

MASON COUNTY, WASHINGTON

RESOLUTION NO. 41-82

A RESOLUTION of the Board of County Commissioners, Mason County, Washington, establishing Consolidated Road Improvement Districts Nos. 2 and 3 and Consolidated Road Improvement Fund, Districts Nos. 2 and 3; fixing the amount, form, date, maturity and denominations of the Consolidated Road Improvement Districts Nos. 2 and 3 Bonds; and providing for the issuance and sale thereof.

WHEREAS, the Board of County Commissioners of the County has heretofore created Road Improvement Districts Nos. 2 and 3 for various purposes; and

WHEREAS, RCW 36.88.375 authorizes the establishment of consolidated road improvement districts for the purpose of issuing bonds only and provides that if the governing body of any county orders the creation of such consolidated road improvement district, the money received from the installment payments of the principal of and interest on assessments levied within original road improvement districts shall be deposited in a consolidated road improvement district bond redemption fund to be used to redeem outstanding consolidated road improvement district bonds; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MASON COUNTY, WASHINGTON, as follows:

Section 1. For the purpose of issuing bonds only, those road improvement districts of Mason County, Washington (the "County"), established by the following resolutions, respectively, the 30-day period for making cash payment of assessments without interest in each road improvement district having expired in the case of the assessments for each road improvement district, are consolidated into a consolidated road improvement district to be known and designated as "Consolidated Road Improvement Districts Nos. 2 and 3":

<u>Road Improvement District No.</u>	<u>Created by Resolution No.</u>
2	20-81
3	21-81

Section 2. There is created and established in the office of the Mason County Treasurer for Consolidated Road Improvement Districts Nos. 2 and 3 a special consolidated road improvement district fund to be known and designated as "Consolidated Road Improvement Fund, Districts Nos. 2 and 3" (the "Bond Fund"). All money presently on hand representing collections pertaining to installments of assessments and interest thereon in each of the road improvement districts listed in Section 1 shall be transferred to and deposited in the Bond Fund, and all collections pertaining to assessments on the assessment rolls of those road improvement districts when hereafter received shall be deposited in the Bond Fund to be issued to redeem outstanding Consolidated Road Improvement Districts Nos. 2 and 3 bonds.

Section 3. "Consolidated Road Improvement Districts Nos. 2 and 3 Bonds" (the "Bonds") shall be issued in the total principal sum of \$80,240.66, being the total amount on the assessment rolls of Road Improvement Districts Nos. 2 and 3 remaining uncollected after the expiration of the 30-day interest-free prepayment period. Bond No. 1 shall be in the denomination of \$1,240.66, and the remaining Bonds numbered 2 to 80, inclusive, shall be in the denomination of \$1,000.00 each. The Bonds all shall be dated July 1, 1982, and shall be payable on July 1, 1994, with the right reserved to the County to redeem the Bonds prior to maturity on any interest payment date, in numerical order, lowest numbers first, whenever there shall be sufficient money in the Bond Fund to pay the Bonds so called and all earlier numbered Bonds over and above the amount required for the payment of the interest on all unpaid Bonds, by publishing

notice of such call once in the official newspaper of the County not less than 10 nor more than 20 days prior to the call date, and by mailing a copy of such notice within the same period to the main office of the principal underwriter or accounts manager of the successful bidder for the Bonds, or its successor, and upon such date the interest on Bonds so called shall cease and each and every coupon representing interest not accrued on such date shall be void. The Bonds shall bear interest at a rate to be determined by public sale, payable annually, beginning July 1, 1983, to be represented by interest coupons to maturity attached to each Bond. Both principal of and interest on the Bonds shall be payable solely out of the Bond Fund and from the County Road Improvement Guaranty Fund, and shall be payable in lawful money of the United States of America at the office of the Mason County Treasurer or, at the option of the holder, at either fiscal agency of the State of Washington in Seattle, Washington, or New York, New York.

Section 4. The Bonds and coupons shall be printed or lithographed on good bond paper in substantially the following form:

No. \_\_\_\_\_ \$1,000.00  
(\$1,240.66 on Bond No. 1)

UNITED STATES OF AMERICA

STATE OF WASHINGTON

CONSOLIDATED ROAD IMPROVEMENT BOND

OF

MASON COUNTY

CONSOLIDATED ROAD IMPROVEMENT DISTRICTS NOS. 2 AND 3

N.B. The laws of the State of Washington under which this bond is issued contain the following section (RCW 36.88.240):

"Neither the holder nor the owner of any bond or warrant issued under the provisions of this chapter shall have any claim therefor against the county by which the same is issued, except for payment from the special

assessments made for the improvement for which said bond or warrant was issued and except as against the improvement guaranty fund of such county, and the county shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the county. The remedy of the holder or owner of a bond, or warrant in case of nonpayment, shall be confined to the enforcement of any assessments made in such road improvement district and to the guaranty fund. In case the bonds are guaranteed in accordance herewith a copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder."

