

ORDINANCE NO 1, 1937,  
BEING AN EMERGENCY ORDINANCE RELATING TO THE CREATION OF CONSOLIDATED IMPROVEMENT DISTRICT NO 42, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AND AUTHORIZING THE ISSUANCE OF BONDS TO PAY THE COST OF CONSTRUCTION THEREOF

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS

Section 1 That pursuant to twelve petitions, duly filed and presented to the City Council on November 20, 1936, which said petitions were referred to the City Engineer for investigation and report and were by said City Engineer reported back to the City Council as being signed by the owners of more than one-third of the frontage in the proposed district, and the Commissioner of Works and the City Engineer made a further report that said twelve petitions should be consolidated and considered as one petition for all purposes And the City Council by Resolution duly adopted on November 20, 1936 ordered the consolidation of said twelve petitions into one petition for all purposes, and there is hereby created and organized an improvement district under and by virtue of the provisions of Ordinance No 7 1921 as amended by subsequent ordinances, to be known as Consolidated Improvement District No 42, comprising the lots and blocks and lands abutting on the following streets, to-wit

On North McKinley Avenue  
Blocks 1 and 2 Swett's Addition

On Remington Street  
Blocks 128 and 138 City of Fort Collins

On Lake Street  
E 170 feet of Block 7, E 80 feet of Block 4,  
Blocks 3 and 8, L C Moore's Second Addition

On West Myrtle Street  
Blocks 105, 106 115 and 116 City of Fort Collins

- On West Magnolia Street W 190 feet of Blocks 73 and 74,  
Blocks 103 and 104, City of Fort Collins Blocks 2,3,5  
and 6 Kenwood Heights Addition, Blocks 267,268 277,278,
- On South Sherwood Street 287 and 288 Loomis Addition  
Blocks 74 and 84 City of Fort Collins
- On Canon Avenue  
Block 83 City of Fort Collins
- On West Olive Street  
Blocks 92 and 93 Blocks 72 and 73 City of Fort  
Collins, Blocks 268 269, 278, 279 288 289 all  
in Loomis Addition
- On Washington Avenue  
Blocks 289 and 290 Loomis Addition, Blocks 1 and 4,  
Washington Place Addition Block 1 and the North 222 5  
feet of Block 5 Prospect Place Addition
- On Grant Avenue  
Blocks 278, 279 280 281, 288 289 290 and 291,  
Loomis Addition
- On Loomis Avenue  
The North 300 feet of Block 267, North 300 feet of  
Block 277 Blocks 268 269 278 and 279 all in  
Loomis Addition
- On Mathews Street  
Blocks 135 136, 145 146 City of Fort Collins
- On East Myrtle Street  
Blocks 125, 126, 135, 136 145, 146 City of Fort Collins
- On East Mulberry Street  
Blocks 134 and 135 City of Fort Collins
- On Plum Street  
Blocks 147, 148 157 and 158 City of Fort Collins
- On Scott Avenue  
Blocks 1 and 2 Scott-Sherwood Addition
- On South Shields Street  
The North 300 feet of Block 1 Block 7 and the North  
175 2 feet of Block 8, all in Scott-Sherwood Addition,  
Blocks 2 and 3 Prospect Place Addition Block 2 and  
the South 35½ feet of Block 3 Washington Place Addition

Section 2 That the said petitions prayed for the  
improvement of the said district by grading and surfacing with a  
mixture of oil and gravel, approximately two and one-half inches  
in thickness, and the curbing and guttering where necessary of the  
entire street area between gutters The mixture for the surfacing

