

ORDINANCE NO 9 1919

BEING AN EMERGENCY ORDINANCE RELATING TO THE CREATION OF SOUTH COLLEGE AVENUE IMPROVEMENT DISTRICT NO 11 PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AND AUTHORIZING THE ISSUANCE OF BONDS 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 petition duly filed and presented to the City Council on the 12th day of April A D 1919 which said petition was duly and regularly signed by the owners of a majority of the frontage in the proposed district, as evidenced by the resolution of the City Council duly adopted on the twenty-eighth day of April, A D 1919, there is hereby created and organized an improvement district under and by virtue of Subdivision C of Chapter 120 of the Revised Statutes of 1908 of the State of Colorado concerning public improvements in cities and towns of less than one hundred thousand inhabitants, to be known as SOUTH COLLEGE AVENUE IMPROVEMENT DISTRICT NUMBER 11, comprising the street areas limited and defined as follows, to wit Being all that portion of South College Avenue extending from the intersection of the north line of Olive Street with South College Avenue to the southern corporate limits of the City of Fort Collins where the same intersects South College Avenue, and including the lots and blocks fronting or abutting on said portion of said South College Avenue, also including all that portion of the State Agricultural lands on the west side of South College Avenue fronting or abutting on said Avenue extending from the south line of Laurel Street where the same intersects South College Avenue to the south corporate limits of the City of Fort Collins where the same intersects South College Avenue all in the City of Fort Collins Colorado, for the purpose of orderin<sub>g</sub> the grading, paving curbing and guttering

of said street area within said proposed district, excepting thirty (30) feet in the center thereof extending from the north line of Olive Street where the same intersects South College Avenue to a point ninety-two (92) feet north of the north line of Garfield Street, with the exception of street intersections where the same intersects South College Avenue being thirty (30) feet in width in the center thereof to be left for parking, said parking to be curbed in the same manner as the curbing in Laporte Avenue Improvement District No 3 where parking was left in the center of the street, and also except the west twenty-five (25) feet of the street in said district extending from a point ninety-two (92) feet north of the north line of Garfield Street where the same intersects South College Avenue to the south corporate limits of the City of Fort Collins where the same intersects South College Avenue to be left for parking. The roadway on each side of the parking extending from the north line of Olive Street where the same intersects South College Avenue to a line ninety-two (92) feet north of the north line of Garfield Street where the same intersects South College Avenue shall be thirty (30) feet in width, and the roadway on the east side of the parking extending from a line ninety-two (92) feet north of the north line of Garfield Street where the same intersects South College Avenue to the south corporate limits of the City of Fort Collins where the same intersects South College Avenue shall be forty-four (44) feet in width, all said roadways to be improved by paving to consist of one-course reinforced concrete the same as installed in Consolidated Improvement District No 5 in said City of Fort Collins, and the gutters and curbs to be of concrete cement of the same specifications as in Consolidated Improvement District No 5

in said City of Fort Collins including the lots fronting and abutting upon said Avenue, being Blocks <sup>112</sup> 113, 114, 115, 116 <sup>122</sup> 123, 124 125 126 127, 128 and 129 in the City of Fort Collins, and Blocks 6, 7 and 18 in Craft's Subdivision of Lake Park Addition to the City of Fort Collins also including all that portion of the State Agricultural lands on the west side of College Avenue fronting or abutting on said Avenue extending from the south line of Laurel Street where the same intersects College Avenue to the south corporate limits of the City of Fort Collins where the same intersects south College Avenue all in the city of Fort Collins, all of which said lots, blocks and lands shall constitute said South College Avenue Improvement District No 11 for the purposes of assessment as herein provided for the improvements to be constructed therein

