

ORDINANCE NO 12 1919

BEING AN EMERGENCY ORDINANCE RELATING TO THE PRELIMINARY ORGANIZATION OF STORM SEWER DISTRICT NO 5 AND PROVIDING FOR THE CREATION AND ORGANIZATION OF STORM SEWER SUB-DISTRICT NO 1, ESTABLISHING THE BOUNDARIES OF SAID SUB-DISTRICT NO 1 PROVIDING FOR THE CONSTRUCTION OF THE STORM SEWERS THEREIN AND AUTHORIZING THE ISSUANCE OF INTEREST BEARING WARRANTS 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 resolution of the City Council duly passed and adopted on the 26th day of May 1919 it was ordered by the City Council that provisions be made for the creation and organization of a storm sewer district to be known as Storm Sewer District No 5, and adopting map, plans and specifications prepared by the city engineer, respecting the construction of storm sewers in said district, also providing for the creation and organization of Storm Sewer Sub-District No 1 within the limits of said Storm Sewer District No 5, and adopting map plans and specifications prepared by the city engineer, respecting the construction of storm sewers in said Storm Sewer Sub-District No 1, and the estimated cost thereof, together with a schedule prepared by the city engineer showing the approximate amounts to be assessed upon the several lots and parcels of property within said Storm Sewer Sub-District No 1 and ordering notice as to Storm Sewer Sub-District No 1, to be published as required by law, all in compliance with Sections 5374, 5375 and 5376 of the Revised Statutes of Colorado of 1908, which

said maps plans, specifications and estimates of cost were duly prepared in compliance with a resolution previously duly adopted by the City Council

And pursuant to the authority contained in Section 5376 aforesaid, there is hereby organized and created within the limits of Storm Sewer District No 5, a storm sewer sub-district, to be known as Storm Sewer Sub-District No 1, consisting of the following lots and blocks within said Storm Sewer District No 5, in the City of Fort Collins, to-wit

Blocks 124 125 126 the East half of Block 114
East half of Block 115 East half of Block 116 East half of
Block 122, East half of Block 123, West half of Block 132,
West half of Block 133, West half of Block 134, West half of
Block 135 West half of Block 136

and that there be constructed therein the following main or
branch line sewers

485 ft of 12" pipe from a point 15 ft north of center
line of Myrtle Street to center line of
Mulberry on center line of Remington Street,

390 ft of 42" pipe from center line of Remington Street
to a point 30 feet east of center line of
College Avenue, on a line 15 feet north of
center line of Myrtle Street,

485 ft of 42" pipe from a point 15 ft north of center
line of Myrtle Street to center line of
Mulberry Street, on a line 30 feet east
of center line of College Avenue,

100 ft of 45" pipe from a point 30 feet east of center
line of College Avenue to west property
line of College Avenue on center line of
Mulberry Street,

100 ft of 37" pipe from a point 30 feet east of the center
line of College Avenue to west property line
of College Avenue on a line 15 feet north of
center line of Myrtle Street

which said pipe line shall consist of vitrified clay pipe, concrete and blocks, with manholes and catch-basins, as provided in the plans and specifications adopted, and that the total estimated cost of said improvement, as shown by the engineer's report and estimate is twelve thousand five hundred twenty-nine and fifty-seven hundredths dollars (\$12 529 57), which was duly adopted by said resolution as the engineer's estimate of the cost of construction of said storm sewers and the cost of said district

Section 2 That pursuant to the requirements of the resolution mentioned in Section 1 duly adopted on the 26th day of May, A D 1919 due notice was given to the owners of property to be assessed in said Storm Sewer Sub-District No 1, by due and lawful publication in the Fort Collins Courier a daily newspaper of general circulation published in the City of Fort Collins, for a period of twenty (20) days, 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 taxed and assessed for said improvement, and designated the kind of improvement proposed, number of installments and the time in which the cost will 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 estimates of the city engineer, and to the further effect that on the 28th day of June, A D 1919, at one o'clock P M , in the Council Chamber of the city hall in 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 improvement by the owners of any real estate to be assessed

And in pursuance of said notice, the said City Council did sit to hear complaints, and no complaints in writing concerning said improvement had then and there been duly filed with the City Clerk