to be according to specifications of the City Engineer, which said petitions were made and filed under the provisions of said Ordinance No 7, 1921, as amended and that the plans and specifications, together with the map prepared by the City Engineer, be and the same are hereby adopted as the map, plans and specifications for said consolidated district, and said work of construction of said improvement is hereby ordered to be done in accordance therewith as provided by law together with the estimated cost of the construction of said improvement, amounting to \$22,326 80 for surfacing and \$7,890 50 for curb and gutter, or a grand total for both surfacing and curb and gutter of \$31,378 42, the total frontage is 30,578 feet, of which 25,592 lineal feet is along streets 100 feet in width and requiring a surfacing of 55 feet in width, and 4,986 lineal feet is along streets 60 feet in width and requiring surfacing 31 feet in width, that the total amount of yardage of oil surfacing material is 102,350 square yards, that the present amount of curb and gutter required is 15,781 feet and gutter alone 3317 $\frac{1}{2}$  feet, that the cost per front foot on streets where the surfacing is 55 feet in width is estimated at 77 5¢ per front foot, that the cost per front foot on the streets where the surfacing is 31 feet in width is estimated at 50¢ per front foot, that the above figures include allocation against the entire cost for street intersections, that the above figures are based as above stated on obtaining Federal Aid through W P A in carrying out the improvements, that if the same should be done by private contractors it is estimated the cost would be approximately \$1 44 per lineal foot where the width of surfacing is 55 feet, and 84¢ per lineal foot where the width of surfacing is 31 feet, and for curb and gutter \$1 00 per lineal foot and for gutter only 65¢ per lineal foot, that as an example the following

is a statement of the estimated costs for a lot having a 50 foot frontage for the various widths above mentioned to-wit for a lot having a 50 foot frontage where the width of the surfacing is 55 feet, \$38 75, or \$63 75 for oil surfacing, curb and gutter, for a lot having a 50 foot frontage where the width of the surfacing is 31 feet, \$25 00 or \$50 00 for oil surfacing, curb and gutter, and all costs including oil surfacing, curb and gutter to be assessed against the owners of lots and lands in said district abutting upon said improvements when completed and accepted in accordance with the provisions of Sections 7 and 8 of Ordinance No 7 1921 as amended, and the total cost of the improvement of the street will be assessed against the property abutting on said streets, but no amount shall be assessed against the City That curbs and gutters where not now in place conformable to the ordinances of the City of Fort Collins, are hereby ordered constructed or repaired or re-constructed upon all property in said Consolidated Improvement District No 42, and the City Council shall take appropriate action by Resolution to require the construction or repairing or re-construction of said curbs and gutters in conformity with Ordinance No 6, 1930 of the City of Fort Collins, and if the same is not done by the property owners within thirty (30) days from the date of service of said Resolution as in said Ordinance provided the City shall construct or repair or re-construct said curbs and gutters or cause said work to be done, and charge and assess the costs thereof against the abutting property in like manner and in the same assessing ordinance to be hereafter adopted as the cost of oil surfacing shall be assessed and certified to the County Treasurer as provided by ordinances and law

Section 3 That pursuant to the requirements of the Resolution of the City Council duly adopted on the 11th

day of December A D 1936, due notice was given to the owners of the property to be assessed, by due and lawful publication in The Fort Collins Express-Courier a daily newspaper of general circulation in the City of Fort Collins for a period as required by law, as shown by the proof of publication on file in the office of the City Clerk which said notice was to the owners of the property to be assessed and designated the kind of improvements proposed, the number of installments and the time in which the cost would be payable the rate of interest on the unpaid and deferred installments, the extent of the district improved, together with the probable cost per front foot, as shown by the estimate of the City Engineer, and to the further effect that on the 22nd day of January A D 1937, at seven o'clock A M in the City Council Chamber in the City Hall of the City of Fort Collins the City Council would hear and determine all complaints and objections that might be made and filed in writing concerning the proposed improvements by the owner of any real estate to be assessed, that in pursuance of the said notice the said City Council did sit to hear the complaints at said meeting held on the 22nd day of January A D 1937 at seven o'clock A M , and that no complaints in writing concerning the proposed improvements had then and there been filed with the City Clerk

Section 4 The City Council finds that all the requirements of the statute respecting the petition for said improvements and the resolutions and notices required by law to be given in respect thereto before the adoption of an Ordinance ordering said improvements have been observed and complied with in all respects, and it is hereby ordered that the improvements of Consolidated Improvement District No 42 as provided for in the map, plans and specifications heretofore adopted by the City

