

ORDINANCE NO 34, 1923

BEING AN EMERGENCY ORDINANCE RELATING TO THE ASSESSMENT OF THE COST OF CONSTRUCTION OF IMPROVEMENTS IN PEARL STREET PERMANENT IMPROVEMENT DISTRICT NO 10, OF THE CITY OF FORT COLLINS, AND PROVIDING FOR THE PAYMENT AND COLLECTION THEREOF

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

Section 1 That under and by virtue of the provisions of Ordinance No 3, 1923, of said City of Fort Collins, duly passed and adopted on the 27th day of January, 1923 and the authority contained in Ordinance No 7, 1921 now in force and effect so far as this district is concerned, as hereinafter set forth, Pearl Street Permanent Improvement District No 10 was duly created and provision made in said ordinance for the construction of certain improvements in said district consisting of reinforced concrete paving, curbing and guttering within the limits of the said district that the said improvements as therein provided have been duly constructed and completed as provided by ordinance, and duly accepted by the City of Fort Collins as therein provided that thereafter the City Engineer and the Commissioner of Works, on to-wit the 6th day of October, A D 1923 duly reported to the City Council that the cost of the construction of said improvements, including the cost of inspection, collection and other incidentals and also including interest to the first day of March, A D 1924 to be assessed to the property and owners thereof in said district is \$6783 34 that in and by the said report the Commissioner of Works pursuant to the report of the City Engineer, duly apportioned upon all of the lots or tracts of land abutting upon the street improved in proportion as the frontage of each lot or tract of land is to all the frontage of all the lots or tracts of land so improved, pursuant to Ordinance No 7, 1921, relating to local public improvements, and the provisions of Ordinance No 3, 1923, and which said assessment was made in accordance with the provisions of Sections 7, 8 and 9 of Ordinance No 7, 1921, which

ordinance is now in force and effect for the purpose of this assessment ordinance and which said Pearl Street Permanent Improvement District No 10 is hereinafter more particularly described by lots and blocks together with the apportionment and rate per front foot, the said findings and report of the Commissioner of Works and City Engineer being in accordance with the report of the City Engineer in respect to the proposed assessments on each lot in said district

Section 2 That at the regular meeting of the City Council held on the 6th day of October, A D 1923, said report of the Commissioner of Works and City Engineer concerning the said proposed assessments for improvements in Pearl Street Permanent Improvement District No 10 was by resolution of the City Council duly adopted for the purpose of consideration and determination at a regular meeting of the City Council to be held at eight o'clock in the forenoon on the 10th day of November, A D 1923, pursuant to a notice of the City Clerk as provided by ordinance that in and by said resolution the City Clerk was instructed and directed to publish notice in the official newspaper of the City of Fort Collins for a period of ten (10) days in compliance with Section 15 of Ordinance No 7, 1921, addressed to the owners of property to be assessed in Pearl Street Permanent Improvement District No 10, stating the whole cost of the improvements and the share apportioned to each lot or tract of land in said district, and notifying the owners thereof that any complaints or objections that might be made in writing by them to the City Clerk and filed in his office within thirty (30) days from the publication of said notice would be heard and determined by the City Council at a regular meeting thereof to be held on the 10th day of November, A D 1923, at the hour of eight o'clock in the forenoon of said day in the Council Chamber in the City Hall in said City that after said hearing the said City Council would take up the matter of the passage of an ordinance assessing the cost of said improvements that pursuant to the authority contained in said resolution the City Clerk caused to be published said notice in the Fort Collins Express-Courier, the official newspaper of

said City of Fort Collins, for a period of ten (10) days, as provided by ordinance, and that due proof of publication has been duly filed in the office of the City Clerk that at said meeting of the City Council held on the 10th day of November, A D 1923, as aforesaid, the written complaint or objection so filed in the office of the City Clerk being heard and upon consideration and motion the same was overruled as being insufficient in law and fact and after consideration the assessing ordinance for the cost of the improvements in said Pearl Street Permanent Improvement District No 10 was on motion ordered submitted for passage and adoption

Section 3 That the total cost of the improvements in said Pearl Street Permanent Improvement District No 10, under and by virtue of Ordinance No 3, 1923, of said city, including the cost of inspection collection and interest to the first day of March, A D 1924, amounts to \$6783 34 and the sum of \$6783 34 is hereby assessed upon the real estate in Pearl Street Permanent Improvement District No 10, in accordance with the provisions of Sections 7, 8 and 9 of Ordinance No 7, 1921, and also pursuant to the authority contained in Section 10 of Ordinance No 3, 1923, creating said district and the proportion of said cost assessed to each lot or tract of land in said Pearl Street Permanent Improvement District No 10, comprising the following lots and blocks in said district, shall be as follows, to-wit

