

ORDINANCE NO 15 1917

RELATING TO THE CREATION OF CONSOLIDATED IMPROVEMENT DISTRICT NO 5, 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 March A D 1917, 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 3d day of April, 1917, there is hereby created and organized an improvement district under and by virtue of Subdivision C of Chapter 130 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 CONSOLIDATED IMPROVEMENT DISTRICT NO 5, comprising the street areas between curbs in all the streets hereinafter described, being all that portion of West Mountain Avenue extending from the east line of the intersection of Howes Street with West Mountain Avenue to the intersection of the west line of College Avenue with West Mountain Avenue, also including all that portion of East Mountain Avenue extending from the intersection of the east line of College Avenue with East Mountain Avenue to the intersection of the west line of Mathews Street with East Mountain Avenue, also including that portion of Linden Street extending from the intersection of the north line of East Mountain Avenue with Linden Street to the

intersection of the south line of Jefferson Street with Linden Street, also including that portion of Walnut Street extending from the northwest line of the intersection of Walnut Street with Linden Street to the intersection of Walnut Street with the east line of College Avenue, also including that portion of Pine Street extending from the southwestern line thereof intersecting with Walnut Street and Laporte Avenue to the northeast line of said Pine Street intersecting with Jefferson Street, all in the City of Fort Collins, Colorado, and including in said district all the lots fronting thereon in Blocks 101 111 31, 21, 121, 134 18, 19, 12, 13, and 14 all of which said lots and blocks shall constitute said Consolidated Improvement District for the purposes of assessment as herein provided for the improvements to be constructed therein

Section 2 <sup>#</sup>The said petition prayed for the permanent improvement of said district by grading, curbing and guttering said district with concrete and paving said district with reinforced concrete paving, otherwise known and described as 1-course reinforced concrete cement and insofar as required the guttering and curbing of said district shall be of cement, 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 improvement 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 improvement, amounting to Forty-nine Thousand Two Hundred Eighty-six and 06/100 Dollars (\$49,286 06), excluding therefrom The Denver & Interurban Railroad Company's right of way as shown by franchise granted said company which estimated cost to be assessed against The Denver & Interurban Railroad Company is Ten Thousand Eight Hundred Sixty and 50/100 Dollars (\$10,860 50), and against The Colorado & Southern Railway Company, One Thousand Eighty-eight and 50/100 Dollars (\$1,088 50), making the total cost of all improvements in said district Sixty-one Thousand Two Hundred Thirty-five and 06/100 Dollars (\$61,235 06), and the engineer's estimate of the cost per front foot to the owners of the lots in said district abutting upon said improvement The road area to be paved includes 30 280 square yards, exclusive of the trackage of The Denver & Interurban Railroad Company and The Colorado & Southern Railway Company, that the total area to be charged against The Denver & Interurban Railroad Company is 3 103 square yards, that the total area to be charged against The Colorado & Southern Railway Company is 311 square yards, that the area to be charged to The Denver & Interurban Railroad Company is to be paved with rickon wood blocks at the estimated cost, as above stated, of Ten Thousand Eight Hundred Sixty and 50/100 Dollars (\$10,860 50)

Section 3 That pursuant to the requirements of a resolution of the City Council adopted on the 3d 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 of 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 14th day of May, A D 1917, at four 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 14th day of May, 1917, 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 Consolidated Improvement District No 5 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 That under the provisions of Ordinance No 13, of the Series of 1906, entitled "An Ordinance Granting to the Denver & Interurban Railroad Company, its Successors and Assigns, the Right to Construct, Maintain and Operate a Street Railway in the City of Fort Collins Colorado, and Granting a Right of Way to said Company, its Susessors and Assigns Over Along and Across certain Streets, Alleys and Public Highways of the City of Fort Collins " the said The Denver & Interurban Railroad Company is obligated to pave or otherwise improve the streets when so ordered by the City Council and The Denver & Interurban Railroad Company has elected in writing, duly filed in the office of the City Clerk to have paved the streets in said district so far as the same are occupied by the tracks of said company with four feet wide double track to the extent of the street occupied by its said tracks and twenty-four (24) inches on each side of the outside rail of said track which amount has heretofore been estimated by the City Engineer at 3,103 square yards and estimated the cost at \$10 860 50, and said The Denver & Interurban Railroad Company has elected to pay the cost of said construction in annual installments as other assessments are paid in said district, and the cost of paving said afea herein described as belonging to The Denver & Interurban Railroad Company shall be assessed to said company and collected in the same manner as the other assessments in said district

Section 6 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 Commissionner 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 Consolidated Improvement District No 5 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 improvement shall be credited to Consolidated Improvement District No 5 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 \_\_\_\_\_ 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 7 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

CONSOLIDATED IMPROVEMENT DISTRICT NO 5

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 \_\_\_\_\_ 1937 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 Consolidated Improvement District No 5 by virtue of and in full conformity with an Act of the General Assembly of the State of Colorado, entitled, "An Act to Provide for the Constiuction 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 concerning 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 (Consolidated Improvement District No 5) 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 (Consolidated Improvement District No 5) 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 \_\_\_\_\_ 1917

\_\_\_\_\_  
 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 \_\_\_\_\_ 1917, issued for the construction of the local improvement known as (Consolidated Improvement District No 5), provided this bond shall not have been heretofore paid  
 Attached to Bond No \_\_\_\_\_

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



Treasurer

Section 8 The Commissioner of Finance and Ex Officio<sup>1</sup> 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 \_\_\_\_\_ 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 9 Whenever considered prudent by the City Treasurer, he is hereby authorized and empowered whenever funds may be in his hands to the credit of Consolidated Improvement District No 5, including six months' interest on the unpaid principal to advertise two insertions in the official weekly 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 10 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 weekly 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 deem it 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

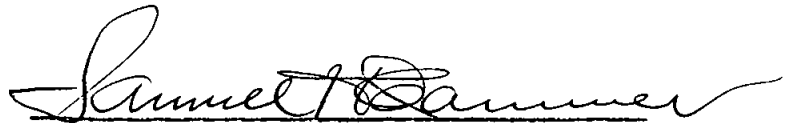
direction, supervision and control of the Commissioner of Public Works and the City Engineer, acting for said city

Section 11 When the said public improvement in Consolidated Improvement District No 5 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 Consolidated Improvement District No 5 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 12 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 Executive 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 13 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

Introduced read and ordered published this 14th day of May 1917  
Passed and adopted this 28th day of May, A D 1917

  
Commissioner of Safety and  
Ex Officio Mayor

ATTEST

  
City Clerk

STATE OF COLORADO, )  
                                  ) - ss  
COUNTY OF LARIMER )

I, Ray Baxter, City Clerk of the City of Fort Collins, do hereby certify and declare that the foregoing ordinance, consisting of thirteen (13) sections, duly proposed and read at length at a meeting of the City Council held on the 14th day of May, 1917, was duly ordered by Aye and Nay vote to be published in the Fort Collins Courier, a daily newspaper of the City of Fort Collins in accordance with the provisions of Section 7 of Article IV of the City Charter, that thereafter and on to-wit the 28th day of May A D 1917, at a regular meeting of the City Council, said ordinance came before said Council on its final passage, a period of more than ten days having elapsed since the publication as above set forth and that the said ordinance was upon second reading adopted as an ordinance, and thereafter and on to-wit, the 31st day of May A D 1917, said Ordinance No 15 1917, as finally passed and adopted 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 this  
31st day of May, A D 1917

  
City Clerk