Council and approved in this Ordinance, be and they are hereby ordered to be constructed

Section 5 For the purpose of paying the cost of said improvements including oil surfacing curb and gutter less any Federal assistance received bonds of the City of Fort Collins in the aggregate principal amount of \$31,378 42 are hereby authorized to be issued by the Commissioner of Finance and Ex-Officio City Treasurer of the City of Fort Collins, which said bonds shall bear date of September 1, 1937 and in such form as may be approved by the City Council after submission by the Commissioner of Finance, said bonds shall bear the name of Consolidated Improvement District No 42 of the City of Fort Collins, and shall bear interest at the rate of six per cent (6%) per annum payable semi-annually said interest to be evidenced by coupons attached to the principal bond and attested by the fac simile signature of the City Clerk which said bonds shall be in denominations of Five Hundred (\$500 00) Dollars each, except Bond No 63 which shall be in the denomination of \$378 42 Each of said bonds shall be subscribed by the Commissioner of Safety and Ex-Officio Mayor, countersigned by the Commissioner of Finance and Ex-Officio City Treasurer, and attested by the City Clerk with the corporate seal of the City, and registered with the City Treasurer and shall be delivered from time to time as required for the payment of the work herein provided or the City Council in its discretion, may sell said bonds to pay such cost in cash as provided in Ordinance No 7, 1921 as amended, and anything in this Ordinance or any Ordinance of the City of Fort Collins to the contrary notwithstanding any or all of the bonds herein provided for may be sold by the City Council at public or private sale with or without prior adver-

tisement and upon such terms and conditions as to it seem advisable provided however, that such bonds shall not be sold at less than par plus accrued interest Said bonds shall be redeemable out of the moneys collected on account of the assessments made for said improvements including oil surfacing curb and gutter, all moneys collected from said assessments or from the sale of bonds for said improvements shall be credited to Consolidated Improvement District No 42, and the funds so collected shall only be used for the payment of the work of construction of said improvements and the interest thereon Said bonds shall be numbered from one to sixty-three inclusive and shall be redeemable consecutively, according to number and in the order of issuance Said bonds shall be issued upon estimates of the City Engineer, approved by the City Council and the City Treasurer shall preserve a record of the same in a suitable book kept for that purpose All of said bonds shall be absolutely due and payable five (5) years from the date of issue, but shall be subject to call and payment at any time prior thereto, as provided in Ordinance No 7, 1921, relating to local public improvements as amended All assessments made in pursuance of this Ordinance together with all interest thereon and penalties for default in the payment thereof and all costs in collecting the same, shall, from the date of the final publication of the assessing ordinance hereafter to be adopted, constitute a perpetual lien on a parity with the tax lien for general State County City Town or School taxes and no sale of such property to enforce any general State County, Town or School tax or other lien, shall extinguish the perpetual lien of such assessments herein provided to be made

Section 6 Said bonds and the coupons attached thereto shall be in substantially the following form

UNITED STATES OF AMERICA  
STATE OF COLORADO  
CITY OF FORT COLLINS  
CONSOLIDATED IMPROVEMENT DISTRICT NO 42

NO \_\_\_\_\_

✓  
The City of Fort Collins, in the County of Larimer, and State of Colorado, for value received acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of Five Hundred (\$500 00) Dollars in lawful money of the United States, at the office of the City Treasurer of said City, on the 1st day of September 1942 subject to call and payment, however, at any time prior thereto, as provided in the amendment to Section 1 of Article XVII of the City Charter, passed and adopted April 6, 1920, and Ordinance No 7, 1921, relating to local public improvements as amended with interest thereon from date until payment at the rate of six per cent (6%) per annum, payable semi-annually on the 1st day of March and the 1st day of September, at the office of the City Treasurer of the City of Fort Collins, upon presentation and surrender of the annexed coupons as they severally become due

