

ORDINANCE NO. 308

SERIES 1981

AN ORDINANCE RATIFYING ALL ACTION PREVIOUSLY TAKEN CONCERNING TOWN OF MILLS, WYOMING, LOCAL ASSESSMENT DISTRICT NO. 1-81; CONFIRMING THE PROCEEDINGS, ASSESSMENT ROLL, AND ASSESSMENTS THEREFOR; ASSESSING THE AMOUNTS IN SAID ROLL ON THE PROPERTY IN SAID DISTRICT; CREATING A LIEN THEREFOR AND PRESCRIBING THE PRIORITY THEREOF; DIRECTING THE CERTIFICATION OF SAID ROLL TO THE TREASURER OF SAID TOWN; PRESCRIBING THAT SAID ASSESSMENTS SHALL BE PAID AND THE TERMS THEREOF; PROVIDING FOR THE PAYMENT OF SAID ASSESSMENTS; CREATING A SPECIAL AND SEPARATE FUND THEREFOR; PROVIDING FOR THE COLLECTION OF DELINQUENT ASSESSMENTS; PRESCRIBING VARIOUS DETAILS CONCERNING SAID PROVISIONS; AND DECLARING AN EMERGENCY.

WHEREAS, the Town Council (herein "governing body" or "Council") of the Town of Mills (herein "Town" or "municipality") has heretofore created the Town of Mills, Wyoming, Local Assessment District No. 1-81, for the purpose of making certain local improvements therein and to assess the cost thereof to the property benefited thereby; and

WHEREAS, said Council ordered said improvements as heretofore more specifically described after taking and adopting the requisite steps and proceedings therefor; and

WHEREAS, said Council in full conformity with law, proceeded to enact Ordinance No. 299, finally passed, adopted and signed on February 18, 1981 and repassed and readopted on March 25, 1981; and

WHEREAS, upon the passage of said ordinance, the Engineer prepared an assessment roll, according to the provisions of said ordinance, and certified the same to the Clerk of the Town; and

WHEREAS, upon receiving said assessment roll, the Clerk of said Town gave notice pursuant to law that said assessment roll was on file in her office and in said notice stated the time, to wit, April 22, 1981, at the hour of 7:30 p.m., or at such other times as the hearing might be continued to, the Council of said Town, sitting as the Board of Equalization, would hear and consider objections to said assessment roll at the Mills Town Hall in said Town; and

WHEREAS, no written protests, objections and remonstrances were received by the Clerk or the Council of the Town on or before said time; and

WHEREAS, the Council has found, and does hereby find that no valid protests, objections or remonstrances have been made, except as hereafter indicated, and that all assessments are just and proper, except that the following assessments shall be corrected and reduced as follows:

[If none, write "None."]

None

WHEREAS, the Council of said Town hereby determines to provide for the collection of said assessments; and

WHEREAS, there was filed on this April 22, 1981, with the Town Clerk a written consent to assessment and waiver of 30-day cash payment period signed by the legal owner of record of all of the property assessed in the District; and

WHEREAS, by reason of the facts that the Town of Mills is not properly or adequately supplied with local improvements at the present time, that it is necessary to commence construction of such improvements as soon as practicable, that financing for such improvements must be obtained while market conditions are favorable, and for other good and sufficient reason, it is hereby declared that an emergency exists, that this ordinance is necessary to the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect from and after its passage and approval and proclamation by the Mayor.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING:

Section 1. Ratification. That all action (not inconsistent with the provisions of this ordinance) heretofore taken by the Town and the officers of said Town, directed toward the creation of the Town of Mills, Wyoming, Local Assessment District No. 1-81, the making of local improvements therein, the levy of assessments therefor, and the issuance of its local improvement bonds for that purpose, including, without limitation, the passage and adoption of Ordinance No. 299 on third reading on February 18, 1981 and its readoption and repassage on March 25, 1981 be, and the same hereby is ratified, approved and confirmed.

Section 2. Confirmation of Proceedings, Assessment Roll and Assessments. That the regularity, validity and correctness of said proceedings, the assessment roll therefor and said assessments in the amounts levied and apportioned on and against the lots, tracts, parcels of land, and other property in said District, are hereby in all respects established and confirmed.

Section 3. Levy of Assessments. That the cost and expense of such improvement and the apportionment of the same, as set forth in the assessment roll made out in accordance with the provisions of said Ordinance No. 299, passed, adopted and signed on February 18, 1981, and repassed and readopted on March 25, 1981, and of Title 15, Chapter 6, Wyoming Statutes 1977, as amended, are hereby assessed against the lots, tracts, parcels of land, and other property included within such improvement district and against such persons and in the proportions and amounts severally set forth in said

assessment roll, as modified by this ordinance, which is hereby specifically referred to and made a part hereof to the same extent as set forth herein at length.