Section 2 That the said petition prayed for the permanent improvement of said district by grading, paving curbing and guttering, to consist of reinforced concrete paving otherwise known and described as one-course reinforced concrete cement the same as installed in Consolidated Improvement District No 5 and guttering and curbing with cement in the same manner as in Consolidated Improvement District No 5 which said petition was made and filed under the provisions of Subdivision C of Chapter 120 of the Revised Statutes of 1908 of the State of Colorado concerning public improvements in cities and towns of less than one hundred thousand inhabitants, and that the plans and specifications, together with the map prepared by the City Engineer, be and are hereby adopted as the map, plans and specifications for said district, and said work of construction of said improvements is hereby ordered

to be done in accordance therewith, as provided by law, together with the estimate of the cost of said construction of said improvements, amounting to One Hundred and One Thousand and Eighty Seven and 50/100 Dollars (\$101,087 50), which amount includes the cost to be assessed against the Fort Collins Municipal Railway for paving 860 square yards of street area \$2,046 80 concrete between ties \$1,200 00 and parking curb \$4,162 94 total \$7,409 74, and against the City of Fort Collins for one-half the cost of paving 10 763 44 square yards at street intersections, \$13,048 50, leaving a balance of \$80,629 26 to be assessed against the owners of the lots and lands in said district abutting upon said improvement, and the engineer's estimate of the cost per front foot to the owners of the lots and lands in said district abutting upon said improvement The road area to be paved includes 36,849 31 square yards exclusive of the trackage of the Fort Collins Municipal Railway, which amounts to 860 square yards

Section 3 That pursuant to the requirements of the resolution of the City Council adopted on the 28th day of April 1919, due notice was given to the owners of property to be assessed, by due and lawful publication in The Fort Collins Courier, a daily newspaper of general circulation 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 the property to be assessed and designated the kind of improvement proposed, the number of installments and the time in which the cost would be payable, the rate of interest on unpaid and deferred installments, the extent of the district improved, together with the probable cost per front foot as shown by the estimate

of the City Engineer, and to the further effect that on the 31st day of May, A D 1919, at one o'clock P M , in the Council Chamber in the City Hall of 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 owner of any real estate to be assessed, that in pursuance of said notice the said City Council did sit to hear complaints at said meeting held on the 31st day of May, 1919, and that all complaints in writing concerning the proposed improvement which had then and there been filed with the City Clerk were duly considered and overruled

Section 4        The City Council finds that all the requirements of the statute respecting the petition for said improvement and the resolutions and notices required by law to be given in respect thereto before the adoption of an ordinance ordering said improvement have been observed and complied with in all respects, and it is hereby ordered that the improvement of South College Avenue Improvement District No 11 as provided for in the map, plans and specifications heretofore adopted by the City Council and approved in this ordinance, be and is hereby ordered to be constructed

Section 5        For the purpose of paying the cost of said improvement, bonds of the City of Fort Collins are hereby authorized to be issued by the Commissioner of Finance and Ex-officio Treasurer of the City of Fort Collins, which said bonds shall bear date at such time as may be fixed by the City Treasurer 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 South College Avenue Improvement District No 11 of the City of Fort Collins, and shall be payable in twenty (20) annual installments, five per cent (5%) thereof payable in each and every year during said period, and shall bear interest at the rate of five per cent 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 improvements, all moneys collected from said assessments or from the sale of bonds for said improvements shall be credited to South College Avenue Improvement District No 11, and the funds so collected shall only be used for the payment of the work of construction of said improvement and the interest thereon Said bonds shall be numbered from 1 to 202 inclusive, and shall be redeemable consecutively according to number and in the 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 twenty (20) years after the date of issue, but shall be subject to call and payment at any time prior thereto, as provided in Subdivision C of Chapter 120 of the Revised Statutes of 1908 of the State of Colorado relating to public improvements in cities and towns of less than one hundred thousand inhabitants Pursuant to the power and authority contained in Section 5398 of said Revised Statutes of 1908, the payment of all the bonds issued in virtue of this ordinance is hereby guaranteed by the City of Fort Collins

