

PEOPLE'S ORDINANCE NO. 1

AN ORDINANCE TO RATIFY THE CONDEMNATION PROCEEDINGS OF THE CITY OF GRAND JUNCTION, COLORADO, PETITIONER, VERSUS WM. VAN PELT, et al, RESPONDENTS, IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF COLORADO, WITHIN AND FOR MESA COUNTY; TO CREATE AN INDEBTEDNESS ON BEHALF OF THE CITY OF GRAND JUNCTION, BY THE ISSUE OF ITS BONDS, IN THE SUM OF FOUR HUNDRED FIFTY THOUSAND DOLLARS FOR THE PURPOSE OF PAYING THE JUDGMENT IN SAID CONDEMNATION PROCEEDINGS, FOR THE ACQUISITION OF THE RIGHT TO USE THREE HUNDRED INCHES OF WATER FROM KANNAH CREEK AND THE WATER SHED THEREOF, AND FOR THE IMPROVEMENT AND REPAIRING, ENLARGEMENT AND EXTENSION OF THE WATER WORKS, NOW OWNED AND OPERATED BY THE SAID CITY OF GRAND JUNCTION.

WHEREAS, The City of Grand Junction, as petitioner, did on the first day of November, 1907, bring suit in the District Court of the Seventh Judicial District of the State of Colorado, within and for Mesa County, against Wm. Van Pelt, et al, respondents, for purpose of obtaining, under the laws of the State of Colorado the superior and paramount right to three hundred inches of water per second of time from Kannah Creek, or the waters arising in the watershed of said creek; and

WHEREAS, on the 3rd day of March, 1911, Judgment was entered in the said Court, in said cause, that the said City of Grand Junction upon payment to the registrar of said Court on or before the first day of September, 1911, the sum of One Hundred Eighty-two Thousand Nine Hundred Forty (\$182,940) Dollars, with interest thereon, at the rate of 8 per cent per annum, from the said 3rd day of March, 1911, shall then and there have the right at any time thereafter, to divert said three hundred inches of water out of Kannah Creek, at the point of diversion in said Judgment described, and to conduct and convey the same to the said City of Grand Junction, for use by it, and the said City then and thereafter shall have and exercise control over the said three hundred inches of water, for the use of itself and its inhabitants, and the use of said three hundred inches shall be a superior and paramount right over and above all other water rights claimed or existing in reference to the water of Kannah Creek, or the waters arising in the watershed of said creek;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, AND BE IT ORDAINED BY THE QUALIFIED ELECTORS OF SAID CITY OF GRAND JUNCTION, COLORADO, UPON REFERENDUM BY THE CITY COUNCIL THEREOF:

SECTION 1. That the said City does hereby ratify and confirm the said condemnation proceedings in which the said City of Grand Junction was petitioner, and Wm. Van Pelt, et al, respondents.

SECTION 2. That the City is hereby authorized to create and does hereby create an indebtedness in order to raise money for the payment of said judgment, in said condemnation proceedings, and for the acquisition of the right to use said water, and for the improvement and repairing, enlargement and extension of the water works now owned and operated by the said City of Grand Junction so as to enable said City to take and use said water from said Kannah Creek, by the issuance of its bonds, in the sum of Four Hundred Fifty Thousand Dollars, redeemable in ten years and absolutely due and payable in fifteen years from date of issuance, which said bonds shall bear interest at the rate of five per cent per annum, payable semiannually.

SECTION 3. There shall be issued four hundred fifty bonds for the principal sum of \$1,000 each, such bonds to be numbered in regular order from 1 to 450, both inclusive, bearing interest at the rate of 5 per cent per annum, payable semi-annually, on the first day of July and the first day of January, of each year, which interest shall be evidenced by coupons attached to each of said bonds, said coupons shall be numbered from 1 to 30 inclusive, and be authenticated with the signature of the City Treasurer only. The said bonds shall bear date the first day of July, A.D. 1911, shall be signed by the Mayor and City Clerk, sealed with the seal of the City, countersigned by the City Treasurer, and issued under the direction of the City Council, and shall be payable at the banking house of Kountze Brothers, at the City of New York, or at the office of the City Treasurer, at the City of Grand Junction, at the option of the legal holder.

SECTION 4. Said bonds shall be in the following form, viz:

UNITED STATES OF AMERICA

No. \_\_\_\_\_

\$1,000.00

The City of Grand Junction

WATER BOND

The City of Grand Junction, in the County of Mesa and State of Colorado, for value received, acknowledges it is indebted, and hereby promises to pay to the bearer, One Thousand Dollars, gold coin of the United States of America, of the present standard weight and fineness, on the first day of July, A.D. 1926, with interest thereon, at the rate of 5 per cent per annum, payable semiannually, in like gold coin, on the first day of July and the

first day of January, both principal and interest payable at the office of the City Treasurer of the City of Grand Junction, Colorado, or at the banking house of Kountze Brothers, in the City of New York, United States of America, at the option of the legal holder, upon presentation and surrender of this bond, or the annexed coupons respectively as they become due.

