

ORDINANCE NO 3, 1922,

BEING AN EMERGENCY ORDINANCE RELATING TO THE ASSESSMENT OF THE COST OF CONSTRUCTION OF IMPROVEMENTS IN SANITARY SEWER DISTRICT NO 35 OF THE CITY OF FORT COLLINS, AND PROVIDING FOR THE PAYMENT AND COLLECTION THEREOF

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 22 of said City of Fort Collins duly adopted and approved on the 1st day of October 1921, Sanitary Sewer District No 35 was duly created and provisions made in said ordinance for the construction of certain improvements in said district, consisting of sanitary sewers, which ordinance was amended by Ordinance No 28, 1921, passed and adopted on the 3d day of December, 1921, 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 17th day of December, 1921 duly reported to the City Council that the cost of the construction of said improvements, including the cost of inspection, collection and other incidentals, and also including interest to April 1st, 1922, is \$4,950 58, that in and by said report the Commissioner of Works pursuant to 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 22, 1921,

creating Sanitary Sewer District No 35, and Ordinance No 28 amending said Ordinance No 22, 1921, 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 assessments on each lot in said district

Section 2 That at the regular meeting of the City Council held on the 17th day of December, 1921, said report of the Commissioner of Works and City Engineer concerning the said proposed assessments for improvements in Sanitary Sewer District No 35 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 21st day of January, A D 1922, 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 35, stating the whole cost of the improvement 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 21st day of January, 1922, at the hour of one o'clock in the afternoon of said day in the

Council Chamber in the City Hall in said City, that after said hearing the said 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 21st day of January, 1922, the assessing ordinance for the cost of the improvements in said Sanitary Sewer District No 35 was ordered submitted for passage and adoption

Section 3 That the total cost of the improvements in said Sanitary Sewer District No 35, under and by virtue of said Ordinance No 22, 1921, and said Ordinance No 28, 1921, amending the same, of said city, including the cost of inspection, collection and interest to the 1st day of April, 1922, amounts to \$4 950 58, which said sum is hereby assessed upon the real estate in said Sanitary Sewer District No 35, 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 35, comprising the following lots and blocks in said district, shall be as follows, to wit

LOT NO	PROPER.	OWNER	A	RATE	COST
BLOCK 1, SWETTS ADDITION					
1	W	Ed Wright		9000	011015 99 14
2	W	Ed Wright		9000	011015 99 14
3	W	Ed Wright		10800	011015 118 96
4	W	Ed Wright		7000	011015 77 11
5	W	Ed Wright		7000	011015 77 11
6	W	Ed Wright		7000	011015 77 11
7	W	Ed Wright		7000	011015 77 11
8	W	Ed Wright		7000	011015 77 11
9		Ed Wright		7777	011015 85 67
10	W	Ed Wright		7795	011015 85 86
11	W	Ed Wright		9378	011015 103 30

BLOCK 2, SWETTS ADDITION

1	W	Ed Wright		10800	011015 118 96
2	W	G Jackson		9000	011015 99 14
3	W	Ed Wright		9000	011015 99 14
4	W	Ed Wright		7500	011015 82 61
5	W	Ed Wright		7500	011015 82 61
6	W	Ed Wright		7500	011015 82 61
7	W	Ed Wright		7500	011015 82 61
8	W	Ed Wright		7500	011015 82 61
9	W	Ed Wright		9423	011015 103 80
10	W	Ed Wright		7870	011015 86 69
11	W	Ed Wright		7887 5	011015 86 88

BLOCK 1 VAN SLYKE-SETZLER ADDITION

1		Frank J Burnett		9000	011015 99 14
2		Henry G Diercks (Estate)		9000	011015 99 14
3		Howard N Bales		9000	011015 99 14
4		Velney Orton Davis		7000	011015 77 11
5		Eugene F Chapman		7000	011015 77 11
6		I E Chapman		7000	011015 77 11
7		Jessie A Davis		7000	011015 77 11
8		John C Davis		7000	011015 77 11
9		Charles S Lewis		7912 5	011015 87 16
10		Charles S Lewis		7947 5	011015 87 54
11		Charles S Lewis		7982 5	011015 87 93

BLOCK 2, VAN SLYKE-SETZLER ADDITION

1		Chris A Mason		9000	011015 99 14
2		Chris A Mason		9000	011015 99 14
3		Alonso F Pelhamus		9000	011015 99 14
4		Jonas H Farr		7000	011015 77 11
5		Jonas H Farr		7000	011015 77 11
6		E A Hewitt		7000	011015 77 11
7		Minnie A Beck		7000	011015 77 11
8		Mrs E E Kittlefield		7000	011015 77 11
9		C W Slean		8000	011015 88 12
10		C W Slean		8000	011015 88 12
11		C W Slean		8000	011015 88 12

DESCRIPTION OF PROPERTY	PROPERTY OWNER	AREA	RATE	COST
Com 1081 5'W and 340 25'S of NE cor of SE $\frac{1}{4}$, Sec 10 thence S 380 5', W 154 5'; N 382', E 154 5' to point of beginning	G H Turnbull and Frances L Turnbull	58903 12	011015	648 84
Com 981 5'W and 338 5'S of NE cor of SE $\frac{1}{4}$ Sec 10 thence S 308 5' W 100', N 310 5', E 100' to beginning	John Sarteri	30950	011015	340 92
Com 931 5'W and 497 ⁸ S of NE cor of SE $\frac{1}{4}$ Sec 10, thence S 150', W50', N150' E50' to point of beginning	George Elwood Thompson	7500	011015	82 61

M/

Section 4 All assessments herein provided for shall be due and payable within thirty days from the original 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 annual installments beginning April 1st, 1922, 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 foregoing assessment roll in said Sanitary Sewer District No. 35 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 or before the tenth day of the next succeeding calendar month with separate statements for all such collections for each month

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 interest satisfactory to the officers having the roll in charge