Section 4. Creation of Lien. That all special assessments, assessed as aforesaid, together with any interest and any penalty thereon, shall, from the time said assessment roll is placed in the hands of the Treasurer of said Town, constitute a lien upon the respective lots, tracts, parcels of land, and other property assessed. The special assessments thereafter shall be and remain a lien on said property assessed until paid.

Section 5. Priority of Lien. That said lien shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for assessments for general taxes.

Section 6. Certification of Assessment Roll to Town Treasurer. That the Clerk of said Town shall immediately certify said assessment roll to the Treasurer of said Town for collection.

Section 7. Payment of Assessments. That the assessments against each lot or parcel of land in the District shall be payable at the office of the Town Treasurer of the Town of Mills, Wyoming, in ten substantially equal annual installments, with interest in all cases on the unpaid and deferred installments of principal from April 22, 1981 at the rate of 10% per annum. The first installment shall be due on April 22, 1982, i.e., one year from the date of confirmation of the assessments (the date of adoption of this ordinance) and other installments shall become due on April 22 of each of the years 1983 to 1991, i.e., the succeeding anniversary dates. Each installment shall become delinquent unless paid when due, and failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw, in addition to said interest, a penalty of five percent (5%) of the unpaid assessment. At any time prior to the day of the sale, or judgment for said unpaid assessment, the owner may pay the amount of all unpaid installments, with interest thereon at 10% per annum and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed may redeem the same from all liability for the unpaid amount of said assessment by paying all installments of said assessment remaining unpaid and charged against such lot, tract, parcel, or other property, at the time of such payment, with interest thereon to the date of the maturity of the installment next falling

due. All payments shall be made to the Treasurer of the Town of Mills.

Section 8. Bond Fund. That the special assessments, principal, interest and any penalty, when collected by said Treasurer shall be placed in a special and separate fund to be known as the "Mills Local Improvement Bond Fund, District No. 1-81," and as such shall at all times constitute a sinking fund for, and be deemed specially appropriated to, and be applied solely to, the payment of interest, as it becomes due, on the local improvement bonds to be hereafter issued for the purpose of paying the costs and expenses of said improvements, and thereafter, to the extent moneys are available therefor, the principal of said bonds; and said bond fund shall not be used for any other purpose until said bonds and the interest thereon are fully paid.

Section 9. Foreclosure of Delinquent Assessments and Bondholder's Remedies. That in case any lot, tract, parcel of land, or other property assessed is delinquent in the payment of such assessment or any installment of principal or interest, the entire assessment shall become due and payable and the Council of the Town of Mills shall forthwith cause the original holder of said bonds, as representative of the bondholders, and the owner or owners of such delinquent property, if known, to be immediately notified in writing of such delinquency, and if such delinquency shall not be paid within ten days after such notice shall have been given, then said Council, at its own expense, shall forthwith collect any delinquent assessment in the manner provided in Sections 15-6-410 to 15-6-412, both inclusive, Wyoming Statutes 1977, and all laws thereunto enabling, or, at the option of the Town, in the manner provided in Section 15-6-419, Wyoming Statutes 1977, and all laws thereunto enabling. If any such delinquent assessment is not promptly collected, as aforesaid, then any bondholder may file and prosecute a foreclosure action in the name of said Town, pursuant to said Section 15-6-419, and all laws thereunto enabling. Any bondholder may also proceed against the Town to protect and enforce the rights of the bondholders under this ordinance or other proceedings, by suit, action, or special proceedings in equity or at law, for the specific performance of any provisions contained herein or in any award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effectual to protect and enforce the rights aforesaid. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of the bonds and coupons then outstanding. The failure of the bondholders so to foreclose such delinquent assessments, or so to proceed against the Town, or both, shall not relieve the

Town of any liability for its failure so to foreclose such delinquent assessments.

Section 10. Officers' Authorization to Proceed. That the officers of the Town be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 11. Repealer. That all bylaws, resolutions and ordinances, or parts of bylaws, resolutions and ordinances, in conflict with this ordinance are hereby repealed.

Section 12. Severability. That if any section, paragraph, clause or provisions of this ordinance shall be held to be invalid or unenforceable, for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance.

Section 13. Emergency. For the reasons set forth in the preambles to this ordinance, the Council finds and declares that an emergency exists; that this ordinance is for the immediate preservation of the public peace, health, safety and welfare, and that it shall be in full force and effect from and after its passage and approval.

Section 14. Suspension of Readings. The rule requiring ordinances, except emergency ordinances, to have public readings on three different days unless three-fourths of the governing body vote to suspend the rule, as provided by Section 15-1-115, Wyoming Statutes 1977, as amended is hereby suspended for the purpose of permitting the adoption of this ordinance at this meeting.

PASSED, ADOPTED, AND APPROVED this April 22, 1981.

Robert J. Moore
Mayor

(SEAL)

Attest:

Norene Kilmer
Town Clerk