MASON COUNTY, WASHINGTON (the "County"), a municipal corporation of the State of Washington, promises to pay to bearer, on the first day of July, 1994, the sum of

ONE THOUSAND DOLLARS  
(\$1,240.66 on Bond No. 1)

in lawful money of the United States of America, with interest thereon at the rate of \_\_\_\_\_ % per annum, payable annually out of the fund established by Resolution No. \_\_\_\_\_ of the County and known as the "Consolidated Road Improvement Fund, Districts Nos. 2 and 3" (the "Bond Fund"), and not otherwise, except from the guaranty fund, as herein provided. Both principal of and interest on this bond are payable at the office of the County Treasurer in Shelton, Washington, or, at the option of the holder, at either fiscal agency of the State of Washington in Seattle, Washington, or New York, New York.

Coupons are hereto attached for each installment of interest to accrue hereon, and interest shall be paid only on presentation and surrender of such coupons to the office of the County Treasurer or at either such fiscal agency.

The Board of County Commissioners, as agent of Consolidated Road Improvement Districts Nos. 2 and 3, established by Resolution No. \_\_\_\_\_ (the "District"), has caused this bond to be issued in the name of the County as the bond of the District, the proceeds thereof to be used to pay so much of the cost and expense of certain improvements as provided by the following resolutions of the County establishing the following road improvement districts, respectively:

<u>Road Improvement District No.</u>	<u>Created by Resolution No.</u>
2	20-81
3	21-81

as is levied and assessed against the property included in the District and benefited by those improvements, and the Bond Fund has been established by resolution for that purpose. The holder or holders of this bond shall look only to the Bond Fund and to the County Road Improvement



On the FIRST DAY OF JULY, 19\_\_\_, MASON COUNTY, WASHINGTON, promises to pay to bearer at the office of the County Treasurer in Shelton, Washington, or, at the option of the holder, at either fiscal agency of the State of Washington in Seattle, Washington, or New York, New York, the sum shown hereon, this sum being twelve months' interest due that day on Bond No. \_\_\_\_\_ of the bonds of Consolidated Road Improvement Districts Nos. 2 and 3 and not otherwise, provided that this coupon is subject to all terms and conditions contained in the bond to which it is annexed and, if that bond shall be called for payment before maturity hereof, this coupon shall be void.

MASON COUNTY, WASHINGTON

By (facsimile signature)  
Chairman, Board of County  
Commissioners

ATTEST:

(facsimile signature)  
Clerk of the Board

The Bonds shall be signed by the facsimile signature of the Chairman of the Board of County Commissioners, attested by the manual signature of the Clerk of the Board, shall have the seal of the Board affixed thereto, and the coupons shall bear the facsimile signatures of the Chairman and the Clerk of the Board.

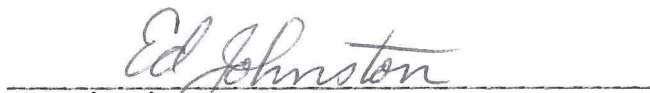
Section 5. The Clerk of the Board of County Commissioners shall publish a notice in the form of Exhibit A, attached hereto and by this reference made a part hereof, once a week for two consecutive weeks in the official newspaper of the County, calling for competitive bids to purchase the Bonds in accordance with RCW 36.88.210. Bids shall be opened and read by the Board of Commissioners at the time and place specified by the notice, and the Bonds shall be sold to the bidder offering the lowest net effective interest rate for the Bonds. The notice shall provide that payment for the Bonds shall include accrued interest, if any, to the date of delivery. The County will furnish at the expense of the District the printed bonds and the approving legal opinion of Roberts & Shefelman (Roberts, Shefelman, Lawrence, Gay & Moch), municipal bond counsel of Seattle,

Washington, which opinion will be printed on each Bond. Bond counsel shall not be required to review and shall express no opinion concerning any official statement, offering circular or other sales material issued or used in connection with the Bonds, and bond counsel's opinion shall so state.

Section 6. Upon determination of the exact rate of interest from the bond sale, the County shall have the Bonds printed as aforesaid, and the Bonds shall then be delivered into the hands of the County Treasurer for collection of proceeds of sale of Bonds for the deposit of same in the Bond Fund in accordance with RCW 36.88.210.

ADOPTED at a regular meeting of the Board of Mason County Commissioners this 24th day of May, 1982.

  
Chairman and Commissioner


  
Commissioner

  
Commissioner

ATTEST:

  
Clerk of the Board

APPROVED AS TO FORM:

  
Prosecuting Attorney

NOTICE OF BOND SALE

\$80,240.66 CONSOLIDATED ROAD IMPROVEMENT BONDS

OF

MASON COUNTY, WASHINGTON

CONSOLIDATED ROAD IMPROVEMENT DISTRICTS NOS. 2 AND 3

SEALED PROPOSALS will be received in the office of the Clerk of the Mason County Board of Commissioners, 4th & Alder, Shelton, Washington, until 10:00 a.m., local time, on

JUNE 14, 1982,

at which time all bids will be publicly opened for the purchase of \$80,240.66 par value of Consolidated Road Improvement Bonds of Consolidated Road Improvement Districts Nos. 2 and 3 (the "Bonds") of Mason County, Washington (the "County"). The bids will be considered and acted upon by the Board of County Commissioners at its regular meeting to be held in the Board meeting room commencing at 2:00 p.m., local time, on the same date.

