

ORDINANCE NO. 21, 1922,

BEING AN EMERGENCY ORDINANCE RELATING TO RECONSTRUCTION AND ENLARGEMENT OF SEWER IN DISTRICT NO. 6 AND LOWERING THE GRADE THEREOF, PROVIDING FOR THE CONSTRUCTION OF 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 17th day of June, 1922, duly passed and adopted a resolution providing for the construction of enlarged sewer in District No. 6, and lowering the grade thereof, and for the purpose of reconstructing said sanitary sewer line said district shall be composed of Lots 27 to 35 inclusive in Block 111, and all of the lots in Block 112 in the City of Fort Collins; and

WHEREAS, On the 17th day of June, 1922, the City Engineer duly reported to the City Council the estimated cost of the reconstruction of the sewer line and lowering the grade thereof and the schedule of assessments upon the lots and blocks in said sanitary sewer district, to wit: Lots 27 to 35 inclusive in Block 111, and all of the lots in Block 112, and which said report and estimate further described the total area to be assessed in said sanitary sewer district, consisting of 194,750 square feet, and the rate of assessment per square foot of \$.010105; 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 22nd day of July, 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. on said day, for the purpose of hearing all complaints or objections that may be made in writing concerning said proposed improvements by any owner or owners of real estate to

be assessed in said Sanitary Sewer District No 6, before the final action to be taken on an ordinance 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 organized for the purposes of reconstruction and enlargement of the sewer in Sanitary Sewer District No 6, a district for said purpose consisting of Lots 27 to 35 inclusive in Block 111 and all of the lots in Block 112 in the City of Fort Collins, and that the work of reconstruction of said improvements in said Sanitary Sewer District No 6 consist~~ANT~~ of enlargement of the main sewer line and lowering the grade thereof as per map, plans and specifications filed in the office of the City Engineer.

Section 2. That pursuant to the requirements of the resolution of the City Council adopted on the 17th day of June, 1922, due notice was given to the owners of property to be assessed in said organized Sanitary sewer District No 6 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 organized sanitary sewer district, composed of Lots 27 to 35 inclusive in Block 111 and all of the lots in Block 112 in the City of Fort Collins, 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 6, and the cost per square foot, and to the further effect that on the 22nd day of July, 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 organized 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 22nd day of July, 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 6 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

Organized Sanitary Sewer District No 6, 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 (\$500 oo) 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 assessments made for said improvements, all moneys collected from said assessments or from the sale of bonds shall be credited to organized Sanitary Sewer District No 6, 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 8, 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

ORGANIZED SANITARY SEWER DISTRICT NO 6

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 centum 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 organized Sanitary Sewer District No 6 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 Organized Sewer District No 6 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 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 improvement nor the amount authorized by law and it is further hereby certified and recited that every requirement of law relating to the organization of said Sanitary Sewer District No 6 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 as 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 a interest coupons thereto attached, to be attested by the facsimile 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 Organized Sanitary Sewer District No 6,
provided this bond shall not have been heretofore paid
Attached to bond No _____

City Clerk

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 8 inclusive, as is required to meet the estimated cost of
said improvement as herein provided and when said bonds shall have been
fully 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 organized sanitary sewer district No 6 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
numeric 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 improvement
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 (25%) per cent of the contract price with sufficient sureties to be approved by the Commissioner of Safety and Ex-Officio 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 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 of claims 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 procuring 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 Organized Sanitary

Sewer District No. 6 shall have been completed and be 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 the City Council shall be assessed against the property in Organized Sanitary Sewer District No 6 by an ordinance to be adopted as provided by 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 That by reason of the exemption of certain lots in Block 111 which are already connected and will receive no benefit from the construction of the said enlargement and lowering the grade from assessment for the construction of the improvements in Organized Sanitary Sewer District No 6 and to equalize the burden it is ordered that one-half of the cost of the said improvements shall be paid by the City of Fort Collins and the sum of Two Thousand (\$2 000 00) Dollars is hereby appropriated out of Water Works Sewer Flushing Maintenance for said purpose

Section 13 In the opinion of the City Council an emergency exists for the preservation of the public health peace and safety, and