This bond is one of a series of 450 bonds, all of like denomination, date and amount, numbered respectively from 1 to 450 inclusive, which the said City of Grand Junction has issued in order to raise money for the purpose of paying the judgment in the said condemnation suit, for the acquisition of the right to use three hundred inches of water from Kannah Creek and the watershed thereof, and for the improvement and repairing of, enlargement and extension of water works now owned and operated by the said City of Grand Junction, in accordance with, and by virtue of an ordinance duly and in due time, form and manner adopted, published and made a law of the City, under and by virtue of the authority of a vote of the qualified electors of said City present and voting on the question, of the adoption or rejection of the said ordinance at an election held in the said City on the 29th day of April, 1911, at which election a majority of all the legal ballots cast upon the question were in favor of the adoption of said ordinance; and also by virtue of the authority of a vote of the qualified electors of said city, who were taxpayers under the law, present and voting on the question duly submitted at an election held in the said city, on the 29th day of April, 1911, at which election a majority of all the legal ballots cast upon the question were in favor of the creation of said indebtedness, and also, under and by virtue of, and in full and strict compliance with the constitution of the State of Colorado, the provisions of an Act of the General Assembly of the State of Colorado relating to municipal corporations, and with the Charter of the City of Grand Junction.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuing of this bond to render the sale lawful and valid, have been properly done and performed in regular and due time, form and manner as required by law, and that the total indebtedness of said City, including this bond exceeds neither the statutory nor the constitutional limitation of said State of Colorado. The bonds comprised in this series shall be redeemed by the said City in consecutive order beginning with bond No. 1 and may be redeemed from time to time after July 1st, 1921, at the option of said City.

In testimony whereof the said City of Grand Junction has caused this bond to be signed by its Mayor, attested by its City Clerk, under the corporate seal of said City, countersigned by

the City Treasurer of said City of Grand Junction, Colorado, this 1st day of July, A. D. 1911.

Mayor.

Attest:

City Clerk

Countersigned by

City Treasurer.

And the said coupons shall be in the following form:

No. \_\_\_\_\_ \$25.00

On the first day of \_\_\_\_\_, A. D. \_\_\_\_\_ the City of Grand Junction, in the County of Mesa and State of Colorado, will pay the bearer \$25.00 in gold coin, at the office of the City Treasurer, of the said City of Grand Junction, Colorado, or at the banking house of Kountze Bros., in the City of New York, at the option of the holder, being six months interest due on that date, on water bond No. \_\_\_\_\_.

City Treasurer.

SECTION 5. It shall be the duty of the City Council annually hereafter and so long as any of the aforesaid bonds shall be outstanding and unpaid, at the time and in the manner fixed by law, for levying city taxes, to levy a special tax sufficient in amount to pay the accruing interest on said bonds, and it shall be the duty of the City Council, in the year A. D. 1920, and annually thereafter, as long as any of the said bonds shall be outstanding and unpaid, to levy in addition to the aforesaid tax for interest, a tax sufficient in amount to pay one-fifth part of the amount of the principal of said bonds, or so much thereof as shall be necessary, and such taxes when collected shall only be applied to the payment of interest and principal of said bonds until said indebtedness shall have been fully paid and discharged.

SECTION 6. The City Council shall have the power in its discretion to apply any sum in the treasury belonging to the sinking fund so created to the purchase or redemption for the City of said bonds before the maturity thereof, at any time after ten years from date of issue, and the bonds so purchased or redeemed shall be cancelled or destroyed in such manner as the City Council may direct. The proceeds of all rents, charges and

assessments for water, realized by said City or so much thereof as shall be necessary over and above the expenses, shall be applied to the payment of annual interest, created by the issuance of such bonds, and shall be applied to the credit of the special interest fund herein provided for.

This ordinance shall be irrevocable until the indebtedness herein provided for shall have been fully paid and discharged.

Passed and adopted this 29th day of April, A. D. 1911.

WE HEREBY CERTIFY that at a regularly adjourned meeting of the City Council of the City of Grand Junction, Colorado, held April 12th, 1911, the above and foregoing ordinance was introduced, read, ordered published and submitted to a vote of the qualified electors of said city, for their adoption or rejection, at a special election to be held, in said City, on the 29th day of April, 1911.

Pursuant thereto said ordinance was duly and regularly published on April 18, 1911, in the Daily News of said city, a daily newspaper of general circulation, printed and published in said City; and in further pursuance thereof, and in accordance with the law, in such case made and provided, said ordinance was duly and regularly submitted to a vote of said qualified electors for their adoption or rejection, at a special election, held in said City, on the 29th day of April, 1911, at which said election a majority of the votes of said electors voting on said question, was cast in favor of the adoption of said ordinance, and said ordinance was thereby duly and regularly adopted.

Thereafter at a regular adjourned meeting of the City Council of the City of Grand Junction, held May 3rd, 1911, pursuant to the Charter of said City, said ordinance was ordered recorded and numbered, "People's Ordinance No. 1" and was ordered published in the said The Daily News of said City.

IN WITNESS WHEREOF, we have hereto set our hands and affixed the official seal of said city, this 3rd day of May, A. D. 1911.

/s/ Thos. M. Todd,  
Mayor

(Seal)

ATTEST:

/s/ Charles K. Holmburg,  
City Clerk.

Published May 5, 1911.