

Grand Junction, Colorado

August 8, 1923

The City Council of the City of Grand Junction, Colo., met in regular adjourned session at 8:00 o'clock P.M. On motion of Councilman Dowrey seconded by Councilman Hampson, Councilman Murr was elected to act as President PRO TEM. Those present and answering to roll call were: Councilmen Hampson Murr, Marshall, Miller and Dowrey, City Manager Garrett, City Clerk Peck, City Attorney Jordan and City Engineer Thompson. Councilmen Meders and Hirons were absent.

The following estimate of the Orman Construction Company was presented and read.

It is the estimate of the engineers that the Orman Construction Company have performed under contract for Water Works Improvements, Dated March 14th, 1923 work in amount to \$30,191.11 Under Contract they are entitled to payment of 90% of the total amounting to the sum of \$27,172.00 Previous payments amounting to \$14,722.00 Payment due contractor on this estimate \$12,450.00

Burns and McDonnell Eng. Co.

It was moved by Councilman Hampson seconded by Councilman Miller that the estimate as read be accepted and allowed upon which motion the following vote was cast. Councilmen voting yea, Murr, Marshall, Miller, Dowrey and Hampson. All the Councilmen present voting yea the motion was declared carried.

A communication from The Redlands Company was presented and read. Said communication asked permission from the City Council to construct a fence 100 feet from the Redlands dike along the north side of the city gravel pit, the fence to be used to protect the dike from gravel haulers. It was moved by Councilman Dowrey seconded by Councilman Miller that the Redlands Company be given a revokable permit to construct said fence. Motion carried.

D. L. Cook made application for a permit to erect a garage and filling station on lot 17 block 45 in the City of Grand Junction. It was moved by Councilman Dowrey seconded by Councilman Marshall that the application be accepted and filed for future action. Motion carried.

The following resolution was introduced and read

RESOLUTION

CREATING AND ESTABLISHING WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, A PAVING DISTRICT TO BE KNOWN AND DESIGNATED AS "PAVING DISTRICT NO . 9"; AUTHORIZING THE PAVING OF CERTAIN STREETS THEREIN;

AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS IN SAID STREETS; PROVIDING FOR CONNECTING THE LOTS FRONTING ON SAID STREETS WITH THE CITY WATER MAINS WITH LEAD PIPE; PROVIDING FOR THE NECESSARY DRAINAGE: ALL IN STRICT CONFORMITY WITH THE DETAILS, MAPS, ESTIMATES, NOTICES AND ORDERS HERETOFORE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, IN THE PREMISES: DESCRIBING THE REAL ESTATE CONSTITUTING THE SAID DISTRICT AND TO BE ASSESSED FOR THE COST OF SAID LOCAL IMPROVEMENTS; PROVIDING FOR THE MANNER OF ASSESSING THE COST THEREOF AND THE PAYMENT THEREOF; PROVIDING FOR THE ISSUE OF PUBLIC IMPROVEMENT BONDS TO PROVIDE FUNDS TO PAY FOR SAID LOCAL IMPROVEMENTS AND GUARANTING THE PAYMENT OF THE SAME BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS; ALL OF SAID PROCEEDINGS BEING IN CONFORMITY WITH ORDINANCE NO. 178 OF THE CITY OF GRAND JUNCTION, COLORADO, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, A. D. 1910, AS AMENDED.

WHEREAS, in conformity with the Charter of the City of Grand Junction and Ordinance No. 178, entitled, "Ordinance Providing for the creation of local improvement districts, the construction therein of certain local improvements, providing a method of payment therefor", adopted and approved the 11th day of June, 1910, as amended, the City Council of the City of Grand Junction, Colorado, by a resolution duly adopted and approved the 23rd day of May, A. D. 1923, declaring the intention of the City Council to create a local improvement district in the City of Grand Junction, Colorado, to be known and designated as "Paving District No. 9"; and

WHEREAS, by a resolution duly adopted and approved the 5th day of July A. D. 1923, adopting details and specifications for paving certain streets, for constructing curbs and gutters, providing necessary drainage and for connecting the lots, fronting on said streets to be improved, with the city water mains with lead pipe in said proposed Paving District within the corporate limits of the City of Grand Junction, Colorado, to be known and designated as "Paving District No. 9", a provision was made for the requisite notice to all persons interested in the improvements proposed, the number of installments, the time in which the cost of the improvements will be payable, the rate of interest on unpaid installments, extent of the district to be assessed, by setting forth the boundaries thereof, including a description of the streets to be improved, the probable cost of said improvements, as shown by the estimates of the Engineer, the maximum share of said total estimate per front foot that will be assessed upon any lot or lands included within the district, and that portion to be paid by the Grand River Valley Railway Company, and the time when the Council will consider the ordering of the proposed improvements and hear all complaints and objections that may be made in writing concerning the proposed improvements; and that all maps and estimates and all proceedings of the Council in the premises were on file and could be seen and examined at the office of the City Clerk during business hours at

any time on or before eight o'clock P. M. on Wednesday the eighth day of August A. D. 1923, by any person interested; and

