

ORDINANCE NO. 26, 1922,
BEING AN EMERGENCY ORDINANCE RELATING TO THE CREATION AND ORGANIZATION
OF SANITARY SEWER DISTRICT NO. 39, 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 2nd day of September, A. D. 1922, 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 the South Half of Block 2, Prospect Place Addition to the City of Fort Collins, Colorado, and

WHEREAS, On the 23rd day of September, A. D. 1922, 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 71550 square feet, and the rate of assessment per square foot of \$ 013285, and the cost for a lot 50' x 190' is \$126 21, and for a lot 40' x 150' is \$79.71, 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 28th day of October, 1922, 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 39, before the final action to be taken on an ordinance creating and organizing said district and authorizing the improvements to be constructed therein, 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. 39, consisting of the South Half of Block 2, Prospect Place Addition to the City of Fort Collins, Colorado, and that the work of construction of said improvements in said Sanitary Sewer District No 39 consist of a main sewer line and branches 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 ~~23~~ 23rd day of September, A. D. 1922, due notice was given to the owners of property to be assessed in said Sanitary Sewer District No 39, 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 the South Half of Block 2, Prospect Place Addition to the City of Fort Collins, Colorado, and designating the kind of improvement proposed, the number of installments, 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 39, and the cost per square foot, and to the further effect that on the 28th day of October, A. D. 1922, at eight o'clock A. M., in the Council Chamber of 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 improvements 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 28th day of October, A. D. 1922, 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 no objections having been filed, the City Council proceeded to determine that it was for the best interests of the taxpayers of said Sanitary Sewer District No. 39, 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 Ex Officio 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. 39, 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 (\$500.00) 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 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 39, 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 2 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 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 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.

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. 39

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 improvement in Sanitary Sewer District No. 39, 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. 39, 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. 39, 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 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 _____, 19_____.

Commissioner of Safety and Ex Officio 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. 39, provided this bond shall not have been heretofore paid.

Attached to Bond No _____

Section 6. 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 2 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 39, 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 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 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 Ex Officio Mayor, and the work

of construct 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 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 necessary 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. 39 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 assessed 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

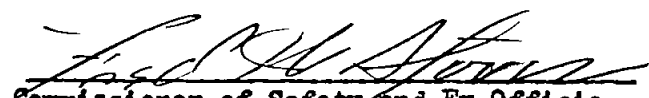
Sewer District No 39, by an ordinance to be adopted as provided in Ordinance No. 7, 1921.

Section 10. For the purpose of paying for engineering and other clerical expenses and the cost of inspection, upon the approval of the City Council, the Commissioner of Safety and Ex Officio 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 and use the proceeds thereof for said purpose, and in accordance with the provisions of Ordinance No 7, 1921.

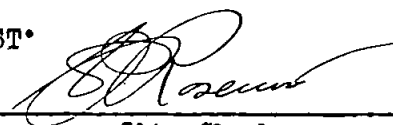
Section 11. This ordinance shall be irrevocable until the indebtedness herein provided for, whenever the same shall be created, shall have been fully paid, satisfied and discharged as herein provided.

Section 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.

Introduced, read at length and adopted by the unanimous vote of all the members of the City Council this 28th day of October, A. D. 1922.


Commissioner of Safety and Ex Officio
Mayor

ATTEST

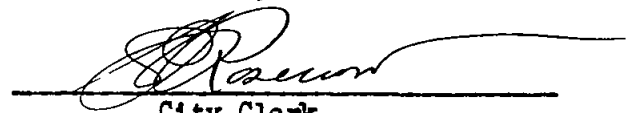


City Clerk

STATE OF COLORADO)
) SS.
COUNTY OF LA RIMER)

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 the 28th day of October, A. D. 1922, 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 to wit the 2nd day of ^{November}~~October~~, A. D. 1922, said Ordinance No. 26 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 2nd day of ^{November}~~October~~, A. D. 1922.



City Clerk.