Section 6 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

SOUTH COLLEGE AVENUE IMPROVEMENT DISTRICT NO 11

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 Act of the General Assembly hereinafter mentioned, with interest thereon from date until payment at the rate of five 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 South College Avenue Improvement District No 11 by virtue of and in full conformity with an Act of the General Asserby of the State of Colorado, entitled, "An Act to Provide for the Construction of Local Improvements in Cities of all Classes having a Population of less than One Hundred Thousand, and Incorporated Towns the Issuance of Local Improvement Bonds therefor and the Assessment and Payment of the Cost of said Improvements," approved April 8, 1899 said Act being the same as Subdivision C of Chapter 120 of the Revised Statutes of 1908 of the State of Colorado concern-

ing public improvements, and an ordinance of said city duly adopted and approved, published and made a law of said city prior to the issue hereof 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 South College Avenue Improvement District No 11 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 law and the ordinance authorizing the issue hereof, 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, 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 creation of said South College Avenue Improvement District No 11, 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 \_\_\_\_\_, 1919

ATTEST

\_\_\_\_\_  
 Commissioner of Safety and  
 Ex-officio Mayor

\_\_\_\_\_  
 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 \_\_\_\_\_ 1919 issued for the construction of the local improvement known as South College Avenue Improvement District No 11, provided this bond shall not have been heretofore paid  
 Attached to Bond No \_\_\_\_\_

\_\_\_\_\_  
 City Clerk



Section 7        The Commissioner of Finance and Ex-officio Treasurer is hereby authorized and directed to have printed a sufficient number of bonds of the denomination of Five Hundred Dollars (\$500 00) each, numbered from 1 to 202 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 8        Whenever considered prudent by the City Treasurer, he is hereby authorized and empowered whenever funds may be in his hands to the credit of South College Avenue Improvement District No 11, including six months' interest on the unpaid principal, to advertise two insertions 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 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 9        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 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 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 charter and of the laws under which the City of Fort Collins exists and of 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 their 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

Commssioner of Public Works and the City Engineer, acting  
for said City

Section 10 When the said public improvement in South College Avenue Improvement District No 11 shall have been completed and the same approved by the City Engineer and 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 the lots or tracts of land abutting upon said South College Avenue Improvement District No 11 in proportion as the frontage of each lot or tract of land is to the frontage of all the lots or tracts of land so improved, the sides of the corner lots abutting upon the streets or alleys so improved being regarded as frontage to the extent of twenty-five (25) feet, the cost of the street intersections to be assessed one-half to the City of Fort Collins and the remaining half as provided by law which assessments when so reported by the City Engineer and approved by the City Council shall be assessed against the property in said improvement district by an ordinance to be adopted as provided by law

Section 11 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 provision of Section 5393 of said Revised Statutes of 1908

Section 12 This ordinance shall be irrepalable until the indebtedness herein provided for, whenever the same shall be created, shall have been fully paid, satisfied and discharged

as herein provided

*Sec 13* 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 31st day of May, A D 1919

~~Passed and adopted this 31st day of May, A D 1919~~

*Fred W. Brown*  
Commissioner of Safety and Ex-officio Mayor

Attest

*A. J. Rosenow*  
City Clerk

STATE OF COLORADO )  
COUNTY OF LARIMER ) SS  
CITY OF FORT COLLINS )

I, A J Rosenow, City Clerk of the City of Fort Collins, do hereby certify and declare that the foregoing ordinance, consisting of ~~three~~ *three* sections, was duly proposed and read at length at a regular meeting of the City Council held on he 31st day of May, A D 1919, and was duly adopted and ordered published in the Fort Collins Courier, a daily newspaper, by the unanimous vote of all the members of the City Council, as an emergency ordinance, in accordance with the provisions of Sections 6 and 7 of Article IV of the City Charter of the City of Fort Collins, and thereafter, and on to-wit, the 2nd day of June, A D 1919, said Ordinance No 9 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 2 day of June A D 1919

*A. J. Rosenow*  
City Clerk