

**ORDINANCE # 76  
AUTHORIZING ISSUANCE OF CERT. OF  
OBLIGATION**

**AMENDS ORDINANCE FROM 2/23/77  
WHICH IS AN UNNAMED ORDINANCE,  
NOT IN ORDINANCE BOOK**

Ord. 76

CERTIFICATE FOR ORDINANCE AMENDING AN ORDINANCE  
HERETOFORE ADOPTED BY THE CITY COUNCIL ON FEBRUARY 23, 1977,  
ENTITLED "ORDINANCE AUTHORIZING ISSUANCE OF \$40,000 CITY OF  
DANBURY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 1977;  
RATIFYING CONTRACT; AND CONTAINING OTHER PROVISIONS RELATING  
TO THE SUBJECT"; APPROVING CHANGE ORDER; APPROVING CLAIMS;  
AND AUTHORIZING THE ISSUANCE OF CERTIFICATES OF OBLIGATION

THE STATE OF TEXAS §  
COUNTY OF BRAZORIA §  
CITY OF DANBURY §

We, the undersigned officers of the CITY OF DANBURY, TEXAS  
(the "City"), do hereby certify as follows:

1. That we are the duly chosen, qualified and acting  
officers of the City for the offices shown below our signatures  
and that as such we are familiar with the facts herein certified.

2. That there is attached to and follows this certificate  
an excerpt of proceedings from the minutes of a meeting of the  
City Council of the City (the "City Council") which is a true,  
full and complete excerpt of all proceedings from the minutes of  
the City Council pertaining to the adoption of the ordinance de-  
scribed therein; and that the persons named in such excerpt as  
the officers and members of the City Council or as officers of  
the City are the duly chosen, qualified and acting officers and  
members as indicated therein.

3. That a true and complete copy of the ordinance (the  
"Ordinance"), as adopted at the meeting described in such excerpt  
from the minutes, is attached to and follows such excerpt.

4. That the Ordinance has been duly and lawfully adopted  
by the City Council and that the Mayor of the City has approved,  
and hereby approves, the Ordinance; that the Mayor and the City  
Secretary of the City have duly signed and attested the Ordinance  
and each, respectively, hereby declares that the signing of this  
certificate shall also constitute the signing of the Ordinance  
for all purposes; and that the Ordinance, as signed, has been  
duly recorded in the minutes of the City Council for such meeting.

5. That each of the officers and members of the City  
Council was duly and sufficiently notified officially and per-  
sonally, in advance, of the date, hour, place and subject of  
such meeting of the City Council, and that the Ordinance would  
be introduced and considered for passage at such meeting, and  
each of such officers and members consented, in advance, to the  
holding of such meeting to consider and act upon such subject.

6. That written notice of the meeting of the City Council  
described in the excerpt from the minutes was posted in the form  
and manner required by law; and that such meeting was open to the  
public as required by law at all times during which the Ordinance  
and the subject matter thereof were discussed, considered and  
formally acted upon, all as required by the Open Meetings Act,  
Article 6252-17, Vernon's Texas Civil Statutes, as amended.

SIGNED AND SEALED the 22nd day of June, 1977.

Marilyn Lampe  
City Secretary

Henry Menard  
Mayor

(SEAL)

THE STATE OF TEXAS §  
COUNTY OF BRAZORIA §  
CITY OF DANBURY §

The City Council of the City of Danbury, Texas, convened in regular meeting, open to the public, on the 22nd day of June, 1977, at the City Hall, and the roll was called of the duly constituted officers and members of the City Council and the City Secretary of the City, to-wit:

Larry Menard	Mayor
W. Morris Dodson	Councilman
Henry Tippet	Councilman
Carlos Simpson	Councilman
Harry Bogema	Councilman
Eugene Wollam	Councilman
Marilyn Lampe	City Secretary

and all of said persons were present, except the following absentees: None,  
thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written ordinance entitled:

ORDINANCE AMENDING AN ORDINANCE HERETOFORE ADOPTED BY THE CITY COUNCIL ON FEBRUARY 23, 1977, ENTITLED "ORDINANCE AUTHORIZING ISSUANCE OF \$40,000 CITY OF DANBURY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 1977; RATIFYING CONTRACT; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT"; APPROVING CHANGE ORDER; APPROVING CLAIMS; AND AUTHORIZING THE ISSUANCE OF CERTIFICATES OF OBLIGATION

(the "Ordinance") was duly introduced for the consideration of the City Council and reviewed in full. It was then duly moved and seconded that the Ordinance be passed; and, after due discussion, the motion, carrying with it the passage of the Ordinance, prevailed and carried by the following vote:

AYES: All members of the City Council shown  
present above voted "Aye".

NOES: None.

The Mayor thereupon announced that the Ordinance had been duly and lawfully adopted. The Ordinance thus adopted follows:

ORDINANCE AMENDING AN ORDINANCE HERETOFORE ADOPTED BY THE  
CITY COUNCIL ON FEBRUARY 23, 1977, ENTITLED "ORDINANCE  
AUTHORIZING ISSUANCE OF \$40,000 CITY OF DANBURY, TEXAS,  
CERTIFICATES OF OBLIGATION, SERIES 1977; RATIFYING  
CONTRACT; AND CONTAINING OTHER PROVISIONS RELATING TO THE  
SUBJECT"; APPROVING CHANGE ORDER; APPROVING CLAIMS; AND  
AUTHORIZING THE ISSUANCE OF CERTIFICATES OF OBLIGATION

THE STATE OF TEXAS     §  
COUNTY OF BRAZORIA   §  
CITY OF    DANBURY     §

WHEREAS, the City Council of the CITY OF DANBURY, TEXAS  
(the "City"), by ordinance adopted November 24, 1976, found that  
it was advisable for the City to construct and equip buildings  
for the City, to-wit: a city hall building, and that certifi-  
cates of obligation be issued by the City for all or any part  
of the cost thereof; and

WHEREAS, the City Council gave due and proper notice to  
bidders of the time and place when and where a contract, or con-  
tracts, for such construction and equipment would be let and due  
and proper notice of its intention to issue such certificates  
of obligation; and

WHEREAS, the City Council thereafter awarded a contract to  
CIRCLE C CONSTRUCTION CO., INC., Angleton Texas (the "Contractor")  
in the amount of \$32,421.00, and not \$41,443.00, as the lowest  
and best bid for such construction and equipment and the Con-  
tractor at the time of the receipt of such bid elected to assign  
such certificates in payment for all or any part of the cost of  
the contract in accordance with the arrangements made by the  
City Council; and

WHEREAS, said contract was thereafter amended by the ap-  
proval by the City Council of Change Order No. 1, a true copy  
of which is attached hereto as Exhibit E and made a part hereof

as if fully written herein, resulting in a change in the amount of said contract to \$32,891.00; and

WHEREAS, the City Council wishes to approve, readopt and ratify said Change Order No. 1; and

WHEREAS, the City Council desires to amend an ordinance heretofore adopted by the City Council on February 23, 1977; and

WHEREAS, the Contractor, as shown on a true copy of its Claim No. 2, attached hereto as Exhibit A and made a part hereof as if fully written herein, has submitted said claim for furnishing such materials and supplies; and

WHEREAS, UNDERWOOD, NEUHAUS & CO., INCORPORATED, Houston, Texas, as shown on a true copy of its Claim No. 1, attached hereto as Exhibit B and made a part hereof as if fully written herein, has submitted said claim for furnishing financial advisory services in connection with such construction and equipment; and

WHEREAS, BROOKS ASSOCIATION FOR ARCHITECTURE AND PLANNING, Houston, Texas, as shown on a true copy of its Claim No. 1, attached hereto as Exhibit C and made a part hereof as if fully written herein, has submitted said claim for architectural services rendered in connection with such construction and equipment; and

WHEREAS, McNEAL, THRASH, WILLIAMS & DOZIER, Attorneys at Law, Alvin, Texas, as shown on a true copy of its Claim No. 1, attached hereto as Exhibit D and made part hereof as if fully written herein, has submitted said claim for legal services rendered in connection with such construction and equipment; and

