

ORDINANCE NO 6 1917

RELATING TO THE ASSESSMENT OF THE COST OF CONSTRUCTION OF IMPROVEMENTS IN COLLEGE AVENUE IMPROVEMENT DISTRICT NO 4 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 14 1916, of said City of Fort Collins, duly adopted and approved on the 3d day of July, A D 1916, College Avenue Improvement District No 4 was duly created and provision made in said ordinance for the construction of certain improvements in said district consisting of concrete paving curbing and paving with brick between the tracks and two feet on each side thereof, of the Denver & Interurban Railroad Company's tracks within the limits of said district, that the said improvements as therein provided have been duly constructed under contract as provided by law, and duly accepted by the City of Fort Collins as therein provided, that thereafter the Commissioner of Works of said city, and on to-wit, the 4th day of December, 1916, duly reported to the City Council the total cost of the construction of said improvements, including the cost of inspection collection and other incidentals, and also including interest to the first day of March, 1917 when by the laws of the State of Colorado the first installment of general taxes is due and payable -- exclusive of the cost of paving the tracks of The Denver & Interurban Railroad Company -- which amounts to \$5886.01, and the cost of paving the tracks of The Denver & Interurban Railroad Company \$1,101 85, making the total cost of all the improvement in said district \$6787.86, that in and by said report the Commissioner

of Works pursuant to report of the City Engineer, duly apportioned upon all the lots or tracts of land abutting upon the street improved in proportion as the frontage of each lot or tract of land is to all the frontage of all the lots or tracts of land so improved the sides of corner lots abutting on streets or alleys so improved being regarded as frontage to the extent of twenty-five (25) feet pursuant to the statute and the provisions of Ordinance No 14, 1916 except as to the intersections of streets and alleys and the share to be assessed against the Denver & Interurban Railroad Company, which said assessment was made in accordance with the provisions of §5363, §5364 and §5366 of the Revised Statutes of 1908 and which said College Avenue Improvement District No 4 is hereinafter more particularly described by lots and blocks, together with the apportionment and rate per front foot, which said findings and report of the Commissioner of Works are in accordance with the report theretofore made by 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 4th day of December, A D 1916, said report of the Commissioner of Works concerning the said proposed assessments for improvements in College Avenue Improvement District No 4 was by resolution of the City Council duly adopted for the purpose of consideration and determination at a meeting of the City Council to be held at four o'clock P M on the 22d day of January, 1917, 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 the property to be assessed in College Avenue Improvement District No 4

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 22d day of January, 1917, at the hour of four o'clock P M 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 improvement, that pursuant to the authority contained in said resolution the City Clerk caused to be published said notice in the Fort Collins Morning Express, the official newspaper of said City of Fort Collins, for a period of ten days, as provided by law, and that due proof of said publication has been duly filed in the office of the City Clerk, that more than thirty days have elapsed since the publication of said notice and no complaints or objections in writing have been filed with the City Clerk as provided by law

Section 3 That the total cost of the improvements in said College Avenue Improvement District No 4 under and by virtue of said Ordinance No 14, 1916, of said city, including the cost of inspection, collection and interest to the first day of March, 1917 amounts to \$5286.04, exclusive of the cost of paving the tracks of the Denver & Interurban Railroad Company which said last mentioned paving amounts to \$1,101 85, which said sum is hereby assessed upon the real estate in said College Avenue Improvement District No 4 in accordance with the provisions of §5380 of the Revised Statutes of 1908 and property of said Railroad Company and the proportion of said costs assessed to each lot or tract of land in said College Avenue

Improvement District No. 4, comprising the following lots and blocks in said district, shall be as follows, to-wit:

