

ORDINANCE NO 12, 1923

BEING AN EMERGENCY ORDINANCE RELATING TO THE CREATION OF A COMBINED ALLEY, ROOF AND SURFACE DRAINAGE AND PERMANENT PAVING DISTRICT TO BE KNOWN AS COMBINED ALLEY IMPROVEMENT DISTRICT NO 5, SAID COMBINED ALLEY, ROOF AND SURFACE DRAINAGE AND PERMANENT PAVING DISTRICT INCLUDING ALL THE LOTS ABUTTING ON THE ALLEYS IN BLOCK 21, AND ALL THE LOTS ABUTTING ON THE ALLEYS IN BLOCK 111, ON BOTH SIDES THEREOF, AND ALL INTERSECTIONS OF SAID ALLEYS WITH STREETS, PROVIDING FOR THE CONSTRUCTION OF PERMANENT IMPROVEMENTS THEREIN TO CONSIST OF ROOF AND SURFACE DRAINAGE AND PERMANENT PAVING OF THE ALLEYS WITHIN SAID DISTRICT, AND AUTHORIZING THE ISSUANCE OF BONDS TO PAY THE COST OF CONSTRUCTION THEREOF

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

Section 1 That pursuant to a petition duly filed and presented to the City Council on the 2nd day of March, A D. 1923, which said petition was duly signed by the owners of more than one per cent of the surface area in the proposed district, as well as more than one-third of the frontage of the lots abutting on the alleys in said proposed district, and further, by authority of a resolution of the City Council duly passed and adopted on the 17th day of March, A D 1923, wherein the City Engineer was authorized and empowered to prepare map, plans and specifications and estimate of the cost of the improvements for alley, roof and surface drainage and permanent paving in said proposed district, and further, pursuant to a resolution of the City Council duly passed and adopted on the 31st day of March, A D 1923, adopting the map, plans and specifications and estimate of the total cost of the improvements for alley, roof and surface drainage and permanent paving in said proposed district, there is hereby created and organized an improvement district under and by virtue of the provisions of Ordinance No 7, 1921, relating to local public improvements, passed and adopted April 2, 1921, to be known as Combined Alley Improvement District No 5, comprising the alley areas in Block 21, said alley extending from the intersection of LaPorte Avenue with the permanent paving in West Mountain Avenue, and further including the alleys in Block 111 extending from the permanent paving in West Mountain Avenue to the permanent paving in Oak Street, as well as the branch in Block 21 extending to Mason Street, as well as the branch in Block 111 extending to Mason Street, and all street intersections

of said alleys th Laporte Avenue, Mountain Ave e and Oak Street, as well as Mason Street, and all lots in said blocks abutting upon said alleys within the limits of said Combined Alley Improvement District No 5, for the purpose of ordering the construction of surface drainage within the limits of said district, as well as the grading and permanent paving of the alleys within the said proposed district to be composed of all the lots abutting upon the alleys in Block 21 and all the lots abutting on the alleys in Block 111 on both sides thereof

Section 2 That said petition prayed for the permanent improvement of said district by providing for alley, roof and surface drainage and the grading and permanent paving of the alleys within the said proposed district to consist of one-course six-inch concrete paving to be installed as in other alley paving districts throughout the City, which said petition was made and filed under the provisions of Ordinance No 7, 1921, and which said map, plans and specifications, as well as an estimate of the cost prepared by the City Engineer were duly adopted by a resolution of the City Council on the 31st day of March, A D 1923, and the same are hereby adopted as the map, plans and specifications for said district and said work of construction of said improvements is hereby ordered to be done in accordance therewith, as provided by law

Section 3 That pursuant to the resolution of the City Council of the 31st day of March, A D 1923, due notice was given to the owners of property to be assessed, by due and lawful publication in the Fort Collins 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 well as the cost per square foot for drainage, as shown by the estimate of the City Engineer, and to the further effect that on the 5th day of May, A D 1923, at eight o'clock A M ,

in the Council Chamber in the City Hall of the City of Fort Collins, the City Council would hear and consider 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 complaints at said meeting held on the 5th day of May, A D 1923, 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 further finds that all the requirements of the ordinance 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 improvement of the Combined Alley, Roof and Surface Drainage and Permanent Paving known as Combined Alley Improvement District No 5 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 5 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 Ex-Officio Treasurer of the City of Fort Collins, which said bonds shall bear date at such time as may be fixed by the City Treasurer 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 Combined Alley Improvement District No 5 of the City of Fort Collins, and shall be payable in twenty (20) annual installments, five per cent (5%) thereof payable in each and every year during said period, and shall bear interest at the rate of six (6%) per cent 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) dollars each Each of said bonds shall be subscribed by the Commissioner of Safety and Ex-Officio Mayor, and attested by the City Clerk

with the corporate seal of the City and register 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 improvements, all moneys collected from said assessments or from the sale of bonds for said improvements shall be credited to Combined Alley Improvement District No. 5, 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 33 inclusive, and shall be redeemable consecutively, according to number and in the 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 Ex-Officio 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 twenty (20) years after the date of issue, but shall be subject to call and payment at any time prior thereto, as provided in Section 27 of Ordinance No. 7, 1921. Pursuant to the power and authority contained in Section 29 of Ordinance No. 7, 1921, the payment of all the bonds issued in virtue of this ordinance is hereby guaranteed by the City of Fort Collins.

