by law.

Passed, approved and ordered published this the 3rd day of June, 1952.

/s/ John B. Conrad, Chairman

Attest:

/s/ G.W. Landrum, Clerk