

ORDINANCE NO 10, 1923  
BEING AN EMERGENCY ORDINANCE RELATING TO THE ASSESSMENT OF THE COST OF  
CONSTRUCTION OF IMPROVEMENTS IN SANITARY SEWER DISTRICT NO 39 OF THE  
CITY OF FORT COLLINS AND PROVIDING FOR THE PAYMENT AND COLLECTION THEREOF

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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 26, 1922, of said City of Fort Collins, duly adopted and approved on the 28th day of October, A D 1922 Sanitary Sewer District No 39 was duly created and provisions made in said ordinance for the construction of certain improvements in said district, consisting of sanitary sewers that the said improvements as therein provided have been duly constructed as provided by law 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 10th day of March, A D 1923 duly reported to the City Council that the cost of construction of said improvements, including the cost of inspection collection and other incidentals and also including interest is \$780 49 that in and by 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 in the district improved, in proportion as the area of each lot or tract of land is to the area of all the lots or tracts of land so improved, exclusive of public highways, pursuant to the provisions of Sections 14 and 31 of Ordinance No 7, 1921, relating to local public improvements, and Ordinance No 26 1922, creating Sanitary Sewer District No 39, and which district is hereinafter more particularly described by lots and blocks, together with the apportionment and rate per square 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 assessment on each lot in said district

Section 2 That at the regular meeting of the City Council held on the 10th day of March, A D 1923 said report of the Commissioner of Works and City Engineer concerning said proposed assessments for improvements in Sanitary Sewer District No 39 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 on the 14th day of April, A D 1923 pursuant to a notice of the City Clerk as provided by law 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 days, addressed to the owners of property to be assessed in Sanitary Sewer District No 39, 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 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 14th day of April, 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 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 Courier the official newspaper of said City of Fort Collins, for a period of ten days as provided by ordinance and that due proof of said publication has been duly filed in the office of the City Clerk no complaints or objections having been filed, at said meeting of the City Council held on the 14th day of April, A D 1923 the assessing ordinance for the cost of the improvements in said Sanitary Sewer District No 39, was ordered submitted for passage and adoption

Section 3 That the total cost of the improvements in said Sanitary Sewer District No 39 under and by virtue of said Ordinance No 26, 1922 of said City including the cost of inspection collection and interest amounts to \$780 49 which said sum is hereby assessed upon the

real estate in said Sanitary Sewer District No 39 in accordance with the provisions of Sections 14 and 31 of Ordinance No 7 1921 relating to local public improvements and the proportion of said cost assessed to each lot or tract of land in said Sanitary Sewer District No 39, comprising the following lots and blocks in said district, shall be as follows

**RINAL ASSESSMENT ROLL FOR SANITARY SEWER NUMBER 39, BLOCK 2, PROSPECT PLACE**

<b>LOT NUMBER</b>	<b>PROPERTY OWNER</b>	<b>AREA</b>	<b>RATE</b>	<b>TOTAL COST</b>
1	Gordon M Fothergill	7950	0109	86 73
E48' 2	Horice Peck	7200	0109	78 54
W4' 2	Charles G Snidow	600	0109	6 54
3	Charles G Snidow	7800	0109	85 08
4	G D Lawson	6000	0109	65 45
5	Myrtle Cyphers	6000	0109	65 45
6	Geo Sauer (Estate)	6000	0109	65 45
7	Elizabeth H Sholine	6000	0109	65 45
8	Mary E Bean	6000	0109	65 45
9	Mary E Bean	6000	0109	65 45
10	Mary E Bean	6000	0109	65 45
11	Margh E Bean	6000	0109	65 45

Section 4 All assessments herein provided for shall be due and payable within thirty 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 ten (10) equal installments, beginning June 1<sup>st</sup> 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 per cent per annum

Section 5 Failure to pay the whole of the assessment 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 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 ~~existing~~ foregoing assessment roll in said Sanitary Sewer District No 39 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 is 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 the first day of each and every month, with separate statements for all such collections for each month, in the same manner as

Section 11 The owner of any divided or undivided interest may pay his share of any assessment upon producing evidence of the extent of his interes satisfactory to tne officers having the roll in charge

Section 12 In the opinion of the City Council an emergency exists for the preservation of the public health, peace and safety and tnis 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 tne City Council this 14th day of April, A D 1923

  
Commissioner of Safety and ExOfficio Mayor

ATTES<sup>T</sup>

  
City Clerk

STATE OF COLORADO )  
                                  ) SS  
COUNTY OF LARIMER )

I A J ROSENOW, 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 tne 14th day of April A D 1923, and was duly adopted 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 members of the Council, as an emergency ordinance in accordance with the provisions of Sections 6 and 7 of Article IV of the City Charter and thereafter, on towit the 17<sup>th</sup> day of April A D 1923 said Ordinance to 10 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, tnis 17<sup>th</sup> day of April, A D 1923

  
City Clerk