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  
COMBINED ALLEY IMPROVEMENT DISTRICT NO. 5

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 Act of the General Assembly hereinafter mentioned, 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 Combined Alley Improvement District No. 5 by virtue of and in full conformity with an Act of the General Assembly of the State of Colorado entitled, "An Act to provide for the Construction of Local Improvements in Cities of all Classes having a population of less than one hundred thousand, and incorporated

towns, the issuance of local improvement bonds therefor, and the Assessment and Payment of the cost of said improvements," approved April 8, 1899, said Act being the same as Subdivision "C" of Chapter 120 of the Revised Statutes of 1908 of the State of Colorado, concerning public improvements, and Ordinance No 7, 1921, of said city duly adopted and approved, published and made a law of said city prior to the issue hereof. 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 Combined Alley Improvement District No 5, especially benefited 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 law and the ordinance authorizing the issue hereof, 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, the contract price of said improvement, nor the amount authorized by law, and it is further hereby certified and recited that every requirement of law relating to the creation of Combined Alley Improvement District No 5, 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, 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 \_\_\_\_\_, 192\_\_\_\_\_

\_\_\_\_\_  
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 \_\_\_\_\_, 1923, issued for the construction of the local improvements known as Combined Alley Improvement District No 5 provided this bond shall not have been heretofore paid  
Attached to Bond No \_\_\_\_\_

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

Section 7 The Commissioner of Finance and ExOfficio 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 33 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 he is hereby authorized and empowered, whenever funds may be in his hands to the credit of Combined Alley Improvement District No 5, including six months' interest on the unpaid principal, to advertise two insertions 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 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, plan and specifications heretofore adopted, which advertisement shall not be less than ten 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 improvements 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 ExOfficia Mayor, and the work of sonstruction 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, and that the agreed payments 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 contain a clause to the effect that the contract price shall be paid in bonds of the district, to be accepted at par. 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 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.

Section 10. When the said public improvements in Combined Alley Improvement District No 5 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 thereof as to the permanent paving shall be assessed upon the lots or tracts of land abutting upon said Combined Alley Improvement District No 5 in proportion as the frontage of each lot or tract of land is to the frontage of all the lots or tracts of land so improved, and the cost of the alley, roof and surface drainage in said district shall be assessed upon all the real estate in said Combined Alley Improvement District No 5, respectively, in proportion as the area of each piece of real estate in the district is to the area of all the real estate in the district, exclusive of public highways, all in accordance with the provisions of Ordinance No 7, 1921, which assessments when so reported by the City Engineer and approved by the City Council shall be assessed against the property in said improvement district by an ordinance to be adopted as provided by law.

Section 11 For the purpose of paying for engineering and other clerical expenses and the cost of inspection upon the approval of the City Council, the Commissioner of Safety and ExOfficio Mayor is authorized to advertise for not less than ten days in the official newspaper of said city, and sell sufficient of said bonds at not less than par, to pay the engineering and other clerical expenses, including the cost of inspection , and in the event that the work is ordered to be done by the Commissioner of Public Works by day labor, may sell the entire bond issue at not less than par, which said bonds shall not bear interest to exceed six (6%) per cent per annum to be paid semi-annually, evidenced by coupons bearing the fac simile signature of the City Clerk, all in accordance with Section 27 of Ordinance No 7, 1921

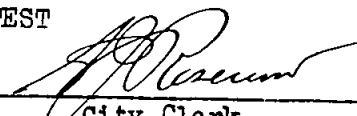
Section 12 This ordinance shall be irrevocable until the indebtedness herein provided for, whenever the same shall be created, shall have been fully paid, satisfied and discharged as herein provided

Section 13 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

Introduced, read at length and adopted by the unanimous vote of all the members of the City Council this 5th day of May, A D 1923

  
Commissioner of Safety and ExOfficio Mayor

ATTEST

  
City Clerk



STATE OF COLORADO )  
                          ) SS.  
COUNTY OF LAPIMER )

I, A J POSENOW, City Clerk of the City of Fort Collins, do hereby certify and declare that the foregoing ordinance consisting of thirteen (13) sections was duly ~~prepared~~<sup>proposed</sup> and read at length at a regular meeting of the City Council held on the 5th day of May, A D 1923, and was duly adopted ~~by~~ and ordered published in the Fort Collins Courier, a daily newspaper and the official newspaper of the City of Fort Collins, by the unanimous vote of all the 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 of the City of Fort Collins, and thereafter and on to wit the 8<sup>th</sup> day of May, 1923, said Ordinance No 12 was duly published in the Fort Collins 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 8<sup>th</sup> day of May, A D 1923

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