WHEREAS, the City has received the full benefits of such contract and of such services represented by said claims, respectively, to the full extent thereof and to the full extent of the certificates of obligation hereinafter authorized to be delivered; and no person, corporation or trust estate has given notice in

writing or otherwise to the City, or to any official thereof,  
of any liens for any materials, apparatus, fixtures, machinery  
or labor furnished to the Contractor as provided by Chapter 17,  
Acts of the Legislature of Texas, 1925 (Article 5472-a, Vernon's  
Texas Civil Statutes), or any other provision of law; and

WHEREAS, the City does not hold a claim of any kind or char-  
acter which might be properly charged or interposed as an offset  
or counterclaim to the payment of the aforesaid claims; and

WHEREAS, said claims have been assigned to the First Danbury  
State Bank, Danbury, Texas, without discount, and said bank is  
now the legal owner and holder thereof; and

WHEREAS, the City Council of the City wishes to approve said  
claims and authorize the payment thereof by the issuance and de-  
livery of said certificates of obligation, all as shown on said  
Exhibits A, B, C and D, respectively, and as hereinafter set out:

<u>CLAIMANT</u>	<u>AMOUNT TO BE PAID</u>
Circle C Construction Co., Inc.	\$ 8,891.00
Underwood, Neuhaus & Co., Incorporated	2,300.00
Brooks Association for Architecture and Planning	3,202.19
McNeal, Thrash, Williams & Dozier	1,606.81

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF DANBURY, TEXAS THAT:

Section 1. The matters and facts contained in the preamble  
of this ordinance are hereby found and declared to be true and  
correct.

Section 2. Change Order No. 1 relating to the contract of  
the City with Circle C Construction Co., Inc., and mentioned in  
the preamble of this ordinance, is hereby approved, readopted  
and ratified.

Section 3. The ordinance heretofore adopted by the City Council of the City on February 23, 1977, and entitled "Ordinance Authorizing Issuance of \$40,000 City of Danbury, Texas, Certificates of Obligation, Series 1977; Ratifying Contract; And Containing Other Provisions Relating to the Subject" is hereby amended so that Sections 4 and 7 thereof shall be and read as follows:

"Section 4. The Certificates shall be dated March 1, 1977, shall be numbered consecutively from 1 through 40, shall be in the denomination of \$1,000 each and shall mature serially on March 1 of each of the years, and in the amounts, respectively, set forth in the following schedule:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
1978	\$1,000	1988	\$2,000
1979	1,000	1989	2,000
1980	1,000	1990	2,000
1981	1,000	1991	2,000
1982	1,000	1992	3,000
1983	1,000	1993	3,000
1984	2,000	1994	3,000
1985	2,000	1995	3,000
1986	2,000	1996	3,000
1987	2,000	1997	3,000

The Certificates may be redeemed prior to their scheduled maturities, at the option of the City, at any time after delivery in the manner provided in the FORM OF CERTIFICATE set forth in this ordinance.

"Section 7. The form of Certificates, including the form of the Certificate of Registration, shall be, respectively, substantially as follows:

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FORM OF CERTIFICATE:

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

\$1,000

UNITED STATES OF AMERICA  
STATE OF TEXAS  
COUNTY OF BRAZORIA

CITY OF DANBURY, TEXAS  
CERTIFICATE OF OBLIGATION  
SERIES 1977

ON MARCH 1, \_\_\_\_, the CITY OF DANBURY (hereinafter called the "City"), in the County of Brazoria, in the State of Texas, promises to pay to bearer or, if this Certificate is registered, to the registered owner hereof, the principal amount of

ONE THOUSAND DOLLARS

and to pay interest thereon, FROM THE DATE OF INITIAL DELIVERY SHOWN ON THE FACE HEREOF, to bearer or, if this Certificate is registered, to the registered owner hereof, at the rate of 7.50% per annum, interest payable September 1, 1977, and semiannually thereafter on each March 1 and September 1 while this Certificate is outstanding. Both the principal of and interest on this Certificate shall be payable, without exchange or collection charges to the owners or holders, upon presentation and, in the case of the principal when due, surrender of this Certificate at the FIRST DANBURY STATE BANK, Danbury, Texas, which shall be the paying agent for this series of Certificates.