WHEREAS, at the time and place specified in said resolution and in said notice, no complaints or objections or remonstrances in writing or otherwise, were made concerning the proposed improvements, and all conditions having now transpired authorizing the said City Council to create said Paving District No. 9, and construct the said proposed improvements therein.

THEREFORE, be it resolved by the City Council of the City of Grand Junction:

Section 1. That upon due consideration, the Council hereby finds that by virtue of the authority conferred upon it by the laws of the State of Colorado, the Charter of the City of Grand Junction, and Ordinance No. 178 of said City, duly adopted and approved on the 11th day of June A. D. 1910, as amended, the said improvements consisting of the paving of certain streets in said Paving District No. 9, using either a two inch Warrenite Bitulithic top on a five inch Portland Cement concrete base or a seven inch Portland Cement concrete pavement, the type to be hereafter selected by the Council after receipt of bids thereon, the construction of curbs and gutters of said streets, provisions for the necessary drainage, and the connection of the lots, fronting on said streets to be improved, with the City water mains with lead pipe were duly ordered after notice was duly given; that there were no remonstrances, complaints or objections filed concerning the same; that the City Council of the City of Grand Junction, in creating said Paving District No. 9, and ordering the improvements therein, as herein specified, has in all things complied with the laws of the State of Colorado, the requirements of the Charter of the City of Grand Junction and said ordinance thereof, designated as ordinance No. 178, adopted and approved June 11th, 1910, as amended;

Section 2. That a local improvement district be and the same is hereby established and created out of that portion of the City of Grand Junction, Colorado, bounded and described as follows:

Beginning at the Southwest corner of Lot 21 in Block 72 in the City of Grand Junction, Colorado; thence North to the Northwest corner of Lot 11 in Block 28; thence East to the Northeast corner of Lot 10 in Block 27; thence South to the Northeast corner of Lot 5 in Block 49; thence east to the Northeast corner of Lot 21 in Block 49; thence South to the Southeast corner of Lot 19 in Block 62; thence West to the Southeast corner of Lot 6 in Block 62; thence South to the Southeast corner of Lot 1 in Block 71; thence West to the place of beginning.

DESCRIPTION OF STREETS TO BE IMPROVED IN THE PROPOSED PAVING DISTRICT NO. 9 IN THE CITY OF GRAND JUNCTION, COLORADO:

North Seventh Street in the City of Grand Junction, beginning with the South line of Grand Avenue thence North to the North line of Teller Avenue; and Chipeta Avenue in said City, beginning at the East line of North Seventh Street, thence East to the West line of North Eighth Street.

CURB AND GUTTERS to be extended, constructed and reconstructed on the streets to be paved to conform to the plans and specifications of the City Engineer heretofore filed and accepted; except where curbing are now constructed and are in accordance with said plans and specifications, also gutters are to be constructed to conform to the curbing.

NECESSARY DRAINAGE to be provided as provided in the plans and specifications of the City Engineer heretofore filed and accepted.

WATER CONNECTION, CONSTRUCTED OR RENEWED: lead service pipe connections from the City water mains shall be made to all lots not already so connected before the paving foundation is laid.

TYPE OF PAVING TO BE LAID: The council desiring to secure bids on each of the two types of paving, to-wit: two inch Warrenite Bitulithic top on a five inch Portland Cement concrete base, and seven inch Portland Cement concrete, mentioned in the plans, specifications, maps and estimates of the City Engineer, and in the petitions of the property owners for said improvements, heretofore filed with the Council, and deeming it inadvisable to adopt either one of said types of paving before receipt of bids on each of said types, the Council hereby reserves the right to hereafter determine which of said types of paving shall be used after bids have been received on each of the two types of paving; the portion of the streets to be paved by the Street Railway Company shall be of Portland Cement concrete.

THAT THE MANNER OF ASSESSMENT TO BE ADOPTED IN SAID DISTRICT IS AS FOLLOWS:

The method of assessment to be adopted in said District shall be an assessment per front foot upon the lots or lands within said district abutting upon said streets in which said improvements are to be made. Said lots or lands to be divided into four equal zones parallel with the streets to be improved.

