

ORDINANCE NO 27, 1923,

BEING AN EMERGENCY ORDINANCE RELATING TO THE CREATION AND ORGANIZATION OF SANITARY SEWER DISTRICT NO 40, PROVIDING FOR THE CONSTRUCTION OF THE IMPROVEMENTS THEREIN AND AUTHORIZING THE ISSUANCE OF BONDS TO PAY THE COST OF CONSTRUCTION THEREOF

WHEREAS, Under the authority and pursuant to the provisions of Ordinance No 7, 1921, the City Council, on the 21st day of July, A D 1923, duly passed and adopted a resolution providing for the organization of a sanitary sewer district and designating the boundaries thereof and the lots and blocks therein, for the purpose of constructing a sanitary sewer line in a district composed of Lots 13 to 25 in Block 274 all of Block 275 except lots 29 and 30 and that part occupied by the Colorado and Sputhern right of way Lots 1 to 12 inclusive, and 15 to 26 inclusive of Block 285 Lots 2 to 15 inclusive of Block 284 Lots 1 to 12, the same being now Lots 6 to 16 as appears on Griffin's Subdivision of Block 295 as accepted by the City Council August 11, 1923 Also a parcel of land described as follows Commencing at a point 210 feet north of the southwest corner of Block 65, thence East 190 feet, thence North 50 feet, thence West 190 feet, thence south 50 feet to beginning, except that part occupied by the Colorado and Southern right of way also a parcel of land described as follows Commencing at a point 260 feet north of the southwest corner of Block 65, thence north to Colorado and Southern right of way, thence southeasterly along right of way to a point 260 feet north of the south line of block, thence west to point of beginning, in the City of Fort Collins, for the organization of a sanitary sewer district consisting of the property above described, and

WHEREAS, on the 21st day of July, A D 1923, the City Engineer duly reported to the City Council the estimated cost of the said sanitary sewer and the schedule of

assessments upon the lots and blocks in said sanitary sewer district, and which said report and estimate further described the total area to be assessed in said sanitary sewer district consisting of 480,612 8 square feet, and the rate of assessment per square foot of \$ 0152085, and the cost for a lot 50' x 190' is \$144 48, and for a lot 40' x 140' is \$106 46, and

WHEREAS, Pursuant to said resolution, the City Clerk caused notice thereof to be published in the official newspaper of the City of Fort Collins for a period as provided by ordinance, and provided in said notice that a hearing would be had on the 25th day of August 1923 by the City Council at a regular meeting thereof to be held in the Council Chamber in the City Hall in the City of Fort Collins, at the hour of eight o'clock A M , of said day, for the purpose of hearing all complaints or objections that may be made in writing concerning said proposed improvement by any owner or owners of real estate to be assessed in said Sanitary Sewer District No 40 before the final action to be taken on an ordinance creating and organizing said district and authorizing the improvements to be constructed therein and which said objections so filed were on motion duly overruled as being insufficient in law therefore

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

Section 1 That pursuant to the terms and provisions of Ordinance No 7, 1921, being an ordinance relating to local public improvements, there be and hereby is created and organized Sanitary Sewer District No 40, consisting of Lots 13 to 25 in Block 274 all of Block 275 excepts Lots 29 and 30 and that part occupied by the Colorado and Southern right of way Lots 1 to 12 inclusive and 15 to 26 inclusive of Block 285 Lots 2 to 15 inclusive of Block 284, Lots 1 to 12 of Block 295, the same being now Lots 6 to 16 as appears on Griffin's Subdivision of Block 295 as accepted by the City Council August 11, 1923 Also a parcel of land described as follows Commencing at a point 210 feet north of the southwest corner of Block 65 thence East 190 feet, thence north 50 feet, thence west 190 feet, thence south 50 feet to beginning, except that part

occupied by the Colorado and Southern right of way also a parcel of land described as follows Commencing at a point 260 feet north of the southwest corner of Block 65, thence north to Colorado and Southern right of way, thence southeasterly along right of way to a point 260 feet north of the south line of block, thence west to point of beginning in the City of Fort Collins, Colorado, and that the work of construction of said improvements in said Sanitary Sewer District No 40 consist of an eight inch sewer line with six inch laterals therefrom as per map on file in the office of the City Engineer