This bond is issued for the purpose of paying the cost of the local improvements in Consolidated Improvement District No 42 by virtue of and in full conformity with the amendment to Section 1 of Article XVII of the City Charter passed and adopted April 6, 1920, and Ordinance No 7 1921, relating to local public improvements as amended This bond is payable out of the proceeds of special assessments to be levied upon the real property, situate in the City of Fort Collins in said Consolidated Improvement District No 42, especially benefitted by said improvements, and the amount of the assessment so to be made upon the real estate in said District for the payment thereof with accrued interest is a lien upon the said real estate in the respective amounts to be apportioned to said real estate and to be assessed by an ordinance of said City, and the lien created by said assessing ordinance together with all interest thereon and penalties for default in the payment thereof and all costs in collecting the same, shall, from the date of the final publication of the assessing ordinance hereafter to be adopted constitute a perpetual lien on a parity with the tax lien for general State, County City, Town or School taxes, and no sale of such property to enforce any general State County, Town or School tax or other lien shall extinguish the perpetual lien of such assessments herein provided to be made And it is hereby certified and recited that the total issue of bonds of said City for said District including this bond does not exceed the estimate of the City Engineer and the contract price for said improvements, nor the amount authorized by law and it is further hereby certified and recited that every requirement of law relating to the creation of said Consolidated Improvement District No 42 the making of said local improvements and the issuance of this bond has been fully complied with by the proper officers of said City, and that all conditions required to exist and all things required to be done precedent to and in the issuance of this bond to render the same lawful and valid, have happened, and been properly done and performed, and did exist in regular and due time, form and manner as required by law



IN TESTIMONY WHEREOF, the said City of Fort Collins has caused this bond to be subscribed by its Commissioner of Safety and Ex-Officio Mayor countersigned by its Commissioner of Finance and Ex-Officio City Treasurer and attested by its City Clerk under the seal of said City, and the interest coupons thereto attached to be attested by the fac simile signature of the City Clerk as of the 1st day of Septemoer, 1937

\_\_\_\_\_  
Commissioner of Safety and Ex-Officio Mayor

COUNTERSIGNED

*Ray Mathews*  
\_\_\_\_\_  
Commissioner of Finance and Ex-Officio  
City Treasurer

Attest

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

(Form of Coupon)

No \_\_\_\_\_

\$15 00

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ the City of Fort Collins will pay to the bearer Fifteen (\$15 00) Dollars in lawful money of the United States at the office of the City Treasurer of Fort Collins Colorado being six months' interest on its local improvement bond dated September 1, 1937, issued for the construction of the local improvements known as Consolidated Improvement District No 42, provided this bond shall not have been heretofore paid

Attached to Bond No \_\_\_\_\_

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

Section 7 The Commissioner of Finance and Ex-Officio City Treasurer is hereby authorized and directed to have printed a sufficient number of bonds of the denomination of Five Hundred (\$500 00) Dollars each numbered from 1 to 63 inclusive, as is required to meet the estimated cost of said improvements as herein provided and when said bonds shall have been duly prepared, they shall be retained by the City Treasurer to be issued and delivered from time to time as hereinbefore provided

Section 8 Whenever considered prudent by the City Treasurer, ne is hereby authorized and empowered whenever funds may be in his hands, to the credit of Consolidated Improve-

ment District No 42, including six months' interest on the unpaid principal to advertise for five (5) days in the official newspaper of said City, and call in a suitable number of bonds of said District for payment, and at the expiration of thirty (30) days from the first publication interest on said bonds so called shall cease The notice shall specify the bonds so called by number and all bonds so issued shall be called and paid in their numerical order