THIS CERTIFICATE is one of a series of negotiable, registrable Certificates of Obligation, dated March 1, 1977, numbered from 1 through 40, in the denomination of \$1,000 each, aggregating \$40,000, issued in accordance with the Constitution and laws of the State of Texas, particularly Article 2368a.1, Vernon's Texas Civil Statutes, as amended, for the purpose of evidencing the indebtedness of the City for all or any part of the cost of constructing and equipping public buildings for the City, to-wit: a city hall building, including the cost of professional services in connection therewith, and pursuant to an ordinance adopted by the City Council of the City on the 23rd day of February, 1977.

THE CITY RESERVES THE RIGHT TO REDEEM the outstanding Certificates of this series on any date prior to their scheduled maturities, at the option of the City, IN WHOLE OR IN PART, for

the principal amount thereof and accrued interest thereon to the date fixed for any such redemption. At least thirty (30) days prior to the date fixed for any such redemption, the City shall cause a written notice of such redemption to be delivered to the registered owners, or their duly authorized agents, of the Certificates to be so redeemed or, at the option of the City, a written notice of such redemption shall be published, at least thirty (30) days prior to the date fixed for any such redemption, in a newspaper of general circulation in the City of Danbury. By the date fixed for any such redemption, due provision shall be made with the paying agent for the payment of the required redemption price. If such written notice of redemption is given or published, and if due provision for such payment is made, all as provided above, the Certificates which are to be so redeemed thereby automatically shall be redeemed prior to their scheduled maturities; and they shall not be regarded as being outstanding except for the purpose of being paid by the paying agent with the funds so provided for such payment.

IT IS HEREBY certified, recited, and covenanted that this Certificate has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the issuance and delivery of this Certificate, have been performed, existed, and been done in accordance with law; that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in the City and have been pledged for such payment within the limits prescribed by law; that this Certificate shall be a debt of the City within the meaning of

Article XI, Sections 5 and 7 of the Constitution of Texas; and that, when delivered, this Certificate shall be deemed and construed (i) to be a "Security" within the meaning of Chapter 8, Investment Securities, Uniform Commercial Code (Chapter 785, Acts of the 60th Legislature, Regular Session, 1967), and (ii) to be a general obligation of the City within the meaning of Chapter 784, Acts of the 61st Legislature of Texas, Regular Session, 1969.

THIS CERTIFICATE shall be transferable by delivery unless registered as to principal in the owner's name upon books of the City to be kept for that purpose at the office of the City Secretary of the City, the registrar, such registration to be noted hereon. After such registration, no transfer of this Certificate shall be valid unless made on said books at the request of the registered owner hereof, or his duly authorized agent, and similarly noted hereon; but this Certificate may be discharged from registration by being in like manner transferred to bearer, whereupon transferability by delivery shall be restored; and this Certificate may again and from time to time be registered or made payable to bearer as before.

IN WITNESS WHEREOF, this Certificate of Obligation has been signed by the Mayor of the City and countersigned by the City Secretary of the City, and the official seal of the City has been duly impressed, or placed in facsimile, on this Certificate.

DATE OF INITIAL DELIVERY OF THIS CERTIFICATE: \_\_\_\_\_

\_\_\_\_\_  
COUNTERSIGNED:

\_\_\_\_\_  
City Secretary  
City of Danbury, Texas

(SEAL)

\_\_\_\_\_  
XXXXXXXXXX  
Mayor  
City of Danbury, Texas

CERTIFICATE OF REGISTRATION:

IT IS HEREBY CERTIFIED that, at the request of the holder of the within Certificate, I have this day registered it as to principal in the name of such holder as indicated in the registration blank below, on the books kept by me for such purpose. The principal of and interest on this Certificate shall be payable only to the registered holder named in the below registration blanks. If the last transfer recorded on the books of the Registrar and in the below registration blank shall be to bearer, the principal and interest of this Certificate shall be payable to bearer, and such Certificate shall be in all respects negotiable.