BONDS - DESCRIPTION

The Bonds are to be issued by the County pursuant to Resolution No. 41-82 of the County, adopted May 24, 1982, for County road improvement purposes.

The Bonds will be dated July 1, 1982; will be in the denomination of \$1,000.00 each, except for Bond No. 1 which shall be in the denomination of \$1,240.66; will be numbered from 1 to 80, inclusive; will mature on July 1, 1994; and will bear interest annually, beginning July 1, 1983, with interest to maturity to be evidenced by coupons to be attached to each Bond. Both principal of and interest on the Bonds will be payable at the office of the County Treasurer in Shelton, Washington, or, at the option of the holder, at either fiscal agency of the State of Washington in Seattle, Washington, or New York, New York.

EXHIBIT A



BID PROPOSALS - SALE

Bidders are invited to submit proposals for the purchase of the Bonds fixing the interest rate or rates, not to exceed a maximum effective rate of 16% per annum, that the same shall bear. Bidders shall submit bids specifying:

(a) The lowest rate or rates of interest and premium, if any, above par at which the bidder will purchase the Bonds; or

(b) The lowest rate or rates of interest at which the bidder will purchase the Bonds at par.

No bid will be considered for the Bonds for less than par and accrued interest, or for less than the entire issue. The purchaser must pay accrued interest, if any, to date of delivery of the Bonds.

The County reserves the right to waive any irregularity or informality in any bid or in the bidding process.

The Bonds shall be sold to the bidder making the best bid, subject to the right of the Board of County Commissioners to reject any and all bids and to readvertise the Bonds for sale in the manner provided by law, and no bid for less than all of the Bonds shall be considered.

All bids shall be sealed and, except the bid of the State of Washington, if one is received, shall be accompanied by a deposit of \$4,012. The deposit shall be either by certified or cashier's check made payable to the County Treasurer and shall be returned promptly if the bid is not accepted. The County reserves the right to invest the good faith deposit of the purchaser pending the payment for the Bonds. The purchaser shall not be credited for such earnings. If the Bonds are ready for delivery and the successful bidder shall fail or neglect to complete the purchase of the Bonds within forty days following the acceptance of its bid, the amount of its deposit shall be forfeited to the County and in that

event the County may accept the bid of the one making the next best bid. If there be two or more equal bids for the Bonds for not less than par plus accrued interest and such bids are the best bids received, the Board of County Commissioners shall determine by lot which bid shall be accepted.

Any bid presented after the time specified for the receipt of bids will not be received and any bid not accompanied by the required bid deposit at the time of opening such bid will not be read or considered.

#### DELIVERY OF BONDS

The Bonds will be delivered to the successful bidder upon payment of the purchase price plus accrued interest to the date of delivery, less the amount of the good faith deposit, at the office of the County Treasurer in Shelton, Washington, or in Seattle, Washington, at the County's expense, or at such other place as the County Treasurer and the successful bidder may mutually agree upon at the purchaser's expense. Settlement shall be made by cashier's check at the time of delivery of the Bonds. A no-litigation certificate in the usual form will be included in the closing papers for the Bonds.

CUSIP numbers will be printed on the Bonds, if requested in the bid of the successful bidder, but neither failure to print such numbers on any bond nor error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid by the County, but the fee of the CUSIP Service Bureau for the assignment of those numbers shall be the responsibility of and shall be paid by the purchaser.

It is understood that if, prior to the delivery of the Bonds, the interest receivable by the holders thereof shall become taxable, directly or indirectly, by the terms of any federal income tax law, the successful bidder may at its option be relieved of its obligation to purchase the Bonds, and in such case the deposit accompanying its bid will be returned, without interest.

The County will cause the Bonds to be printed or lithographed and signed without expense to the successful bidder.

The approving legal opinion of Roberts & Shefelman (Roberts, Shefelman, Lawrence, Gay & Moch), attorneys, Seattle, Washington, will be furnished to the purchaser of the Bonds without cost to the purchaser, which legal opinion will be printed on each bond. Bond counsel shall not be required to review or express any opinion concerning the completeness or accuracy of any official statement, offering circular or other sales material issued or used in connection with the Bonds, and bond counsel's opinion shall so state.

Information concerning the Bonds may be received upon request made to the undersigned.

DATED at Shelton, Washington, this 24th day of  
May, 1982.

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~~Lorraine Coots~~  
Clerk of the Board of  
County Commissioners

**Publication dates:**

JOURNAL: Publ 2t; May 26, June 2 (bill Road Dept)