The maximum shares of the total estimates per front foot that will be assessed upon the lots or lands within said District abutting upon the streets in which said improvements are to be made are as follows:

| | |
|----------------|---------|
| Seventh Street | \$9.044 |
| Chipeta Avenue | \$7.653 |

To the above rates or to so much thereof as may be necessary to pay the actual cost of said improvements and general expenses, there will be added two per centum for cost of collection and other incidentals and also interest at the rate of not exceeding six per cent per annum on the bonds issued and sold to raise funds for the payment of the total cost hereinafter stated; said interest to run from the time of the issue of said bonds to the time of the first installment when the assessments become due; the manner of apportioning the cost of each zone will be as follows:

40% of the cost per front foot upon the zone immediately adjoining the street to be improved being zone No. 1.
30% upon the next adjoining or second zone.
20% upon the next adjoining or third zone.
10% upon the next adjoining or fourth zone.

LIST OF LOTS AND PARCELS OF LAND TO BE ASSESSED:

Block 72, Lots 11 to 21 inclusive.
Block 61, Lots 11 to 20 inclusive.
Block 50, Lots 11 to 21 inclusive.
Block 39, Lots 11 to 21 inclusive.
Block 28, Lots 11 to 20 inclusive.
Block 27, Lots 1 to 10 inclusive.
Block 40, Lots 1 to 11 inclusive.
Block 49, Lots 1 to 11 inclusive, and Lots 21 to 29 inclusive.
Block 62, Lots 1 to 19 inclusive.
Block 71, Lots 1 to 11 inclusive which includes Baptist Church Lots.

DESCRIPTION OF THE GRAND RIVER VALLEY RAILWAY COMPANY'S PORTION FOR PAVING AND GRADING FOR TRACKS LYING WITHIN SAID PAVING DISTRICT NO. 9.

Beginning at the West line of Seventh Street on Gunnison Avenue thence East on Gunnison Avenue to the East line of Seventh Street. The total linear distance of paving is 100 feet; the width being two feet on the outside of each rail of the track. The total width being approximately 9 feet, equal to 100 square yards.

Section 3. That the said District shall be known as, and the same is hereby designated as "Paving District No. 9".

Section 4. That the paving, of the streets hereinbefore described, the construction of the curbing and guttering on said streets, the provision for the necessary drainage, and the connection of the lots fronting on said streets with the City water mains with lead pipe, all strictly in accordance with the full details, plans, specifications, maps, estimates, notices and orders heretofore adopted and given by said Council in the premises (except as to the type of paving to be laid, which type, of the two aforesaid types, the Council reserves the right to

hereafter determine after having received bids on each), be and the same are hereby authorized and ordered, and the City Clerk is hereby authorized to advertise for bids for the construction of said improvements, ordered by and in conformity with this resolution and the Charter of the City of Grand Junction; provided however, that the cost of the same, including general expenses, but excluding cost of said street and alley intersections to be paid for by the City of Grand Junction, shall not exceed the estimates of the Engineer, viz: \$30,336.04.

Section 5. That the City Council has heretofore, under and by virtue of the authority given by the qualified electors of said City at an election held therein, issued and sold bonds for the paving of street and alley intersections in said City, and funds for such purpose are now available; that the total estimate of the City Engineer for the cost of paving the street and alley intersections in the streets to be paved in said Paving District No. 9, is \$20541.23; That \$20541.23 _____ or so much thereof as may be necessary for the cost of paving the street and alley intersections in the streets to be paved in said paving District No. 9; shall be paid by the City of Grand Junction out of said funds from bonds heretofore sold for the purpose of paving intersections, and now available.

Section 6. That of said total amount viz: \$30,236.04, Five Hundred Sixty Two Dollars and Ninety-four cents, or so much thereof as may be required to pay the actual proportionate cost of said improvements, together with two per cent additional for the cost of collection and other incidentals, and the cost of and interest on the bonds to be issued from time to time to raise funds for the payment of said actual proportionate cost, said interest to run from the time of the issue of said bonds to the time the first installment will be due, shall be assessed wholly to the Grand River Valley Railway Company, based upon that portion of the street occupied by, or required by franchise obligation to be paved and graded by or charagble or assessed to said The Grand River Valley Railway Company, as hereinbefore described: and the balance of said total amount, to-wit: \$29673.10 or so much thereof as may be required to pay the actual proportionate cost of said improvements together with two per cent additional for the cost of collection and other incidentals, and the cost of and interest on the bonds to be issued from time to time to raise funds for the payment of said actual proportionate cost, said interest to run from the time of the issue of said bonds to the time of the first installment will be due, shall be assessed wholly upon the real estate hereinbefore described; the manner of apportioning the cost and collecting the assessments and all other matters incidental to said improvements, shall be as heretofore and herein prescribed, and set forth in previous motions and resolutions adopted by the Council.