<u>Name of Registered Holder</u>	<u>Date of Registration</u>	<u>Signature of City Secretary (Registrar)</u>

Section 4. The claims described in the preamble of this ordinance and fully set forth in Exhibits A, B, C and D, respectively, mentioned in said preamble shall be, and the same are hereby, approved and allowed, and the City hereby acknowledges receipt of the full benefits represented by said claims to the full extent thereof and to the full extent of the certificates of obligation herein authorized to be delivered; and the City hereby recognizes and approves the transfer and assignment of said claims to the First Danbury State Bank, Danbury, Texas.

Section 5. There is now due and owing to said bank the sum of \$40,000.00.

Section 6. There shall be executed and delivered to said bank Certificates Nos. 1 through 40, both inclusive, aggregating \$40,000, of the CITY OF DANBURY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 1977, dated March 1, 1977.

Section 7. The Mayor, City Secretary, City Treasurer, and other appropriate City officials, are hereby authorized and directed to deliver the Certificates mentioned above and to do any and all things necessary or convenient to carry out the terms of this ordinance.

Section 8. It is hereby officially found and determined that the need of the City for such financing creates an emergency and an urgent public necessity for the holding, at the scheduled time, of the meeting at which this ordinance is adopted and for the adoption of this ordinance; and the NOTICE OF MEETING relating to said meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, adopted and ratified.

PASSED AND APPROVED this 22nd day of June, 1977.

ATTEST:

/s/ Larry Menard

\_\_\_\_\_  
Mayor  
CITY OF DANBURY, TEXAS

/s/ Marilyn Lampe

\_\_\_\_\_  
City Secretary  
CITY OF DANBURY, TEXAS

(SEAL)

EXHIBIT A

Claim No. 2

Dated: June 22, 1977

of Circle C Construction Co., Inc. (the "Contractor"), against the City of Danbury, Texas (the "City"), as per contract (including Change Order No. 1) in the amount of \$32,891.00, between the City and the Contractor:


1. Total completed to date . . . . . \$32,891.00
2. Current payment due . . . . . \$ 8,891.00
3. Amount to be paid Contractor by issuance  
of Certificates of Obligation . . . . . \$ 8,891.00
4. Amount paid to Contractor to date . . . . . \$24,000.00

The amount shown in line 2 above represents our claim against the City of Danbury, Texas, for our performance to date under and in conformity with the terms and conditions of the contract described above; and such claim has been and is hereby assigned in full, without discount, to the First Danbury State Bank, Danbury, Texas.

CIRCLE C CONSTRUCTION CO., INC.  
P. O. Box 82  
Angleton, Texas 77515

By   
(Authorized Representative)

(SEAL)

  
(Title)

-----  
All construction and equipment represented by the claim shown in line 2 above are in full accordance with the terms and conditions of the contract described above, and such claim is hereby in all things approved for payment by the City.

BROOKS ASSOCIATION FOR  
ARCHITECTURE & PLANNING  
2007 Woodhead  
Houston, Texas 77019

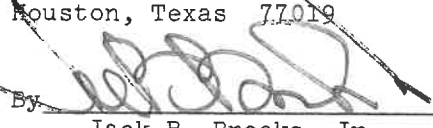
By   
Jack B. Brooks, Jr.

EXHIBIT B


UNDERWOOD, NEUHAUS & CO., INCORPORATED, Houston, Texas,  
hereby submits its claim in the amount of \$2,300.00 to the  
City of Danbury, Texas, for services rendered as financial  
advisor to the City of Danbury in connection with the issuance  
of the CITY OF DANBURY, TEXAS, CERTIFICATES OF OBLIGATION,  
SERIES 1977, dated March 1, 1977, and such claim is hereby  
assigned in full, without discount, to the First Danbury  
State Bank, Danbury, Texas.