College Avenue Improvement District No. 4.			
Block 122			
Lot No.	Property Owner	Frontage	Cost per foot
9	The Bishop and Chapter of the Cathedral of St. John the Evangelist	50	\$6.0709
		25	6.0709
10		25	6.0709
11	Clara A. Hoel	25	6.0709
12	Clara A. Hoel	25	6.0709
13	Clara A. Hoel	25	6.0709
14	Clara A. Hoel	10	6.0709
14	G. Harold D. Parker	15	6.3799
15	G. Harold D. Parker	25	6.3799
16	G. Harold D. Parker	25	6.3799
17	G. Harold D. Parker	25	6.3799
18	Ellen T. Atwell	25	6.3799
19	Ellen T. Atwell	12.5	6.3799
19	Gordon M. Forthergill	12.5	6.3799
20	Gordon M. Forthergill	25	6.3799
21	Alex W. Scott	25	6.3799
22	Alex W. Scott	25	6.3799
23	W. A. Hawthorne	25	6.3799
24	W. A. Hawthorne	25	6.3799
24	W. A. Hawthorne	25	6.0709
Block 112			
Lot No.	Property Owner	Frontage	Cost per foot
1	Caroline E. Mantz	50	\$6.0709
2	Caroline E. Mantz	25	6.0709
3	Caroline E. Mantz	25	6.0709
4	Caroline E. Mantz	25	6.0709
5	Caroline E. Mantz	25	6.0709
6	Caroline E. Mantz	25	6.0709
7	Benjamin F. Hottel	25	6.0709
8	Benjamin F. Hottel	25	6.0709
9	Benjamin F. Hottel	25	6.0709
10	Benjamin F. Hottel	25	6.0709
11	Benjamin F. Hottel	25	6.0709
12	Benjamin F. Hottel	2.5	6.0709
12	U. S. of America	22.5	6.0709
13	U. S. of America	25	6.0709
14	U. S. of America	25	6.0709
15	U. S. of America	25	6.0709
16	U. S. of America	50	6.0709
	Denver & Interurban R. R. Co., 400 sq. yds. brick paving, at \$2.7546 per sq. yard		
			\$1,101.85

Section 4. That all that portion of Lots 12, 13, 14, 15 and 16, in Block 112, covered by the foregoing assessment for street intersections, and owned by the United States of America, comprising 150 feet frontage, and the total assessment therefor, amounting to \$895.45, for the cost of said improvements, be and the same is hereby released from the claim and lien of said assessment, and that said sum of \$895.45 shall be paid by the said City of Fort Collins; said release of claim and discharge of said property from the lien of said assessment is made by reason of the fact that no appropriation has been or will be made by the Congress of the United States for the payment of any special assessments against public property, and under the regulations of the United States Treasury Department no such claim would be recognized or approved; and said assessment cannot be enforced against the property of the United States as

a matter of law

Section 5 All assessments herein provided for shall be due and payable within thirty days from the final 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 twenty annual installments, beginning February 28, 1917, 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 6 Failure to pay the whole of the assessment within said period of thirty 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 7 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 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 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 payment may at any time pay the whole of the unpaid principal, with the interest accrued, to the maturity of the next installment of interest or principal

Section 8 Payments may be made to the City Treasurer at any time within thirty days of the final passage and publication of this ordinance and an allowance of five per cent discount shall be made on all payments made during such period only

Section 9 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 10 It shall be the duty of the City Clerk to prepare the foregoing assessment roll in said College Avenue Improvement District No 4 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 days of the passage of this assessing ordinance Upon the expiration of the thirty 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

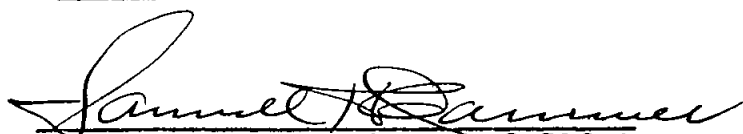
suitable columns each piece of real estate or property on which the assessment is unpaid, the whole amount of the assessment unpaid, the date to which the same was computed and the amount of each installment of principal and interest and the date when the same will become due, with suitable columns for use in case of payment of any installment 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 11 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 10th day of the next succeeding calendar month, with separate statements for all such collections for each month.

Section 12 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

Introduced, read and ordered published this 31<sup>st</sup> day of January, A D 1917.

Passed and adopted this 12<sup>th</sup> day of February, 1917

  
Commissioner of Safety  
an Ex-Officio Mayor

ATTEST.



City Clerk