Section 7. That by virtue of and in pursuance of the Charter of the City of Grand Junction and ordinance No. 178 thereof,

approved June 11th 1910, as amended, public improvement bonds of the city shall be issued for the purpose of raising funds to pay cash for the local improvements in this resolution described, authorized and provided to be constructed in said Paving District No. 9 in an amount not to exceed the whole cost of said improvements including engineering, inspection, collection and other incidental expenses, (Excluding the amount to be paid by the City of Grand Junction for the paving of street and alley intersections), and in no event to exceed the estimates of the cost of said improvements made by the Engineer of said City, pursuant to the preliminary order of said Council, adopted July 5th, 1923, to-wit: \$30,236.04 with two per cent for the cost of collection and other incidentals and interest.

Section 8. That said bonds shall be dated Sept. 1st A. D. 1923, and shall bear the name of the district improved, shall be payable to bearer on or before twelve years from and after the date thereof, subject to call and prior payment as by law provided, shall be subscribed by the President of the Council, attested by the City Clerk, and the seal of the City thereunto affixed, and registered by the Treasurer; that said bonds shall be payable out of the monies collected on account of assessments made for said improvements, shall bear interest at the rate of not to exceed six per cent per annum, payable semi-annually on the first day of March and the first day of Sept. in each year, shall have twenty-four coupons thereto attached, subscribed by the fac-simile signature of the City Treasurer and evidencing the semi-annual installments of said interest, shall be in the denomination of \$500.00 each, and shall be numbered consecutively from 1 upward. Both principal and interest shall be payable at the office of the City Treasurer in Grand Junction, Colorado, or at the Banking House of Kountze Brothers of the City of New York, United States of America, at the option of the holder.

Section 9. When said bonds are ready for delivery, they shall be delivered to the highest, reliable and responsible bidder for said bonds upon the payment by said bidder of the purchase price therefor. The Council however, reserves the right to reject any or all bids.

Section 10. That said bonds and the coupons thereto attached shall be in substance in the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO

CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND

PAVING DISTRICT NO. 9.

No. _____

\$500.00

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of Five Hundred Dollars, lawful money of the United States of America, on the first day of Sep. A. D. 1935, subject to call and payment, however at any time prior thereto, with interest thereon from date until payment at the rate of _____ per centum per annum, payable semi-annually, on the first day of _____ and the first day of _____ in each year, both principal and interest, being payable at the office of the City Treasurer of the City of Grand Junction, or the Banking House of Kountze Brothers in the City of New York, United States of America, at the option of the holder, upon surrender of the attached coupons as they severally become due.

This bond is issued for the purpose of paying the cost of local public improvements in Paving District No. 9, in the City of Grand Junction, by virtue of and in full conformity with the Constitution and the Laws of the State of Colorado, the Charter of the City of Grand Junction, and the requisite requirements and ordinances of said City, duly adopted, approved, published, and made laws of said City prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, in said Paving District No. 9, especially benefitted by said improvement, and the amount of the assessments upon the real estate in said District for the payment thereof, with accrued interest, is a lien upon said real estate in the respective amounts apportioned to said real estate, and assessed under the Charter and Ordinances 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. And it is hereby certified and recited that the total issue of the bonds of said City for said District, including this bond, does not exceed the estimate of the City Engineer of the cost of said improvements, 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 Paving District No. 9, and the making of said improvement, and the issue of this bond, have been fully complied with by proper officers of said City, and that all the conditions required to exist and those required to be done precedent to and in the issue of this bond, to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be subscribed by the President of the Council, attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the fac-simile signature of the City Treasurer this first day of _____ A. D. 1923.

/s/

President of the Council.

Attest:

City Clerk.

(FORM OF COUPON)

No. _____ \$ _____

On the _____ day of _____ A. D. 19_____, the City of Grand Junction will pay the bearer _____ Dollars, lawful money of the United States of America, at the office of the City Treasurer in Grand Junction, Colorado, or at the Banking House of Kountze Brothers in the City of New York, U. S. A., at the option of the holder, being six months interest on its local public improvement bond, issued for the construction of public improvements of Paving District No. 9, provided the bond to which this coupon is attached shall not have been paid.