LOT	PROPERTY OWNER	FRONTAGE	COST PER FOOT	TOTAL
BLOCK 1 HENSEL ADDITION				
3	Katherine B Jenkins	150	5 7003	855 05
7	Ned Hodgkins--Contract to Ralph Kimble	50	5 7003	285 01
9	Joseph H Jacobucci	50	5 7003	285 01
11	E D Freeman--Contract to Dan Spitzer	50	5 7003	285 01
13	B N Troutman	50	5 7003	285 01
15	Victoria Eddy	50	5 7003	285 01
17	Tinsley C Fry	45	5 7003	256 52
21	F M Richard	150	5 7003	855 05
BLOCK 2 HENSEL ADDITION				
4	Florence E Ripple	150	5 7003	855 05
8	Florence R Krieger	50	5 7003	285 01
10	Florence R Krieger	50	5 7003	285 01
12	Francus E Ott	50	5 7003	285 01
14	Vernon E Blake	50	5 7003	285 01
16	Martha E Morgan--Contract to Horace G Shaw	50	5 7003	285 01
18	Edgar H Trimble--Contract to Ward H Mavis	45	5 7003	256 52
22	Charles F Bates	150	5 7003	855 05

Section 4 All assessments herein provided for shall be due and payable within thirty (30) days from the final passage and publication of this ordinance, without demand, provided that all assessments may at the election of the owners of the property assessed be paid in twenty (20) annual installments beginning December 15, 1923, and payable annually on said last mentioned date thereafter, until the full amount thereof has been paid, with interest on the unpaid principal payable semi-annually at the rate of six (6%) per cent per annum

Section 5 Failure to pay the whole of the assessments within the said period of thirty (30) days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments

Section 6 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 interest at the rate of one (1%) per cent per month or fraction of a month, until the day of sale as hereinafter provided, but at any time prior to the day of sale the owner may pay the amount of all unpaid installments, with interest at one (1%) per cent per month or fraction of a month, and all penalties accrued and shall thereupon be restored to the right to pay the installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installments or payments may at any time pay the whole of the unpaid principal, with the interest accrued to the maturity of the next installment of interest or principal

Section 7 Payments may be made to the City Treasurer at any time within thirty (30) days of the final passage and publication of this ordinance and an allowance of five (5%) per cent discount shall be made on all payments made during such period only

Section 8 In case of default in the payment of any installment of principal and interest when due, any and all property concerning which

such default is suffered shall be advertised by the County Treasurer and sold for the payment of the whole of the unpaid assessment thereon at the same time or times and in the same manner, under all the same conditions and penalties and with the same effects^{as}/are provided by law for sales of real estate in default of the payment of general taxes

Section 9 It shall be the duty of the City Clerk to prepare the foregoing assessment roll in said Pearl Street Permanent Improvement District No 10 in proper form, showing in suitable columns each piece of real estate assessed, the total amount of the assessment, the amount of each installment of principal and interest and the date when each installment will become due, with suitable columns for use in case of payment of the whole amount or of any installment or penalty and deliver the same to the City Treasurer, and thereafter payments may be made to the City Treasurer at any time within thirty (30) days after the passage of this assessment ordinance, and the taking effect thereof Upon the expiration of the thirty (30) days, the City Treasurer shall return to the City Clerk the assessment roll showing all payments made thereon, with the date of each payment, and thereupon the City Clerk shall prepare a permanent local assessment roll in book form showing in suitable columns each piece of real estate or property upon which the assessment is unpaid, the whole amount of the assessment unpaid, the date to which the same was computed, the amount of each installment of principal and interest, together with two (2%) per cent additional thereon as collection charges of the County Treasurer, and the date when the same will become due, with suitable columns for use in case of the payment of any installments or penalties Said roll shall be certified by the City Clerk under the seal of the City, and by him delivered to the County Treasurer of Larimer County with his warrant for the collection of the same

Section 10 All collections made by the County Treasurer on said assessment roll in any calendar month shall be accounted for and paid over to the City Treasurer on or before the tenth day of the next succeeding calendar month, with separate statements for all such collections for each month