Section 2 That pursuant to the requirements in the resolution of the City Council adopted on the 21st day of July, A D 1923, due notice was given to the owners of property to be assessed in said Sanitary Sewer District No 40, by due and lawful publication in the Fort Collins Courier, a daily newspaper of general circulation in the City of Fort Collins, for two successive weeks, once each week, as shown by the proof of publication on file in the office of the City Clerk which said notice was to the owners of property to be assessed in the proposed sanitary sewer district, composed of Lots 13 to 25 in Block 274 all of Block 275 except Lots 29 and 30 and that part occupied by the Colorado and Southern right of way, Lots 1 to 12 inclusive, and 15 to 26 inclusive of Block 285, Lots 2 to 15 inclusive of Block 284 Lots 1 to 12 of Block 295, the same being now Lots 6 to 16 as appears on Griffin's Subdivision of Block 295 as accepted by the City Council August 11, 1923 Also a parcel of land described as follows Commencing at a point 210 feet north of the southwest corner of Block 65, thence East 190 feet, thence north 50 feet, thence west 190 feet, thence south 50 feet to beginning, except that part occupied by the Colorado and Southern right of way also a parcel of land described as follows Commencing at a point 260 feet north of the southwest corner of Block 65, thence north to Colorado and Southern right of way, thence southeasterly along right of way to a point 260 feet north of the south line of block, thence west to point of beginning, in the City of Fort Collins, Colorado, and designating the kind of improvement proposed, the number of instalments,

the time in which the cost would be payable, the rate of interest on unpaid and deferred installments, the extent of the district to be improved, together with the probable cost per square foot as shown by the estimate of the City Engineer, and the total area of real estate to be assessed in said Sanitary Sewer District No 40 and the cost per square foot and to the further effect that on the 25th day of August, A D 1923, at eight o'clock A M , in the Council Chamber in the City Hall in the City of Fort Collins the City Council would hear and determine all complaints and objections that may be made and filed in writing, concerning said proposed improvement by the owner of any real estate to be assessed in said proposed district That the map, plans and specifications and estimate and all proceedings of the City Council in the premises are on file and can be seen and examined at the City Clerk's office during business hours at any time within said period of thirty days by any person interested That pursuant to said notice, on the 25th day of August, A D 1923, at the hour of eight o'clock A M , the City Council proceeded to hear any objections that might have been filed respecting said proposed sanitary sewer district and which said objections so filed were on motion duly overruled as being insufficient in law, the City Council proceeded to determine that it was for the best interests of the taxpayers of said Sanitary Sewer District No 40, as well as the City of Fort Collins, that the period of payment should be ten years in ten annual payments

Section 3 The City Council further finds that all requirements of the ordinance respecting the resolutions and notices required by the same 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 in said sanitary sewer district, as provided for in the map, plans and specifications heretofore adopted by the City Council and approved in this ordinance be and are hereby ordered to be constructed

Section 4 For the purpose of paying the cost of said improvements, bonds of the City of Fort Collins are hereby authorized to be issued by the Commissioner of Finance and ExOfficio City Treasurer, which said bonds shall bear date at such time as may be fixed by the Commissioner of Finance after the work of improvement has been commenced in said district, but said date shall be uniform for all bonds issued, 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 the Sanitary Sewer District No 40 of the City of Fort Collins, and shall be payable in ten (10) annual installments, ten per cent (10%) thereof payable in each and every year during said period, 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 Dollars (\$500) each Each of said bonds shall be subscribed by the Commissioner of Safety and ExOfficio Mayor 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, said bonds shall be redeemable out of the moneys collected on account of the assessments made for said improvement all moneys collected from said assessments or from the sale of bonds shall be credited to Sanitary Sewer District No 40, 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 1 to 15 inclusive, and shall be redeemable commencing one year after date thereof, consecutively, and according to number and in order of issuance, Said bonds shall only be issued and delivered by the City Treasurer on estimates and order of the City Engineer, signed and approved by the Commissioner of Safety and ExOfficio Mayor when said estimates have been duly audited and approved by the City Council and ordered paid All of said bonds shall be absolutely due and payable ten (10) 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 Pursuant to the power and authority contained in Section 29 of Ordinance No 7, 1921, relating to local public improvements, the payment of all the bonds issued in virtue of this ordinance is hereby guaranteed by the City of Fort Collins, Colorado