Attached to Bond, dated _____ 1923.

/s/ (Fac-Simile Signature)

City Treasurer.

No. _____

(REGISTRATION CERTIFICATE)

It is hereby certified that the within and foregoing bond has been registered in a suitable book kept for that purpose in the office of the City Treasurer of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this _____ day of _____
A. D. _____.

/s/

City Treasurer.

(GUARANTY CERTIFICATE)

Payment of the within bond is guaranteed by the City of Grand Junction, Colorado.

/s/

President of the Council.

Attest:

City Clerk.

Section 11. That pursuant to the authority vested in the City Council of the City of Grand Junction, by the Charter and Ordinances thereof, the City of Grand Junction does hereby guarantee the payment of all the local public improvement bonds of Paving District No. 9, which bonds are particularly described in and authorized by this resolution, and the President of the City Council and the City Clerk are hereby authorized and directed to endorse on each of the aforesaid bonds, the following guaranty:

(GUARANTY CERTIFICATE)

Payment of the within bond is guaranteed by the City of Grand Junction, Colorado.

/s/

President of the Council.

Attest:

City Clerk.

Said guaranty on said bonds may be authenticated by the engraved, printed, written or lithographed signatures of the President of the City Council and City Clerk.

Section 12. The City Clerk is hereby authorized and directed to have printed the bonds authorized by this resolution, and when said bonds are prepared, to deposit the same with the City Treasurer to be issued and sold as authorized by the City Council, provided however, that if the City Council shall so direct, the successful bidder for said bonds shall pay the expense of the printing of said bonds.

It was moved by Councilman Hampson seconded by Councilman Miller that the resolution as read be passed and adopted. Upon which motion the following vote was cast. Councilmen voting yea Murr, Marshall, Miller, Dowrey and Hampson. All the Councilmen present voting yea the motion was declared carried.

It was moved by Councilman Dowrey seconded by Councilman Meders that the City Clerk be authorized to call for bids on Bonds for paving district No. 9 in the amount of \$30,000 more or less, said bids to be returnable on August the 29th 1923. Upon which motion the following vote was cast. Councilmen voting yea Murr, Marshall, Miller, Dowrey and Hampson. All the Councilmen present voting yea the motion was declared carried.

It was moved by Councilman Dowrey seconded by Councilman Meders that the City Clerk be authorized to issue a call for sealed bids on the construction of paving District No. 9 said bids to be on the different types of paving known as "7 inch Portland Cement Concrete Paving and 5 inch Portland Cement Concrete Base with 2 inch Warrenite Bithulithic top. The bids to be returnable on August, 29, 1923 and subject to the sale and approval of the Bonds for said district. Upon which motion the following vote was cast. Councilmen voting yea Murr, Marshall, Miller, Dowrey and Hampson. All the Councilmen present voting yea the motion was declared carried.

Remonstrances from the following firms and persons against the construction of combined sewer district No. 2 were read:

J. M. Kennedy et al

S. D. Williams - J. H. Rankin

Chas. P. McCary - John B. Marr

J. M. P. Martin

Henry R. Rhone

Howard H. McMullin- A. T. Gormley

Lattimer-Goodwin Chemical Co.

Grand Junction Fruit Growers Ass'n.

Denver & Rio Grande Western Ry. Co.

Councilman Hampson presented the resolution which read as follows: Be it resolved by the City Council of the City of Grand Junction, Colorado that in view of the petitions of remonstrances and objections to the creation of combined sewer district No. 2 that said proposed Combined sewer district No. 2 be not created.

Councilman Hampson moved the passage of said resolution but failed to receive a second therefore the motion was lost.

It was moved by Councilman Dowrey seconded by Councilman Marshall that the matter of creating combined sewer district No. 2 be laid over until the next regular meeting for further consideration. Motion carried.

A personal Bond signed by Frank Miller as principal and B. M. Wagner as surety was presented to the Council. Said bond being given to the City for permit to carry on electricians trade for the remainder of the year 1923. The bond was not approved by the City Attorney thereupon it was moved by Councilman Hampson seconded by Councilman Miller that the bond be referred back to

said Frank Miller and a surety bond given in its stead. Motion carried.

There being no further business to come before the meeting it was moved by Councilman Hampson seconded by Councilman Marshall that the meeting adjourn. Motion carried.

/s/ Fred A. Peck

CITY CLERK