Section 9 Upon the taking effect of this Ordinance, the Commissioner of Safety and Ex-Officio Mayor is hereby authorized and empowered to advertise for bids for the construction of said improvements in accordance with the map plans and specifications heretofore adopted which advertisement shall not be less than ten (10) days in the official newspaper published in the City of Fort Collins, and all bids received under said advertisement shall be submitted to the City Council for approval or rejection, and no contract shall be awarded in excess of the City Engineer's estimate of the cost of said improvements After the contract is awarded for the construction, the City Council shall require a bond for the faithful performance of the same of not less than the full contract price, with sufficient surety or sureties to be approved by the Commissioner of Safety and Ex-Officio Mayor, and the work of construction when so awarded under said contract shall be under the general control of the Commissioner of Public Works and in the immediate charge, control and supervision of the City Engineer, whose decision in all matters of dispute respecting compliance with this ordinance and the contract made thereunder, and the plans and specifications shall be final and binding upon all parties thereto When said contract is awarded it shall contain a clause to the effect that it is subject to the

provisions of the charter and of the laws under which the City of Fort Collins exists and of this ordinance, and the provisions of Ordinance No 7, 1921, relating to local public improvements, as amended and that the agreed payment shall not exceed the estimate of the City Engineer and the amount appropriated and that upon ten (10) days' notice the work under said contract, without cost or claim against the City of Fort Collins may be suspended for substantial cause, and upon complaint of any owner of real estate to be assessed for the improvements that the improvements are not being constructed in accordance with the contract then the City Council may consider the complaint and make such order as may be just and its decision shall be final When said contract is awarded it shall also contain a provision as to the manner of payment - whether the same shall be made in bonds of the said District to be accepted by the contractor at par or whether payment shall be made to the contractor in money all at the option of the City Council The City Council shall have the right to reject any and all bids which may be made by any person or persons for the construction of said improvements and when in the judgment of the City Council it shall be deemed to the best interests of the said City of Fort Collins, the said City Council is hereby authorized and empowered to provide for doing such work by hiring parties by the day and to arrange for purchasing the necessary materials to do such work under the direction, supervision and control of the Commissioner of Public Works and the City Engineer acting for said City, and may accept Federal Aid in connection therewith reducing the expense to the property owners and the District by so much as shall be obtained from Federal Aid by money, materials and labor

Section 10 When the said public improvements including oil surfacing curb and gutter in Consolidated Improvement District No 42 shall have been completed and the same approved by the City Engineer and recommended for acceptance by said officer and duly accepted by the City Council of the City of Fort Collins the cost of oil surfacing thereof shall be assessed upon all the real estate in said District as the frontage of each piece of real estate in said District is to the frontage of the real estate in the said District, and the cost of curb and gutter or gutter only, as the case may be shall be assessed against the abutting property in said District as hereinbefore authorized, which said assessment for oil surfacing curb and gutter when made and reported by the City Engineer and approved by the City Council, shall be assessed against the property in said Consolidated Improvement District No 42 by an ordinance to be adopted as provided by Ordinance No 7 1921, as amended

Section 11 This Ordinance shall be irrevocable until the indebtedness herein provided for whenever the same shall be created shall have been duly paid, satisfied and discharged as herein provided

Section 12 In the opinion of the City Council an emergency exists for the preservation of the public health, peace and safety and this Ordinance shall take effect upon its passage under and by virtue of the authority contained in Sections 6 and 7 of Article IV of the City Charter

Introduced, read at length and adopted by the unanimous vote of all the members of the City Council this 22nd day of January A D 1937

Attest

J. J. Schulte  
City Clerk

Ray R. Matthews  
Commissioner of Safety and Ex-Officio  
Mayor

STATE OF COLORADO, )  
County of Larimer )<sup>SS</sup>

I, J D McINTYRE, City Clerk of the City of Fort Collins, do hereby certify and declare that the foregoing Ordinance consisting of twelve (12) sections, was duly proposed and read at length at a regular meeting of the City Council held on the 22nd day of January, A D 1937, and was duly adopted and ordered published in the Fort Collins Express-Courier, a daily newspaper and the official newspaper of the City of Fort Collins, by the unanimous vote of all members of the City Council, as an Emergency Ordinance, in accordance with the provisions of Sections 6 and 7 of Article IV of the City Charter, and thereafter and on to-wit the 26th day of January A D 1937 said Ordinance No 1 was duly published in the Fort Collins Express-Courier a daily newspaper published in the City of Fort Collins Colorado

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City, this 26th day of January A D 1937

  
City Clerk