UNDERWOOD, NEUHAUS & CO., INCORPORATED  
724 Travis Street at Rusk Avenue  
Houston, Texas 77002

By: \_\_\_\_\_

  
R. N. Eddleman  
Vice President

ATTEST: \_\_\_\_\_

  
\_\_\_\_\_  
Vice President  
(Title)

(SEAL)

EXHIBIT C

BROOKS ASSOCIATION FOR ARCHITECTURE & PLANNING, Houston, Texas, hereby submits its claim in the amount of \$3,202.19 to the City of Danbury, Texas, for services rendered as architects in connection with the issuance of the CITY OF DANBURY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 1977, dated March 1, 1977, and the construction and equipment relating thereto, and such claim is hereby assigned in full, without discount, to the First Danbury State Bank, Danbury, Texas.

BROOKS ASSOCIATION FOR ARCHITECTURE  
& PLANNING  
2007 Woodhead  
Houston, Texas 77019

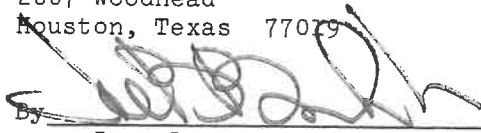
By   
\_\_\_\_\_  
Jack B. Brooks, Jr.

EXHIBIT D

McNEAL, THRASH, WILLIAMS & DOZIER, Alvin, Texas, hereby submits its claim in the amount of \$1,606.81 to the City of Danbury, Texas, for legal services rendered to the City of Danbury in connection with the issuance of the CITY OF DANBURY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 1977, dated March 1, 1977, and such claim is hereby assigned in full, without discount, to the First Danbury State Bank, Danbury, Texas.

McNEAL, THRASH, WILLIAMS & DOZIER  
116 South Gordon  
Alvin, Texas 77511

By

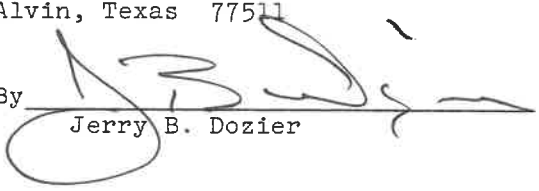
  
Jerry B. Dozier

EXHIBIT E

CHANGE  
ORDER

AIA DOCUMENT G701

OWNER ☐  
ARCHITECT ☒  
CONTRACTOR ☐  
FIELD ☐  
OTHER ☐

PROJECT: DANBURY CITY HALL & SKRABANEK  
(name, address) PARK REST ROOM FACILITIES  
DANBURY, TEXAS  
TO (Contractor)

CHANGE ORDER NUMBER: 1

CIRCLE C CONSTRUCTION CO., INC.  
P.O. BOX 82  
ANGLETON, TEXAS 77515

ARCHITECT'S PROJECT NO: 76-129  
CONTRACT FOR: 76-130

CONTRACT DATE: 7 FEBRUARY, 1977

You are directed to make the following changes in this Contract:

1. LOWERING WORK COUNTER
2. INSTALLATION OF GLASS PARTITION

TOTAL COST .....\$ 470.00

The original Contract Sum was .....\$ 41,443.00  
Net change by previous Change Orders .....\$ -----  
The Contract Sum prior to this Change Order was .....\$ 41,443.00  
The Contract Sum will be (increased) (~~decreased~~) (~~unchanged~~) by this Change Order. ....\$ 470.00  
The new Contract Sum including this Change Order will be .....\$ 41,913.00  
The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by ..... ( ----- ) Days.  
The Date of Completion as of the date of this Change Order therefore is 5 AUGUST, 1977

BROOKS ASSOCIATION

ARCHITECT  
2007 WOODHEAD

Address  
HOUSTON, TEXAS 77019

BY 

DATE

CIRCLE C CONSTRUCTION CO., INC.: CITY OF DANBURY

CONTRACTOR  
P.O. BOX 82

Address  
ANGLETON, TEXAS 77515

BY 

DATE 6/8/77

OWNER  
P.O. BOX 258

Address  
DANBURY, TEXAS 77534

BY 

DATE 6-8-77