Section 5 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

SANITARY SEWER DISTRICT NO 40

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 _____ Dollars in lawful money of the United States, at the office of the City Treasurer, of said City, on the _____ day of _____, 19____, 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 4, 1920, and Ordinance No 7, 1921, relating to local public improvements, with interest thereon from date until payment at the rate of six per cent per annum, payable semi-annually, on the _____ day of _____ and the _____ day of _____, 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 Sanitary Sewer District No 40, by virtue of and in full conformity with the amendment to Section 1 of Article XVII of the City Charter, passed and adopted April 4, 1920, and Ordinance No 7, 1921, relating to local public improvements This bond is payable out of the proceeds and special assessments to be levied upon the real property situate in the City of Fort Collins in said Sanitary Sewer District No 40, 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, said lien having priority over all other liens, except other bonds, heretofore issued by said City, and the lien of general taxes, but payment of said bonds is guaranteed by the City of Fort Collins as provided by ordinance 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 certified and recited that every requirement of law relating to the creation of said Sanitary Sewer District No 40 the making of said local improvement 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 ExOfficio Mayor, 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 _____ day of _____, A D 19_____

Commissioner of Safety and ExOfficio Mayor

ATTEST

City Clerk

(Form of Coupon)

No _____ \$ _____
On the _____ day of _____, 19____, the City of Fort Collins will pay to the bearer _____ 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 _____, 192____, issued for the construction of the local improvement known as Sanitary Sewer District No 40, provided this bond shall not have been heretofore paid Attached to Bond No _____

City Clerk

Section 6 The Commissioner of Finance and ExOfficio City Treasurer is hereby authorized and directed to have printed a sufficient number of bonds of the denomination of Five Hundred (\$500) Dollars each, numbered from 1 to 15 inclusive, as is required to meet the estimated cost of said improvement 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 7 Whenever considered prudent by the City Treasurer, he is hereby authorized and empowered, whenever funds may be in his hands to the credit of Sanitary Sewer District No 40 including six months' interest on the unpaid principal to advertise for two insertions, a week apart, 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 said bonds so issued shall be called and paid in their numerical order

Section 8 Upon the taking effect of this ordinance, the Commissioner of Safety and ExOfficio 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 daily 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 improvement After the contract is awarded for construction, the City Council shall require a bond for the faithful performance of the same of not less than twenty-five per cent of the contract price, with sufficient surety or sureties to be approved by the Commissioner of Safety and ExOfficio 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 ~~final~~ 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 provision of the City Charter, and of the laws under which the City of Fort Collins exists and of Ordinance No 7, 1921, and this ordinance and that the agreed payments shall not exceed the estimate of the City Engineer and the amount appropriated, and that upon ten 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 improvement that the improvement is 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 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 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 necessart materials to do such work under the direction supervision and control of the Commissioner of Works and the City Engineer acting for the City

Section 9 When said public improvement in Sanitary Sewer District No 40 shall have been completed and the same approved by the City Engineer, recommended for acceptance by said officer, and duly accepted by the City Council of the City of Fort Collins, the cost thereof shall be asses ed upon all the real estate in said district as the area of each piece of real estate in said district is to the area of all the real estate in the district, exclusive of public highways which said assessments when made and reported by the City Engineer and approved by the City Council, shall be assessed against the property in Sanitary Sewer District No 40, by an ordinance to be adopted as provided in Ordinance No 7, 1921

Section 10 For the purpose of paying for engineering and other clerical ex penses and the cost of inspection, upon the aproval of the City Council, the Commissioner of Safety and ExOfficio Mayor is authorized to advertise for not less than ten (10) days in the official newspaper of said City, and sell as many bonds as may be necessary ⁿ and use the proceeds thereof for said purpose, and in accordance with the provisions of Ordinance No 7, 1921

Section 11 This ordinance shall be irrepealable until the indebtedness herein provided for, whenever the same shall be created, shall have been fully 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 and publication under and by virtue of the authority contained in Sections 6 and 7 of Article IV of the City Charter