Section 3 The City Council finds that all the requirements of the statutes respecting the ordering of said improvement and the resolution and notice required by law to be given in respect thereto before the adoption of an ordinance ordering said improvement have been complied with in all respects and it is hereby ordered that the improvement in Storm Sewer Sub-District No 1, by the construction of storm sewers therein as provided in the map plans and specifications heretofore adopted by the City Council and hereby approved by this ordinance be and is hereby ordered to be constructed

Section 4 For the purpose of paying the cost of said improvement warrants of the City of Fort Collins are hereby authorized to be issued signed by the Commissioner of Safety and Ex Officio Mayor and duly attested with the corporate seal by the City Clerk and countersigned by the Ex Officio City Treasurer which said warrants shall bear date at such time as may be fixed by the Commissioner of Finance and Ex Officio City Treasurer, after the work of the improvement has been commenced, in said Storm Sewer Sub-District No 1, said warrants are to be endorsed on the face thereof, "Payable out of the assessments collected in Storm Sewer Sub-District No 1", and shall bear the name of said storm sewer sub-district on the face thereof, and which said warrants when issued shall be due and payable in two equal annual installments with interest at six per cent per annum

payable semi-annually on presentation to the City Treasurer, and shall be numbered consecutively as issued, and shall be redeemable commencing with No 1, and payable whenever funds are available to the credit of Storm Sewer Sub-District No 1 for that purpose together with accrued interest thereon

Section 5 Whenever considered prudent by the City Treasurer, he is hereby authorized and empowered, whenever funds may be in his hands to the credit of said Storm Sewer Sub-District No 1, exceeding six months' interest on the unpaid principal to advertise for ten days in the official newspaper of the said City, and call in a suitable number of warrants of said Storm Sewer Sub-District No 1, for payment, and at the expiration of thirty (30) days from the date of the first publication of said notice interest on the warrants so called shall cease The notice shall specify the warrants so called by number and all said warrants so issued shall be called and paid in their numerical order

Section 6 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 be for not less than ten (10) days in the 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 the construction of said improvement the City Council shall re-

quire a bond for the faithful performance of same, for the sum 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 construction, when so awarded under said contract, shall be under the general control of the Commissioner of Public Works and the immediate control and supervision of the city engineer whose decision in all matters of dispute, respecting compliance with this ordinance and the contract made thereunder 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 to Sub-division C of Chapter 120 of the Revised Statutes of Colorado, of 1908, concerning improvements in cities and towns of less than one hundred thousand inhabitants, and the provisions of this ordinance and of all ordinances of the City of Fort Collins, relating thereto and that the aggregate 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 said improvements, 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 or all bids that may be made by any person or persons for the construction of said improvement, and when in the judgment of the City Council it shall deem it to the best interests of the City

of Fort Collins, said City Council is hereby authorized and empowered to provide for doing such work by hiring parties by the day and to arrange for the purchasing of the necessary material 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 7 When said public improvement in Storm Sewer Sub-District No 1 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 Storm Sewer Sub-District No 1, 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 Commissioner of Works and the city engineer and duly approved by the City Council shall be assessed against the property in said Storm Sewer Sub-District No 1, by an ordinance to be adopted as provided by law

Section 8 For the purpose of paying engineering and other construction expenses and the cost of inspection upon the approval of the City Council the Commissioner of Safety and Ex Officio Mayor is authorized and empowered to advertise for not less than ten days in the official newspaper of said City and sell as many warrants as may be necessary, and use the proceeds thereof for said purpose, in accordance with the provisions of Section 5393 of the Revised Statutes of 1908, of the State of Colorado

Section 9 This ordinance shall be irrevocable until the indebtedness herein provided for, whenever same shall be created shall have been fully paid, satisfied and discharged as herein provided

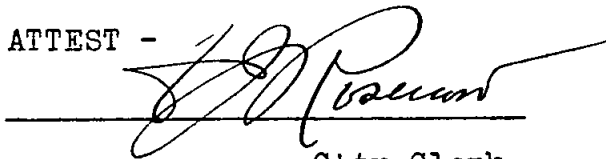
Section 10 In the opinion of the City Council an emergency exists for the preservation of the public health, peace and safety, and this ordinance shall take effect upon its passage and publication, under and by virtue of the authority contained in Sections 6 and 7 of Article IV of the City Charter

Introduced, read at length adopted and ordered published, by the unanimous vote of all the members of the City Council, this 28th day of June A D 1919



Commissioner of Safety
and Ex Officio Mayor

ATTEST -



City Clerk

