

ORDINANCE NO 116 1917,

RELATING TO THE CREATION AND ORGANIZATION OF STORM SEWER DISTRICT
NO 3, ESTABLISHING THE BOUNDARIES OF SAID DISTRICT, PROVIDING
FOR THE CONSTRUCTION OF THE STORM SEWER 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 duly adopted by the
City Council at a regular meeting held on the 9th day of April 1917,
it was ordered by the City Council that a Storm Sewer District be
created under and in virtue of the authority contained in 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 pursuant to said
resolution the City Engineer was authorized and instructed to pre-
pare map plans and specifications of the proposed district to-
gether with the estimated cost of the work therein together with
a schedule showing the approximate amount to be assessed upon the
several lots or parcels of property within said proposed district,
and thereafter pursuant to said resolution the City Engineer did,
on the 16th day of April, 1917 duly file with the City Council his
map, plans and specifications and estimated cost of the improvement
in said proposed Storm Sewer District No 3, that on said last
mentioned date the City Council by resolution did duly adopt the
map plans and specifications and schedule of assessments prepared
by said City Engineer and that said Storm Sewer District No 3 be
created and organized under the provisions of Section 5374 of the
Revised Statutes of 1908 of the State of Colorado, as follows, to-wit
Lots one (1) to forty-nine (49) inclusive, in block thirty-one (31),

Lots one (1) to forty-nine (49) inclusive in Block twenty-one (21), Lots nine (9) to twenty-eight (28) inclusive, in Block one hundred and eleven (111), and all of Block one hundred and one (101) to be known as Storm Sewer District No 3, and that the work of construction within said district consist of an 18-inch line of vitrified clay pipe extending from the main storm sewer on College and Mountain Avenues west along West Mountain Avenue to manhole No 1 on the east property line of Mason Street which is the end of the proposed line, to be constructed along the north side of West Mountain Avenue and forty-five (45) feet south of the north property line of said avenue, and to be placed seven and five-tenths (7 5) feet below the surface of the street with one manhole and four (4) 10-inch vitrified clay pipe lines extending from the manhole to the catch basins to be constructed as provided in the plans and specifications adopted, that the total estimated cost of said improvement is Nine Hundred Eighty-eight and 51/100 Dollars (\$988 51), and the same was duly adopted in said resolution as the Engineer's estimate of the cost of construction of said storm sewer and the expense of said district

Section 2 That pursuant to the requirements of said last mentioned resolution adopted on the 16th day of April 1917 due notice was given to the owners of property to be assessed by due and lawful publication in the Larimer County Democrat a weekly 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 designated the kind of improvement proposed, the 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 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 21st day of May A D 1917, at four 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, that said hearing on complaints was adjourned to Wednesday the 23d day of May, 1917, at four o'clock P M and in pursuance of said notice and the adjournment thereof 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 statute respecting the ordering of said improvement and the resolutions 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 District No 3 by the construction of a storm sewer therein as provided in the map, plans and specifications heretofore adopted by the City Council and 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 Treasurer after the work of improvement has been commenced in said storm sewer district and to be endorsed on the face thereof "Payable out of the assessments

collected in Storm Sewer District No 3," and shall bear the name of said Storm Sewer District No 3 on the face thereof, which said warrants shall be payable in two 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 District No 3 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 District No 3 exceeding six months' interest on the unpaid principal, to advertise for ten days in the official newspaper of said city and call in a suitable number of warrants of said district for payment and at the expiration of thirty (30) days from the first publication, 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 improvement in accordance with the map, plans and specifications heretofore adopted which advertisement shall not be for less than ten 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 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 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 charter and the acts under which the City of Fort Collins exists, and that the aggregate payments shall not exceed the estimate of the City Engineer and the amount appropriated, and that upon ten (10) days' notice the work under said contract, without cost or 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 said 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 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 be in 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 Sever District No 3 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 the City Council, shall be assessed against the property in Storm Sever District No 3 by an ordinance to be adopted as provided by law

Section 8 For the purpose of paying 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 and empowered to advertise for not less ^{than} ten (10) 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 and 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 the same shall be created, shall have been fully paid, satisfied and discharged as herein provided

Introduced read and ordered published at an adjourned regular meeting of the City Council held on the 23d day of May, A D 1917

Passed and adopted this 11th day of June, A D 1917

ATTEST

Way B. Batten
City Clerk

Samuel K. Sumner
Commissioner of Safety and
Ex Officio Mayor

